

# **THE CODE**

**PRESBYTERIAN CHURCH OF AUSTRALIA  
IN THE STATE OF NEW SOUTH WALES**



**PUBLISHED BY  
THE GENERAL ASSEMBLY**

**2016**

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# Preface

The Code Book of the Presbyterian Church in New South Wales is the compilation of the agreed basis on which the Church operates.

This present edition of The Code incorporates amendments approved by the General Assembly up to and including 2016 since the edition published in 1982. Substantial amendments may necessitate the renumbering of paragraphs.

Part I consists of the Standing Orders of the General Assembly and Part II consists of the Standing Laws which have been approved under Barrier Act procedure. Declaratory Acts declaring how the Assembly understands the law of the Church are included. Regulations prescribed and constitutions granted by the Assembly are contained in Part III of The Code which is published separately.

Included is an Appendix containing Forms which are in use in the Church and the Index will provide ready access to its rules.

After each Assembly amendments will be made which have been approved by the Assembly and published in its Blue Book following its established procedures.

JOHN IRVIN  
Clerk of Assembly.

24 November 2016.

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# Introduction

## THE CHURCH

The Presbyterian Church of Australia in the State of New South Wales is part of the Church Catholic, a constituent part of the Presbyterian Church of Australia, and in historic continuity with the Church of Scotland, reformed in 1560.

The Presbyterian Church in New South Wales had its beginning on the banks of the Hawkesbury River near Sydney in 1803. Various sections of Presbyterianism which were functioning in New South Wales united in 1865 to form the Presbyterian Church of New South Wales. In 1901 the Presbyterian Church of Australia was constituted by the Union of the Presbyterian Churches of New South Wales, Queensland, South Australia, Tasmania, Victoria and Western Australia.

## POWERS AND DUTIES

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

The Church in New South Wales has full autonomy in all matters except in so far as power relative to any particular matter has been assigned to the General Assembly of the Presbyterian Church of Australia under the Basis of Union and the Articles of Agreement of the Deed of Union. Matters in respect to which the powers of the Presbyterian Church in New South Wales are modified in more or less degree by those of the Presbyterian Church of Australia are:

The Doctrine, Worship and Discipline of the Church, World Mission, Training of Students for the Ministry, Reception of Ministers from other Churches, Christian Education, Home Missions, the publication of a National Journal and several other functions assigned by the State Churches to the Presbyterian Church of Australia.

## DOCTRINE

The Supreme Standard of the Church is the Word of God contained in the Scriptures of the Old and New Testaments, and which this Church regards as the only rule of faith and practice.

The Subordinate Standard of the Church is the Westminster Confession of Faith as amended by the General Assembly of Australia and read in the light of the Declaratory Statement contained in the Basis of Union.

## WORSHIP

"Worship" the Book of Common Order of the Presbyterian Church of Australia (published 1998) has been approved as a guide for the kind of services the Assembly commends as an expression of the purity of worship practiced in the Church.

## DISCIPLINE

Discipline is exercised for the spiritual good of the offender, the purity of the Church and the glory of God by those appointed to rule in the Church and is administered in a spirit of faithfulness, love and tenderness. The processes of discipline are set out in "Constitution, Procedure and Practice" of the Presbyterian Church of Australia.

## GOVERNMENT

The only King and Head of the Church is the Lord Jesus Christ from whom its powers and prerogatives are derived, so that all its functions are to be exercised in his Name, under the guidance of his Word and Spirit, and in subjection to his authority alone.

The spiritual oversight of the Church is vested in duly ordained presbyters, chosen by the communicants, and sitting in representative courts, designated sessions, presbyteries and general assemblies in gradation of authority in the order named.

The temporal affairs of the Church are administered by office-bearers, chosen by the members.

## CHURCH CREST

The crest in use by the church consists of the words "Presbyterian Church of Australia" and "nec tamen consumebatur" and incorporates the Burning Bush, St. Andrew's Cross, the Southern Cross, a Latin Cross, the Rose, the Thistle and the Shamrock.

## CHURCH LOGO

In 2001 the General Assembly of Australia resolved (Min. 87(i)) that without discounting the current Crest(s), to approve and adopt as another visual emblem of the Church, a logo generally described as follows:

A vertical contrasting, stylised cross surrounded by five 5-pointed stars in the form of the Southern Cross, positioned in a solid oval angled at 30° right from the vertical.

**PART I**

**STANDING ORDERS**



# Standing Orders

## DEFINITIONS

### 1. Definitions.

- (a) "Assembly" means the General Assembly in session.
- (b) "Court" means General Assembly, or Presbytery, or Session.
- (c) "House" means a Court, either in session or in Committee of the Whole.
- (d) "Chair" means either the Moderator or the Chairman of the Committee of the Whole.
- (e) "Leave of the House" means leave by a majority of the House.

## THE GENERAL ASSEMBLY

**2. Quorum.** No business shall be transacted in the General Assembly except in the presence of at least sixteen members, representing at least four presbyteries, and at least one-half of whom are ministers; in presbyteries, except in the presence of three members, two of whom are ministers of charges or colleagues or associate ministers or in special appointments to pastoral ministries, provided that these two ministers shall be serving separate pastoral charges; in sessions, except in the presence of the Moderator and two elders.

**3. Constitution of meetings.** All meetings of the General Assembly and its committees shall be opened and closed with prayer, and the fact of their having been so opened and closed shall be recorded in the minutes.

**4. Sittings of inferior courts.** No inferior court of which a member has been commissioned to the General Assembly shall sit during the sittings of the General Assembly, except by permission of the General Assembly.

**5. Moderator.** The General Assembly shall be presided over by a moderator, duly elected, who shall have a casting vote but no deliberative vote.

**6. Moderator absent.** In the General Assembly the Moderator for the current term shall preside, or in his absence the chair shall be taken by the ex-Moderator or, if he also should be absent, by a predecessor, or a member appointed by the court.

**7. Recognising the Chair.** In the General Assembly members and associated members may, when entering the House, passing the chair, or retiring, bow to the chair.

**8. Clerk.** See 3.01 to 3.04.

**9. Associated members.** See 3.19.

**10. Privileges of Associated Members.** Associated members shall have all the rights and privileges of members except that they shall not move or second a motion or an amendment, vote on any question, or occupy the chair.

**11. Minutes confirmed.** When the minutes are submitted for confirmation, no question shall be raised regarding them except such as concerns their accuracy as a record of the proceedings.

**12. Permanent Records.** The permanent records of the General Assembly shall be those confirmed in the presence of the court.

**13. Extract Minutes.** See 3.09.

#### BUSINESS PROCEDURE

**14. Order of Business.** In the General Assembly after the first sederunt the order of business shall be:

- (a) At a morning sederunt:
  - (i) Approval of the minutes of the proceedings of the previous day.
  - (ii) Reasons of dissent from any of the decisions recorded in the minutes so approved, and the necessary procedure connected therewith.
  - (iii) Notices of motion relative to matters to be brought forward at some future sederunt.
  - (iv) The various items of business in the order arranged by the Business Committee and approved by the court.
  - (v) Applications from presbyteries for authority to meet, and the announcement of meetings of committees.
- (b) At an evening sederunt:
  - (i) Report of Business Committee relative to next day.
  - (ii) Notices of motion.
  - (iii) Business as previously arranged by the Business Committee and approved by the court.
  - (iv) Announcements relative to presbyteries and meetings of committees.

**15. Orders of the Day.** The items of business, as arranged by the

Business Committee and approved by the Assembly, shall constitute the Orders of the Day.

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

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

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

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

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

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

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

**23. Questions.** Relevant questions may be put by any member through the Moderator to the convener of a committee when

- (a) the report is before the Assembly, or
- (b) the Moderator rules that matters not contained in the report have been introduced by a notice of motion or an amendment to a clause of a deliverance, or
- (c) the deliverance as a whole has been moved and seconded.

Relevant questions may also be put to the mover of a substantive motion after the motion has been moved and seconded.

## MOTIONS AND AMENDMENTS

**24. Substantive Motion.** A substantive motion refers to business

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

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

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

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

**26. Procedure for Voting on Motions.** After all amendments, if any, have been disposed of, the Moderator shall take a vote between all motions in categories (a) and (b) of Standing Order 25, and in doing so shall adopt the following procedure:

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

**27. Incompetent Amendments.** No amendment shall be proposed in any part of a motion after a later part has been amended, or in any words the

House has resolved shall stand part of a motion, or has inserted in or added to a motion, except the addition of other words thereto.

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

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

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

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

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

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

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

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

**36. Motions withdrawn by leave of the House.** A motion or amendment, duly made and seconded, shall not be withdrawn except by leave of

the House and at the request of the mover, with the consent of the seconder, and any amendment to such motion shall first be withdrawn or negatived.

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

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

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

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

**41. Debate on amendments.** When an amendment is before the House, the debate shall be strictly confined to such amendment.

#### PROCEDURE IN DEBATE

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

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

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

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

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

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

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

**48. Interruptions.** No member shall interrupt a speaker except for one or other of the following purposes to:

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

**49. Points of Order.** Points of order must refer strictly to the order of the proceedings of the House. A member raising a point of order shall simply state it and no other member shall speak at this stage. The Moderator shall then

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

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

**51. Privilege.** Questions of privilege take precedence over all other business and may at any time be brought forward by any member. Questions of privilege must refer strictly to matters directly affecting the privileges of the Court or its members, which matters have recently emerged and call for present interposition. If a question of privilege is brought forward in Committee of the Whole, the Committee shall forthwith report it to the court which alone can deal with questions of privilege.

**52. "Previous Question".** The "Previous Question" may be moved at any stage in a debate after the motion in debate has been moved and seconded,

but not by anyone who has spoken to the main question or to an amendment thereupon. The "Previous Question" shall be moved and seconded without debate and shall forthwith be put to the vote. The "Previous Question" refers to the motion (and any amendment in connection with it moved or of which notice has been given) then in debate. It cannot be moved in a Committee of the whole House or in a select committee.

**53. "Previous Question" carried.** The carrying of the "Previous Question" shall mean that the court does not consider it expedient to discuss further, or to make a decision on the motion before the House; and the effect shall be that the court forthwith departs from that motion and takes up the next motion or Order of the Day.

**54. "Previous Question" negatived.** The negating of the "Previous Question" shall not preclude its being moved again during the same debate.

**55. Adjournments.** A motion for the adjournment of (a) the debate, or (b) the court, or a motion in the Committee of the Whole "that the Committee report" may be made at any time and without notice. Such a motion shall be put to the vote without debate. The negating of such motion shall not preclude its being moved again during the same debate or sederunt. The adjournment of a debate may be moved by any member, including the member who is at the time speaking to the question in debate.

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

**57. Motion of Procedure.** A motion of procedure, by which the House determines in what manner and/or when a question then in debate shall be dealt with, may be moved without notice at any stage in a debate and may itself be debated and amended.

**58. Closed doors.** The General Assembly may at any time close its doors and sit in private in consequence of a ruling by the Chair, or of a motion made, seconded and put to the vote without debate; but cases or questions which have been discussed with closed doors in a lower court shall be so discussed in higher courts unless a motion to the contrary, duly made and seconded and put to the vote without debate, is carried. The negating of such motions shall not preclude their being moved again during the same debate or sederunt.

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

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

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

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

**63. Laws not to be reflected on.** No member is allowed to reflect on any law or decision of the Assembly except for the purpose of moving in a legitimate form that it be altered or rescinded.

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

**65. Closure.** When it shall appear to the Moderator or Chairman, during any debate, that the motion or any amendment on it, has been adequately discussed and that it is the evident sense of the House that the question be now put, he may so inform the House, distinctly stating at the same time whether it is to the debate on the amendment only or to the debate on both the amendment and motion that the closure is to be applied. A motion "That the question be now put" may then, but not till then, be made and seconded without any remark or

discussion. The Moderator or Chairman shall forthwith put this motion and, if the same be carried by a majority of at least two-thirds, the Moderator or Chairman shall call on the mover of the original motion to give a speech in reply if desired, and then put to the vote the motion, or the amendment only, or the amendment and the motion, as the case may be, without further debate.

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

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

## VOTING

**68. Member's vote.** A member may vote on a motion though he has not voted on any amendment to it.

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

**70. Vote taken.**

- (a) By the voices. The Moderator or Chairman shall first take the vote by the voices. He shall put the question in this form: "The question is: Shall this motion (or amendment) pass? All who are of that opinion say 'Aye'." The "Ayes" shall then respond. The Moderator or Chairman shall further say, "All who are of the contrary opinion say 'No'." The "Noes" shall then respond. The Moderator or Chairman shall then say, as the case may appear to him to be, "I think the 'Ayes' (or the 'Noes') have it." If his opinion is acquiesced in by the silence of the House, he shall say "The 'Ayes' (or the 'Noes', as the case may be) have it", and the motion or amendment is passed or lost accordingly. Should there be no dissentient voice a unanimous vote may be recorded.
- (b) By show of hands. If his opinion is challenged by one or more members saying "No", the vote shall be further taken by a

show of hands and the numbers shall not be recorded.

- (c) By division or ballot. If the opinion of the Moderator is further challenged, or if the Assembly so determines at any time, the vote may be taken by either division or ballot.

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

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

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

**74. Rescinding a Motion.** No resolution of a court, committee, etc., can be rescinded, unless notice of motion to that effect has been given at a previous meeting or by circular to all the members.

**75. Decision reconsidered and rescinded.** Unless in a case of discipline, or when sitting as an appellate court, a decision may be reconsidered and rescinded at the same meeting or session of the court at which it has been given, but only by "leave of the house", and provided the motion to reconsider and rescind be made and seconded by members who were in the majority.

**76. Dissents.** See 3.38 to 3.44.

#### COMMITTEE OF THE WHOLE

**77. Resolved into a Committee of the Whole.** By a motion put to the vote a court may resolve itself into a Committee of the Whole.

- (a) All members of the court shall likewise be members of the

Committee of the Whole.

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

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

**78. Papers transmitted.** All overtures, returns on remits, and all papers transmitted by the inferior courts shall be in the form of Certified Extracts from the minutes of the said courts.

**79. Questions.** Relevant questions may be put by any member through the Moderator to:

- (a) overturists,
- (b) petitioners,
- (c) parties stating references, and
- (d) parties in any case when they shall have completed their respective statements.

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

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

**82. Procedure in Dissents and Complaints, and Appeals.** See 3.38 to 3.63.

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

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

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

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

## COMMITTEES AND COMMISSIONS

**87. Committees.** The General Assembly shall appoint Standing and Special Committees and the conveners thereof.

- (a) Three members of a committee shall constitute a quorum.
- (b) Motions need not be seconded.
- (c) A member may speak more than once to the same question.
- (d) The convener, without leaving the chair, may speak to a question and may move motions or amendments, and he shall have both a deliberative and a casting vote.

- (e) A committee may, however, at any time resolve to be guided strictly by the formal Rules of Debate.
- (f) Any member of a court has a right to be present at a meeting of any of its committees, whether standing or special, and may be associated.
- (g) Reports of the proceedings of the committees shall not be published without their consent.
- (h) Any of the other Standing Orders which are literally applicable to the proceedings of a court shall, if applied to the proceedings of a standing or special committee, be read along with, and be modified by, the provisions of this section.

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

#### STANDING ORDERS

**89. Suspension of Standing Orders.** These Standing Orders may be suspended in whole or in part

- (a) in the General Assembly by a motion, notice of which shall have been given at a previous sederunt, duly moved, seconded and carried, or by a motion without notice if the court be unanimous,
- (b) in presbyteries and sessions by a motion without notice carried by a two-thirds majority of those present.

The purpose or purposes for which it is proposed that the Standing Orders be suspended shall be distinctly stated.

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

**PART II**

**STANDING LAWS**



# 1

## THE CONGREGATION

### DEFINITIONS

**1.01. Congregation.** A congregation is a company of persons, including children, associated in a particular place for Christian worship, instruction, fellowship and work, and which congregation is sanctioned by the presbytery.

**1.02. Pastoral charge.** A pastoral charge which may consist of one or more congregations is a sphere of pastoral duty to which a minister or ministers may be inducted by a presbytery.

**1.03. Home Mission Station.** A home mission station which may consist of one or more congregations is a sphere of pastoral duty to which a minister or missionary may be appointed by the committee on Ministry and Mission.

### MEMBERS

**1.04. Members.** A congregation consists of communicants and adherents, whose names are on the rolls authorised by the session. Separate rolls shall be kept by the session for each congregation. A communicant or adherent is entitled to have his name on the roll of one congregation only.

**1.05. Duties of members.** It is the duty of communicants and adherents to give faithful attendance on gospel ordinances, to give their ministers all due respect, encouragement and obedience in the Lord, to submit to the session as over them in the Lord, to cherish a brotherly spirit among themselves, and to promote the peace and prosperity of the congregation. It is also the duty of communicants and adherents to take a lively interest in all that concerns the welfare of the whole church, to contribute heartily, as the Lord shall enable them, for the maintenance of the ministry and for the furtherance of the gospel at home and abroad and to manifest a Christian spirit in all relationships of life.

**1.06. Communicant.** A communicant of a congregation is a baptised person who associates regularly with the congregation in worship and who, on profession of faith, has been admitted by the session to participation in the Lord's Supper and thereby into full communion with the Presbyterian Church of

Australia or whose name has been added to the communicants' roll by transference certificate or by resolution of session and whose name has not been removed subsequently from the roll.

**1.07. Rights of communicants.** Communicants, unless under process of discipline, have the right to have their name inscribed on the roll of communicants and, if not less than sixteen years of age, to take full part including voting in congregational meetings. Communicant members alone elect elders and ministers except in the case of the first election of a minister in a newly established pastoral charge.

**1.08. Adherent.** An adherent to a congregation is a person who associates regularly with the congregation in worship and whose name appears on the adherents' roll by resolution of the session.

**1.09. Rights of adherents.** On the occasion of the first election of a minister in a newly established pastoral charge all adherents, not less than sixteen years of age, unless under a process of discipline are eligible to vote. Enrolled adherents have a vote in the election of managers and at all meetings affecting the temporal affairs of the congregation and are also entitled to signify their concurrence in a call to a minister or licentiate.

**1.10. Transference of members.** A communicant or adherent desirous of transferring membership to another congregation is entitled, on application, to a transference certificate from the session unless the member is under discipline or unless there are matters connected with the member's conduct which seem to the session to call for inquiry. In the latter case the member has a right to demand that inquiry be entered upon and brought to a conclusion without delay or a certificate granted. The session should notify the session of the congregation which the transferring member wishes to join and such notification should be acknowledged. Responsibility rests upon the member to present the transference certificate to the session of the congregation which he wishes to join.

## FORMATION

**1.11. Formation of congregation.** A new congregation may be formed by the presbytery on its own initiative or at the request of a session or on application from those who declare adherence to the principles of the church. The presbytery, before taking this action, consults with the session of any congregation likely to be affected by the formation of the new congregation. The presbytery shall place the new congregation under the supervision of an interim session appointed by the presbytery.

**1.12. Trans-Presbytery Congregational Activity.** Where an existing congregation wishes to establish a new congregation within the bounds of another presbytery or to relocate its meeting place inside the bounds of another presbytery, the proposed action must be approved by the presbytery which holds jurisdiction over the initiating congregation as well as the presbytery within whose bounds the proposed action is to take place.

**1.13. Continuance of congregation.** When a session or committee of management is considering the cessation of a congregation the matter shall be reported to the presbytery by the session. The presbytery, which may on its own initiative institute inquiries, consults with the session and committee of management regarding the circumstances. If it is found that the congregation cannot be continued the presbytery shall make suitable provision for the supply of gospel ordinances to members of the church in the district. Arrangements should also be made for the care or disposal of the property of the congregation in accordance with the Property Trust Act.

**1.14. Variation of status.** A presbytery may, after consultation with the congregation or congregations concerned and with the approval of the committee on Ministry and Mission, divide, amalgamate or create pastoral charges and home mission stations. The presbytery shall:

- (a) declare to which pastoral charge the minister is to continue to be attached,
- (b) appoint the moderator/s or interim moderator/s,
- (c) record in its minutes the names of those who are to form the session/s or interim session/s.

**1.15. Closure of a congregation.** Where a presbytery has determined that a congregation is unable to constitute for a congregational meeting, or the presbytery decides that it is inexpedient because of a lack of members for a congregation to continue, it may close that congregation after consultation with the session and the remaining members of the congregation. Appropriate action shall be taken to ensure that all funds and property of the discontinued congregation are dealt with according to the Property Trust Act.

**1.16. Supervision of home mission stations.** The spiritual supervision of home mission stations and of the appointed minister or missionary belongs to the presbytery. It is the province of the committee on Ministry and Mission to organise home mission stations and to appoint ministers or missionaries to them. The committee on Ministry and Mission reports to the presbytery each such appointment it makes for a period of one month or longer.

## MEETINGS

**1.17. Meetings convened.** Meetings of the congregation are convened by session and for temporal purposes may, with the consent of session, be convened by the committee of management. The presbytery may, when it sees cause, convene a meeting of the congregation and may appoint one of its own members to preside.

**1.18. Notice of meeting.** Meetings of the congregation are called by intimation during public worship. Not less than eight days' notice of a meeting and the purposes for which it is being called shall be given.

**1.19. Joint meeting.** Where there are two or more congregations within a pastoral charge or home mission station separate meetings must be held for each congregation except that the congregations may meet conjointly to determine matters affecting the common interests of the congregations concerned.

**1.20. Quorum.** The quorum of a meeting of the congregation, including communicants and adherents, is one-tenth of the number on the roll of communicants of the congregation, but not less than five.

**1.21. Chairman.** At a meeting of the congregation called for spiritual purposes the chair is taken by the moderator of session or by a minister appointed by the moderator or by an elder of the congregation appointed by the moderator. If the meeting is for purposes of ordinary finances of the congregation or the care of the church property the chair is taken by the moderator of session or by a minister appointed by the moderator or by an elder or member of the congregation appointed by the moderator and failing such appointment the meeting may elect any member to the chair.

**1.22. Minutes.** The minutes of a meeting of the congregation are entered in the session records and copies of resolutions dealing with financial matters and property shall be forwarded to the committee of management for insertion in its minutes.

## ANNUAL MEETING

**1.23. Annual meeting.** Congregations hold an annual meeting convened on the authority of the session as soon as practicable after the close of the financial year for the following purposes:

- (a) considering of the annual report and financial statement submitted by the committee of management,

- (b) determining a limit on expenditure by the committee of management, and
- (c) appointing an auditor or auditors for the ensuing year.

**1.24. Report of committee of management.** The meeting having heard the report of the committee of management, or having taken it as read if it has been printed and circulated, and having received it, deals similarly with the financial statement which is received only when it is certified by the congregation's auditor or auditors as having been audited and found correct or, if defective, when it has been rectified.

**1.25. Review by session.** A written review by the session of the life and work of the congregation may be presented at this meeting for the information of the congregation. There may also be presented in whole or in part such of the reports of the congregational organisations together with their relevant financial statements as the session sees fit. Neither these nor the session's own review are received by this meeting nor are they otherwise dealt with, unless the session, in any matter, specifically seeks the mind of the congregation thereon. Any complaints or recommendations concerning the report or financial statement of a congregational organisation are referred to the session for consideration.

**1.26. Altered financial arrangements.** The annual meeting considers the terms of settlement of the minister. When a motion affecting the established financial arrangements of the congregation is submitted without due notice the matter may be discussed but shall not be finally disposed of at that meeting. The committee of management after considering its bearing on the financial state of the congregation shall submit a report to a subsequent meeting. Altered financial arrangements proposed in the committee of management's report may be finalised at the annual meeting.

**1.27. Terms of Settlement.** Terms of Settlement shall refer to the entitlements of a particular pastoral charge. Except where the Assembly shall determine new stipends and travelling allowance, in which case these terms shall have effect from the date determined by the Assembly, terms of settlement shall not be effective until they have been proposed by the congregation and approved by both the presbytery and the Ministry and Mission Committee. As a minimum, terms of settlement must include all of the following:

- (a) All costs of removal of the minister's family and goods to their new place of residence, except that the presbytery acting with the Ministry and Mission Committee may approve a variation in special circumstances.
- (b) Rent-free occupation of a suitable residence which should

- include, at least, floor-coverings, front door security screen, window blinds, curtains, refrigerator, washing machine, hot water, and adequate bookshelves in the study, or an allowance and/or non-cash benefit sufficient to rent or purchase a suitable dwelling within the pastoral charge.
- (c) A stipend at least equal to the basic stipend declared by the General Assembly from time to time unless both the presbytery and the Ministry and Mission Committee determined that there are special circumstances warranting terms less than the minimum terms of settlement.
  - (d) An allowance and/or non-cash benefit sufficient to meet all travelling expenses.
  - (e) Payment of all professional expenses for the conduct of church business including telephone rental and calls, stamps and stationery.
  - (f) Four weeks annual leave including four Sundays (the cost of pulpit supply to be provided by the congregation).
  - (g) One week's study leave per annum cumulative to a maximum of four weeks.
  - (h) Superannuation Fund and Long Service Leave contributions as for terms of settlement for full-time calls and appointments.
  - (i) Personal Accident and All Illness Insurance.

**1.28. Stipend Increases.** The sum declared by the Ministry and Mission Committee to be the stipend of a pastoral charge shall be for all official purposes the stipend of that charge. When the finances of a pastoral charge may justify an increase in the stipend, the committee of management shall ask the session to call a meeting of the congregation to decide the matter if authority to act has not already been given to the committee of management by the congregation. Except as provided in 1.27, no variation to stipend shall be effective until approved by the presbytery and the Ministry and Mission Committee.

**1.29. Terms less than Minimum.** A pastoral charge may offer terms of settlement which do not meet the minimum requirements if it can satisfy the presbytery and the Ministry and Mission Committee that special circumstances exist to justify this situation. Any charge seeking terms of settlement below the minimum standards shall apply to the presbytery by petition. If the presbytery approves the application, it shall forward the petition with any relevant comments to the Ministry and Mission Committee for approval. Any approval shall be for a period of 12 months subject to renewal by the presbytery and the Ministry and Mission Committee only after the pastoral charge shall have reported to the presbytery and the Ministry and Mission Committee on the

financial affairs of the pastoral charge and the reasons for the renewed application.

**1.30. Election of committee of management.** The annual meeting elects the committee of management for the ensuing year if this has not been done by a special meeting called for that purpose and transacts such other business as may have been duly intimated.

**1.31. Expenditure limit.** The annual meeting shall set a limit on expenditure by the committee of management for a single purpose or project. Any proposed expenditure (which has not previously been approved by the congregation whether in an annual budget or otherwise) must be approved by a congregational meeting, provided that such limit shall be less than the provision applicable from time to time under the Property Trust Regulations for approval in respect of expenditure on congregational property by congregations and the Presbytery. If in any year the congregational meeting fails to set such a limit, the amount shall be deemed to have been set at \$10,000.

**1.32. Auditor.** At the annual meeting one auditor being a member of the Institute of Chartered Accountants in Australia or of the Australian Society of Certified Practising Accountants or of the Institute of Public Accountants is elected who, previous to next annual meeting, examines the treasurer's books, vouchers, securities and other records and reports thereon. If no such accountant be available then two auditors shall be elected. If an auditor for any reason is unable to act the committee of management appoints another in his place. No elder or manager may serve as auditor of the accounts of the committee of management of which he is a member, but a member of a joint committee of management may serve as auditor of the accounts of a congregation other than his own. Provided that in no case shall a business partner or member of the family of the treasurer of the committee of management act as an auditor to the said committee. With the concurrence of the elected auditor the accounts of any congregational organisation may be audited independently. They must be submitted to the congregational auditor for approval. Notice in writing on the prescribed form duly signed by the session clerk setting out the name, address and qualifications of the auditor with certification that he is not disqualified from acting in terms of the previous paragraph shall be sent to the Trustees who shall determine from time to time a form of report to be made by auditors appointed under this rule.

**1.33. Financial statement.** Copies of the audited financial statement together with a signed copy of the report of the auditor shall be forwarded to the presbytery and to the Trustees who shall determine from time to time a form of financial statement.

**1.34. Several congregations.** Where there are two or more congregations in a pastoral charge or home mission station having separate committees of management, each of these shall hold an annual meeting to receive the report and audited financial statement of its committee of management, to elect a committee of management for the ensuing year, to appoint auditors and to hear and discuss such other of the matters referred to in the preceding paragraphs as the session may authorise.

**1.35. Dissatisfaction with decision.** Any communicant or adherent of a congregation who is dissatisfied with a decision or resolution of a congregational meeting against which at the time the communicant or adherent voted and entered dissent may petition the presbytery to review such decision or resolution. The petitioner, on request, shall be furnished by the secretary of the meeting with extract minutes relative to the matter dissented from. At least ten days before the meeting of the presbytery to which the petition is to be presented copies of the petition must be sent by personal delivery or by certified mail to the session clerk, to the clerk of the presbytery and to any other persons whose interests are affected.

#### RESPONSIBILITY TO CHURCH COURTS

**1.36. Returns.** Congregations are required to give full information and make accurate returns respecting their affairs whenever they may be called upon to do so by the presbytery or the Assembly.

**1.37. Sites and plans of buildings.** A congregation before proceeding to erect buildings or to add to or alter existing buildings at a cost exceeding the sum determined by the Assembly from time to time shall obtain the express consent of the presbytery and of the Trustees of the site, plans, specifications and estimated cost. Extract minutes of the decisions of the congregational meeting shall accompany the applications to presbytery and Trustees for approval. The congregation shall also submit a statement as to how the liabilities to be incurred are to be met.

**1.38. First charges on funds.** The minister's stipend and the assessments levied by the presbytery and the Assembly are the first charges on the funds contributed in the congregation for the support of religious ordinances.

**1.39. Payment of Stipend.** A congregation shall pay the stipend of the minister at least monthly and in such manner as the Ministry and Mission Committee approves.

**1.40. Supplement to Stipend.** A congregation supplementing the

stipend of the minister by any money payment direct or deferred shall notify the Ministry and Mission Committee immediately. All such payments when not actual expenses shall be regarded as stipend in computing assessments.

**1.41. Non-fulfilment of Terms.** Should a congregation finds that it is unable to fulfil the terms of settlement approved by the Ministry and Mission Committee or to pay the stipend at least monthly, the committee of management shall report such inability or failure to the presbytery. Should the presbytery be unable to rectify the matter speedily it shall promptly inform the Ministry and Mission Committee. That Committee shall thereupon take all steps which it judges necessary to correct the situation. On the advice of the Ministry and Mission Committee the presbytery make take such further action as authorised by The Code. Should a committee of management fail to make a report, as above, within three months, the minister shall report the circumstances to the presbytery and any minister neglecting to do so shall forfeit any claim to accumulated arrears exceeding the arrears due for the six months immediately preceding the date of reception of such report by the clerk of the presbytery.

**1.42. Action by presbytery.** Should the presbytery be unable speedily to rectify any failure by a congregation to fulfil the approved terms of settlement it shall promptly inform the committee on Ministry and Mission. The committee shall thereupon take all steps which it judges necessary to correct the situation. Should it be unable to do so it shall advise the presbytery. Upon receiving such report the presbytery;

- (a) shall take the steps which are thought most expedient either to have the amount of the stipend reduced or to recommend and assist in the relocation of the minister to a new sphere of labour, or
- (b) may, subject to complaint to the Assembly, resolve to dissolve the pastoral tie, or
- (c) if the unsatisfactory condition of the pastoral charge is found to be due to the action of any office-bearer may remove such office-bearer from office in the particular congregation as the interest of the congregation may require, or
- (d) should the circumstances render such a course desirable, the presbytery may dissolve the existing session and/or committee of management and make provision for a fresh election. The members of the existing session or committee of management shall be eligible for re-election unless removed from office under the provisions of this rule.

Similar action may be taken when it has been determined by the presbytery that the vital interests of the congregation necessitate such action except that in matters involving moral character or doctrine procedures in regard

THE CODE

THE CONGREGATION

to discipline shall be followed.<sup>1</sup>

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<sup>1</sup> See Declaratory Act, 1991, p.119

## 2

# COMMITTEE OF MANAGEMENT

## CONSTITUTION

**2.01. Managers or deacons.** The temporal affairs of each congregation are administered by a committee of management or a deacons' court of which the members of session are members by virtue of their office. In the following rules the words "deacons' court" may be read for the words "committee of management".

**2.02. Election of deacons.** Deacons are elected by the communicants of a congregation from among the communicants who have attained the age of 21 years and who have a good reputation and uphold the worship of God. The session determines when there shall be an election of deacons and the number required. The procedure for the election, ordination and induction of deacons is the same as for elders.

**2.03. Tenure of office of deacons.** A deacon's tenure of office is the same as that of an elder. A deacon who has been ordained is not ordained again. A deacon on joining another congregation is not entitled to a seat in the deacons' court unless admitted in the usual way. The session admits to the office of deacon, deals with the resignation of a deacon and removes a deacon from office.

**2.04. Election of managers.** Managers are appointed by the communicants and adherents of a congregation, from among the communicants and adherents, at the annual meeting or at a congregational meeting called for that purpose. The number of managers shall not be less than three.

**2.05. Tenure of office of managers.** All managers retire annually and are eligible for re-election. Any manager ceasing to be a member of a congregation thereby ceases to be a member of its committee of management. Vacancies occurring during the year may be filled by the committee.

## MEETINGS

**2.06. Calling of meetings.** The committee of management meets at least once every quarter. Meetings are called by intimation during public worship or by notice duly given to the individual members. The chairman is bound to convene a special meeting whenever required in writing to do so by at

least one-third of the members of the committee of management and the chairman must detail the business of any such special meeting.

**2.07. Joint meetings.** Where there is more than one congregation in a pastoral charge or home mission station each congregation may appoint a committee of management to deal with local matters and the committees will meet jointly to deal with matters affecting the pastoral charge or home mission station as a whole.

**2.08. Single committee.** Congregations within a pastoral charge or home mission station may determine to administer their temporal affairs by a single committee of management provided that separate financial records shall be maintained for each congregation.

**2.09. Quorum.** Three members of a committee of management form a quorum.

#### OFFICE-BEARERS

**2.10. Chairman.** The moderator of the session is chairman of the committee of management but in the absence of the moderator or at the request of the moderator any member of the committee shall be appointed by the committee to preside.

**2.11. Secretary.** The committee elects a secretary annually. The secretary records for confirmation the minutes of the proceedings of the committee and takes charge of all documents and papers except those entrusted by the committee to the treasurer.

**2.12. Treasurer.** The committee elects a treasurer annually. The treasurer receives and accounts for all moneys under the care of the committee of management. A financial statement is submitted to the committee of management at least once a quarter.

#### DUTIES

- 2.13. Duties.** The committee of management
- (a) has charge of the funds belonging to the congregation and applies the same to the purposes for which they have been contributed,
  - (b) manages the property and insures, repairs and maintains it under the Property Trust Act and its regulations,
  - (c) makes the financial arrangements in connection with the

- service of worship,
- (d) appoints the caretaker and any other employees fixing their salaries and conditions of service, and
  - (e) exercises oversight in the administration of the temporal affairs of the congregation.

**2.14. Records.** The committee of management is responsible to the presbytery for the regular and faithful keeping of its records and these must be produced to the presbytery and to the Assembly when called for.

**2.15. Extract minutes.** The committee of management is entitled to certified extract minutes of the session in so far as these may affect its officials or duties and such extracts must be entered in the committee's records.

**2.16. Annual report.** A report is submitted on the committee's administration of the temporal affairs of the congregation to the annual meeting of the congregation. An audited statement of receipts and expenditure for the year is presented to the annual meeting of the congregation.

## FINANCE

**2.17. Finance.** All matters of finance in connection with any organisation of the congregation likely to affect the general revenue of the congregation have to be submitted to the committee of management for its approval.

**2.18. Banking.** All money received by the treasurer for the committee must be kept in a banking account identified as belonging to the congregation. It must not be placed in any private banking account. This rule applies to the funds of all organisations of a congregation.

**2.19. Electronic payments** Each electronic payment duly authorised by the Committee of Management shall be processed by the treasurer, or in conjunction with another member so authorised by the committee for this purpose as may be required by the financial institution. These procedures shall be followed by all the organisations of a congregation.

**2.20. Cheques.** Cheques shall normally be signed by the treasurer and by one other member of the committee of management duly appointed to do so or by any two members of the committee of management so appointed. The bank statement or pass book shall be exhibited at each ordinary meeting of the committee. These procedures shall be followed by all the organisations of a congregation.

**2.21. Remittance of money.** It is the duty of the treasurer to remit promptly to the proper authority all regular presbytery and assembly assessments and other contributions and payments due from the congregation. The treasurer shall also ensure that contributions payable by or on behalf of the minister of the congregation to the Presbyterian Church (NSW) Superannuation Corporation are paid by the due dates required by the Corporation. The treasurer may if required by the minister, and shall if so directed by the Corporation, deduct from the stipend payable to the minister and pay direct to the Corporation such contributions as are required to be made by the minister from time to time to the Corporation.

**2.22. Vacancy finance.** When a vacancy occurs in the pastorate the committee prepares a financial statement for the guidance of the congregation in determining the stipend to be promised and the allowance for travelling expenses incurred while ministering to the congregation. The committee also completes the Terms of Call Form of the committee on Ministry and Mission.

**2.23. Pulpit supply.** Congregations receiving pulpit supply are required to pay at the rates fixed by the Assembly.

**2.24. Alteration in stipend.** The committee when it has not been authorised by the congregation to vary the stipend submits any proposed variation of the stipend to the congregation. Any decision to vary the terms of settlement of the minister shall be reported through the session to the presbytery and to the committee on Ministry and Mission.

**2.25. Arrears.** As soon as the presbytery has reason to believe that a congregation is falling into arrears with stipend and other financial obligations, it shall institute inquiries and take such action as is necessary.

#### PROPERTY

**2.26. Property.** All matters relating to improvements of a capital nature, property repairs and alterations and all dealings with the property of congregations are governed by the Property Trust Act and its regulations.

#### FUND RAISING

**2.27 Special efforts.** When special efforts to raise funds are made by any organisation of the congregation it is advisable that when such functions are being arranged the purposes for which such funds are to be raised shall be approved by the committee of management.

**2.28. Gambling.** All forms of gambling on premises which are the property of the church or in connection with any function held for the church or by any committee or organisation thereof are hereby expressly forbidden.

**2.29. Amusements.** While the church recognises the liberty of Christians in matters not expressly forbidden by the Word of God her ministers, office-bearers and people are enjoined to discourage all forms of amusement which are injurious to the moral and spiritual life either in themselves or in their associations. They are also enjoined not to permit questionable forms of amusement to be used as a means of raising money for church purposes.

**2.30. Direct giving.** Direct and systematic giving for church purposes is strongly recommended.

**2.31. Missionary support.** Where the committee of management proposes to apply congregational funds directly for the support of missionaries, such funds should preferably be raised for this purpose by special collection. However a committee of management may apply congregational funds directly for the support of a missionary or missionaries provided that:

- (a) the committee has discharged all financial duties and obligations of the congregation and the committee,
- (b) the missionary to be supported is under the jurisdiction of a missionary enterprise approved by the Australian Presbyterian World Mission Committee of the Presbyterian Church of Australia, and
- (c) prior to the receipt of the funds by the committee the congregation approves of the proposed allocation of funds at the annual meeting of the congregation (in respect of which Rule 1.26 applies).

**2.32. Congregational approval.** The committee may recommend to the annual congregational meeting an appropriate expenditure limit for the purpose of Rule 1.23(b).

**2.33. Authorisation of expenditure.** The committee shall not authorise expenditure for any purpose or project which has not previously been authorised by the congregation, whether in an annual budget or otherwise, of a sum exceeding the limit specified by the previous annual congregational meeting.

## SPECIAL PROGRAMMES

**2.34. Definitions.** In this section of these rules:

“Assembly Committee” means the standing or special committee of the Assembly, if any, which at the relevant time has responsibility for the oversight of:

- (a) in the context of an aged care Special Programme - aged care facilities and programmes within the Church, and
- (b) in the context of a School - educational institutions and programmes within the Church.

“Special Programme” means a structured activity of a social welfare or educational nature intended for community, rather than exclusively pastoral charge use, such as a pre-school, long day care centre, School, retirement village and aged care facility.

“School” means a programme for the provision of school education covering any school years from Kindergarten to Year 12.

**2.35. Establishment.** A congregation may establish, on property owned or leased by the Trustees on behalf of the congregation, a Special Programme. The committee of management may with the prior consent of the congregation, the presbytery and the Trustees establish a sub-committee, which may include (but not as a majority) persons who are not members of the committee of management, to undertake such functions of management of the Special Programme as the committee of management may direct. The committee of management remains fully responsible at a local level for the conduct of the Special Programme including its financial affairs and may at any time withdraw management authority from the sub-committee.

**2.36. Commencing a Special Programme.** The committee of management shall not commence any Special Programme without the prior consent of:

- (a) the session,
- (b) the congregation,
- (c) the presbytery of the bounds,
- (d) the Assembly Committee - in the case of a School or an aged care Special Programme,
- (e) the Social Service Committee - in the case of a Special Programme in respect of which supervision is given to the Social Service Committee, and
- (f) the Trustees.

In consenting to a Special Programme being established by a congregation the Trustees may impose conditions in respect of the establishment and operation of the Special Programme.

**2.37. Establishment and operation of a Special Programme.** In establishing and operating a Special Programme the committee of management

and the session, to the extent that it is or may be involved in the supervision of the Special Programme, shall comply with:

- (a) any policies relating to such Special Programmes determined by the General Assembly from time to time,
- (b) any directions, either general or specific, which may be given to it by the Trustees,
- (c) the directions and/or policies of any committee of the Assembly authorised by the Assembly to have supervision or oversight of programmes of which the Special Programme is an example.

**2.38. Concerns by the Trustees.** If the Trustees have concerns about the operation of a Special Programme by a committee of management, the Trustees may request the presbytery of the bounds to conduct a special visitation to the congregation in order to inquire into the issues. A presbytery which is so requested shall undertake the special visitation as soon as practicable and shall provide a written report to the Trustees.

**2.39. Licensee.** If Federal or State government requirements require a nominated licensee for a Special Programme, the Trustees shall be that licensee unless:

- (a) the Trustees otherwise decide, and
- (b) the relevant government authority so allows.

**2.40. Functions of management.** The committee of management, in managing a Special Programme, is exercising functions of management of the property of the congregation as that expression is used in Section 18 of The Presbyterian Church (New South Wales) Property Trust Act, 1936. The committee of management may exercise such functions of management in respect of the Special Programme so long as the Trustees are satisfied with the management of the Special Programme by the committee of management. If at any time the Trustees form the opinion that the powers of the committee of management to manage the Special Programme should be suspended the Trustees may by resolution so suspend the management function of the committee of management in relation to the Special Programme and the property of the congregation which is used for the purposes of the programme. Unless there are in the opinion of the Trustees special circumstances the Trustees will not take such action without first requesting and considering a report from the presbytery as provided for in Rule 2.37.



# 3

## GENERAL RULES

### CLERK

**3.01. Clerk.** Every court shall have its clerk who is usually but not necessarily a member of the court and who shall keep an accurate record of its proceedings and supply extracts of the proceedings when duly called for.

**3.02. Tenure of office of clerk.** A clerk is appointed for a specified time or during the pleasure of the court. When it is not otherwise recorded the appointment is during the pleasure of the court.

**3.03. Declaration by clerk.** A clerk on accepting office shall promise to discharge faithfully the duties of the office by repeating these words: "I do solemnly affirm and declare that I will discharge faithfully the duties now entrusted to me."

**3.04. Clerk pro tempore.** In the absence of the clerk the court appoints a clerk pro tempore whose appointment must be recorded in the minutes and who must promise to discharge faithfully the duties of the office.

### MINUTES

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

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

**3.07. Alteration of minute.** Any alteration of a minute is noted in the margin and initialled by the moderator and clerk.

**3.08. Minutes signed.** The confirmed minutes are signed by the presiding moderator and by the clerk.

**3.09. Extracts.** Extracts from the minutes of a court or certificates

regarding the resolutions of a court are given, on application, by the clerk who may refer such applications to the court for instructions. The fees to be charged for such extracts shall be fixed by the court.

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

**3.11. Permanent records.** The permanent records of the courts of the church shall be those which have been confirmed in the presence of the court.

**3.12. Deletion of minute.** When the minutes of an inferior court have been confirmed no part of them shall be deleted except by authority of the immediately superior court. When a deletion is authorised or ordered a reference to the minute of the court so authorising or ordering is inserted in the margin.

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

**3.14. Record apart.** To keep its ordinary record of proceedings free from the presence of undesirable matter every court keeps a separate record apart for each case where moral delinquency is alleged whether the case comes before it as the court of first instance or of appeal. The resolution to keep proceedings of a case in the record apart is minuted in the record apart and not in the ordinary record. The record apart of each such case is kept on separate sheets consecutively numbered both in figures and in words at the head and subscribed by the signature of the clerk at the foot. No entry is made in the permanent record of these courts until the case is finally disposed of. When the judgement which finally disposes of the case, by whatever court of the church pronounced, involves any degree of censure of the accused then the court of first instance records in its ordinary minute book the first minute of the record apart, the libel, or a summary of each of the charges thereof if a libel was served, and the final judgment. When a case has ended in entire acquittal

- (a) the record apart with all papers in the case is sealed up in the presence of the court, endorsed with a note of the subject matter and with the date of the final judgment, and kept in retentis for five years and thereafter destroyed,
- (b) the person so acquitted receives a certified copy of the judgment of the court.

**3.15. Typed or loose-leaf minutes.** When minutes are typewritten and pasted in, or when loose-leaf books are used, the pages must be numbered consecutively and each page initialled by the moderator and the clerk.

**3.16 Index of minutes.** Minutes must have a marginal index of subjects for the sake of reference. A general index should also be kept for each volume.

**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.

## ORDINARY PROCEDURES

**3.18. Meeting constituted.** Meetings of church courts, congregations

and committees are opened and closed with prayer and both facts must be minuted. The benediction may take the place of the closing prayer.

**3.19. Associate.** When a member of one court is present at the meeting of a co-ordinate or inferior court the member may be associated except when a judicial process is before the court.

**3.20. Devotional exercise.** Any proposal to pause in the proceedings of a court to engage in special devotional exercises shall be made by the moderator.

**3.21. Incompetent motion.** A motion is not competent which violates a law of the church or the decision of a superior court or infringes on the privileges of a court.

**3.22. Canvassing.** Canvassing on the part of a candidate for an office or appointment disqualifies the candidate for the office.

**3.23. Re-opening a case by petition.** Members of any court may not only dissent from its decision on a case but may petition to have the case re-opened if they can produce new evidence materially bearing on the case or if they can show to the satisfaction of the court that the rules of procedure have been so violated or departed from as to involve substantial injustice. Due notice has to be given to the court of such a petition and of the grounds on which it is based. Petitions to re-open a case without sufficient grounds are liable to be dismissed as frivolous and vexatious.

**3.24. Conciliation Committee.** The Assembly shall establish a Conciliation Committee whose membership, powers and duties shall be defined by the Assembly.

**3.25. Resolution of Disputes.** When an appeal, a complaint, or a petition to resolve a dispute is to come before the Assembly, the Clerk shall advise the parties to enter into negotiations before the Conciliation Committee for the purpose of seeking to resolve the dispute. The content of such negotiations shall be confidential to the parties. The committee shall report to the Assembly whether negotiations were held or not held in cases of unresolved disputes.

**3.26. Documents in a case.** The court from which any appeal, complaint, petition or reference comes must forward to the superior court all documents relating thereto. No document shall be read or appear among the

papers in an appeal, complaint, petition or reference unless it was before the court of first instance or was offered to it and rejected.

**3.27. Documents not received.** Every court is entitled to protect itself from evident insolence and contumacy and outside parties from unnecessary injury and may refuse to receive any documents which commit such offences.

**3.28. Distribution of papers.** Parties in any case are forbidden to distribute papers bearing on the case to the members of the court before which the case comes.

**3.29. Party not to vote.** A member of a court is not entitled to deliberate or vote in any matter in which the member is a party or in which he is a candidate for an office.

**3.30. Private sitting.** When parties are removed from the bar it is at the discretion of the court whether they shall hear the deliberation on their case.

**3.31. Cost of Printing.** In appeals, complaints and petitions the expense of printing or copying is, in the first instance, borne by the Assembly Fund, and by the party losing when the case is finally decided, subject to the Assembly taking into consideration the losing party's ability to pay, unless remitted or distributed by the Assembly.

## INFERIOR COURTS

**3.32. Business of inferior courts.** In all meetings of inferior courts the items of business to be taken up are fixed at the commencement of the meeting and no item to which exception is taken by three members of the court can be discussed until the next ordinary meeting or until a meeting called for the purpose of considering the matter so excepted to, unless notice of the intention to have it brought forward has been given at a previous meeting or unless it arises necessarily out of the business of a previous meeting or unless it is included in the circular calling the meeting.

**3.33. Order of business.** The following is recommended as the order of business in inferior courts:

- (a) Confirmation of the minutes of the previous ordinary meeting and of any special meetings held since the last ordinary meeting.
- (b) In presbyteries, the reception of commissions and the admission of associated members.

- (c) Reasons for dissent from any of the decisions recorded in the minutes and the necessary procedure connected therewith.
- (d) Reception of deputations.
- (e) Matters recorded in the previous minutes but not disposed of.
- (f) Matters of ordinary business which have emerged between the meetings.
- (g) Matters of which notice had been given at the previous meeting.
- (h) Notices of motion relative to matters to be brought forward at a future meeting.

**3.34. Co-ordinate courts.** An inferior court does not have the right to interfere with or review the proceedings of a co-ordinate court. It may endeavour to put any matter right by friendly representation. If this is ineffectual, the court which feels aggrieved may ask through a higher court for information relative to the alleged action of the co-ordinate court.

**3.35. Formulation of charge.** If any charge founded on such information is brought against an inferior court it has to be definitely formulated and committed to writing and the inferior court requires to have an opportunity of meeting and appointing respondents to defend its action before the charge is taken up by the higher court.

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

**3.37. Instruction of parties.** It is the duty of the inferior court, when requested to do so or when it thinks it necessary, to instruct parties on the rules and forms of procedure applicable to their cases.

## DISSENTS

**3.38. Right to dissent.** A member may dissent from any resolution of a court against which the member has voted and has the right to have the dissent recorded in the minutes. Dissent against an amendment or a resolution of a committee of the whole is not competent.

**3.39. Moderator's rights.** A moderator although without a deliberative vote may record dissent.

**3.40. Effect of dissent.** A member of a court who dissents from a decision is relieved from responsibility for the decision and its consequences and is protected from censure on account of it but is under obligation to comply with the decision itself unless and until it is reversed or altered.

**3.41. Reasons and answers.** No reasons need be given for dissent but if given forthwith are usually recorded. The court may frame answers which are recorded only if the reasons have been recorded. The court may determine to hold reasons and answers in retentis.

**3.42. Reasons brief.** Reasons for dissent and answers shall be brief and definite.

**3.43. Reasons rejected.** A court may reject reasons for dissent which are disrespectful to it or injurious to a party or involve a breach of privilege.

**3.44. Not recorded.** While not rejecting reasons for dissent a court may have good ground for refusing to insert the reasons in its permanent record and may simply minute the fact that the member dissented and that the reasons were ordered to be kept in retentis.

#### APPEALS AND COMPLAINTS

**3.45. Appeal.** An appeal is a signed document given in by a person who is or was a party at the bar in a case before the court. It contains the reasons which are the grounds of the appeal against a decision of the court and is designed to bring that decision under the review of a superior court. The party appealing must either give in the appeal at the time the decision is announced to him or else at that time protest for leave to appeal and an inferior court must inform any parties at its bar of this requirement when judgment is given.

**3.46. Complaint.** A dissent and complaint, referred to herein as a complaint, is a signed document given in by a member of a court who neither is nor was at its bar in a case before the court. It contains his reasons for complaining against a decision of the court on which the complainant has voted in the minority and is designed to bring that decision under review by a superior court. Separate reasons for dissent are not given in. The member says: "I dissent and protest for leave to complain" and the complaint is either given in at the time or within the period hereinafter provided.

**3.47. Moderator's rights.** A moderator although without a deliberative vote has the right to dissent and complain.

**3.48. Rights reserved.** An inferior court, against whose finding an appeal or complaint has been taken, which considers that there is nothing in the subject matter or the procedure or the finding to warrant the appeal or complaint or that the appeal or complaint is frivolous or vexatious or that its finding was in the interests of the church's welfare and the higher good of the Kingdom of God may proceed without regard to the appeal or complaint but does so at its own risk, the rights of the appellant or complainant being always reserved.

**3.49. Reasons lodged.** A court cannot refuse leave to appeal or to complain when protested for by a qualified person. Reasons of appeal or complaint have to be lodged with the clerk of the court whose decision is appealed or complained against within ten days not including the day of decision or else the appeal or complaint is held to be fallen from and the court proceeds as if no appeal or complaint had been taken. A person who intends to appeal or complain against a decision of a court may request extracts relevant thereto and is entitled to full but not partial extracts of the proceedings and to copies of all relevant papers.

**3.50. Reasons of appeal or complaint.** Reasons of appeal or complaint shall include any of the following: Irregularity in the proceedings of the court, refusal of reasonable indulgence to a party in the conduct of the case, reception of irrelevant evidence, refusal to receive relevant evidence, mistake or injustice in the judgment, undue haste in proceeding to judgment, judgment against evidence or the weight of evidence or denial of natural justice.

**3.51. Respondents and appellants.** When an appeal or complaint is taken against the decision of an inferior court two members of the court are appointed to act as respondents and defend its judgment. The appellant or complainant and the respondents alone have a right to present the case in the superior court.

**3.52. Answers.** Written answers to reasons of appeal or complaint are not required. If answers are prepared the inferior court may adjust and adopt them or it may authorise the respondents to give the answers they prepare as the answers of the court.

**3.53. Effect of appeal.** An appeal or complaint against the final decision or judgment on a case stays execution of the decision or judgment until the appeal or complaint is disposed of by the superior court or it is annulled by not being prosecuted. An appeal or complaint on a part of a case or on a point of procedure, unless expressly provided to the contrary, does not stay procedure nor prevent the court from prosecuting the matter and ripening it to final judgment.

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

**3.54. Papers transmitted.** A court transmits to its superior court any appeal or complaint which it has received against one of its own decisions together with all records and documents connected therewith. The responsibility rests with an appellant or complainant to be satisfied that all documents necessary have been forwarded to the superior court.

**3.55. Failure to appear.** If an appellant or complainant fails to appear at the bar at the time appointed the appeal or complaint is held to have been fallen from unless the court for due cause shown otherwise order. Where sickness is relied upon as the reason for failure to appear a medical certificate must be produced.

**3.56. Appeal or complaint fallen from.** When an appeal or a complaint is not proceeded with a member of the court whose decision was appealed or complained against should take protestation in the superior court that the appeal or complaint has been fallen from and that the decision of the inferior court has become final and should request extracts. This protestation after being recorded in the minutes is supplied by the clerk as an extract minute.

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

**3.58. Parties at the bar.** An appeal or complaint places at the bar of the superior court and prevents them from voting in the case the following persons:

- (a) The appellant(s) or complainant(s).
- (b) The respondent(s).
- (c) Those who were members of the inferior court at the time when the decision appealed or complained against was arrived at though they may in the interim have become members of another inferior court.
- (d) Those who were associated with the inferior court while the matter appealed or complained against was before the inferior court.
- (e) Those who have been admitted into the inferior court subsequent to its decision and before the appeal or complaint has been dealt with.

- (f) Those who have been commissioned to the superior court, to represent the inferior court or pastoral charges within the bounds of the inferior court.
- (g) Those who are members of a pastoral charge within the bounds of the inferior court, who have been commissioned to the superior court to represent pastoral charges from another inferior court.

**3.59. Arguments.** Parties in an appeal or complaint should confine their arguments to the points to which the appeal or complaint refers as set forth in the record.

**3.60. Procedure.** In appeals or complaints the procedure is:

- (a) The minutes of the inferior court and relative documents are read.
- (b) Parties are called.
- (c) Previous to hearing parties in an appeal or complaint the clerk shall read the following announcement: "As the decision of the court is determined not only by the documents in the case but also by the pleadings at the bar, the members are reminded that justice requires the pleadings at the bar to be heard by all those who vote in the case and that, in particular, no member ought to vote against either party who has not heard the pleadings on that side".
- (d) The parties are heard.
- (e) Questions may be put through the moderator to the parties by members of the court. If the court see cause any question and answer may be recorded in the minutes.
- (f) The parties are removed.
- (g) The court considers the case and proceeds to judgment.
- (h) Parties are recalled and the finding is intimated to them and except in the supreme court they are asked whether they acquiesce.

**3.61. How dealt with.** An appeal or complaint is usually sustained or dismissed in whole or in part and in either case the judgment of the inferior court may be modified or altered as the superior court may think fit. Instead of sustaining or dismissing an appeal or complaint the superior court may at any stage remit the case to a special committee for inquiry and report. If any of the parties refuse to accept the recommendations of the special committee they are entitled to be heard by the court itself before judgment is given.

**3.62. Sustained.** An appeal or complaint is sustained because the decision of the inferior court is disapproved or because of irregularities or informalities in the procedure of the inferior court. The sustaining of an appeal or complaint on the ground of irregularities or informalities does not necessarily imply the reversal of the decision appealed against unless it is considered that the substantial injustice has been done to the appellant or complainant through such irregularities. The superior court without entering on the merit of the decision appealed or complained against or without pronouncing any judgment in regard to it may send back the case to the inferior court with particular instruction or with instructions to have it taken up anew and disposed of in accordance with the laws of the Church.

**3.63. Dismissed.** The dismissing of an appeal or complaint implies approval of the procedure and confirmation of the decision of the inferior court.

### OVERTURES

**3.64. Overture.** An overture is a formal written proposal submitted to a court;

- (a) for the enactment of a new law or for the repeal or annulment of an existing law, or for a declaration or interpretation of the law on some particular point, or
- (b) to have something done or declared which is for the general benefit of the Church.

Only matters of general interest may be brought by overture.

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

**3.66. Rights of members.** Members of inferior courts have a right to move that overtures be sent to the higher courts on any matter which they regard as of general importance and an inferior court in deciding to overture a higher court is required to see that the overture is in due form and properly expressed and that two members of the inferior court have been appointed to support it in the higher court.

**3.67. Who may overture.** An overture may be made to a court by an inferior court or to the Assembly by a committee thereof or by any seven members of the Assembly or to an inferior court by any two members of the

inferior court.

**3.68. Notice to be given.** An overture shall not be moved in any court unless notice of it has been given at a previous sederunt of the court or intimated by circular to all members of the court previous to the meeting at which the overture is brought forward.

**3.69. Session to Assembly.** Any overture from a session to the Assembly shall be transmitted through the presbytery of the bounds which shall forward it with or without comment or with approval or disapproval. A presbytery is not entitled to refuse to transmit an overture which is presented in proper form. A session has liberty to transmit an overture to the Assembly direct in case of urgency when no regular meeting of the presbytery intervenes between the meeting of the session at which it was approved and the Assembly.

**3.70. Presbytery to General Assembly of Australia.** Similar provisions apply in the case of the transmission of an overture from a presbytery through the Assembly to the General Assembly of Australia.

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

**3.72. Several overtures.** If there are several overtures on substantially the same subject only one person is heard in support of each.

**3.73. Receiving and stating an overture.** Before an overture can be stated in the court to which it is addressed it must be formally received. Only members of the court overtured or others specifically appointed for the purpose by an inferior court from its own members may state an overture. If no one appears to state the overture it falls without motion to that effect. Once an overture is stated it is before the court and must be disposed of.

**3.74. Questions and motion.** After the overture has been stated members of the court may put relevant questions to the overturists through the moderator. After questions have been answered the overturists if they are members of the court overtured have the right in priority to other members

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

**3.75. How dealt with.** An overture is either sustained by the higher court and the specific matter proposed in the overture approved in its original or amended form or it is sustained and sent down to presbyteries in its original or amended form either under the Barrier Act or for consideration and report or the overture is dismissed.

**3.76. Remit apart from Barrier Act.** The Assembly may remit any subject to presbyteries for their suggestion, opinion and report apart from the Barrier Act. Under such a remit presbyteries may either approve or disapprove the proposal in its present form or may approve it with amendments. Upon such a remit and the returns thereon the Assembly does not pass the overture into a standing law of the church.

**3.77. Remit under Barrier Act.** Before an overture can pass into a standing law of the church, it must be approved by the Assembly and sent down to presbyteries under the Barrier Act. Presbyteries must either approve or disapprove the overture. Any suggestions from a presbytery of a possible reconsideration of the subject of an overture under the Barrier Act must be kept entirely distinct from the approval or disapproval of the overture. A qualified approval is reckoned as disapproval. Presbyteries not reporting are held to approve the overture. If a majority of presbyteries approve it is competent for the Assembly to pass the overture into a standing law should it see fit or it may send it again to presbyteries in the same or in an amended form.

**3.78. Interim Act.** If the objects of an overture transmitted to presbyteries under the Barrier Act appear to the Assembly to be of urgent practical importance it is competent to the Assembly while transmitting the overture to presbyteries to pass it at the same time into an interim act which shall be in force until the next meeting of the Assembly.

**3.79. When not Interim Act.** An overture which involves an essential alteration of the existing law or practice of the church shall not be converted into an interim act except for urgent measures which may be necessary for carrying out more effectually subsisting regulations or forms of the church.

**3.80. Declaratory acts.** These rules regarding overtures do not prejudice the right of the Assembly to pass declaratory acts which declare what the Assembly understands the law of the church to be on any point on which questions have been raised. Such acts may be passed by the Assembly itself without reference to presbyteries.

## PETITIONS

**3.81. Petition.** A petition is a written and signed request in approved form made to a court and usually relating only to the affairs of the petitioners. It must be in respectful language and usually includes a statement of the circumstances or reasons which are held by the petitioners to justify the specific request made.

**3.82. Who may petition.** Any inferior court or any congregation, committee or organisation of the church or any person or group of persons within the jurisdiction of the courts of the church has the right of approach to the appropriate court of the church by petition and such court may at its discretion receive and deal with a petition from any person other than the aforesaid.

**3.83. Matter and form.** Petitions must be what they profess to be. They must pray for something which could not have been or cannot be otherwise constitutionally obtained. A petition reviewing the judgment of an inferior court which might have been appealed or complained against is irregular and cannot be received. But petition may competently be used when the petitioner

- (a) has been obstructed in his right of appeal or complaint in the inferior court,
- (b) is not legally qualified to proceed by appeal or complaint, or
- (c) being a court of the church, cannot conveniently deal with a matter before it otherwise than by petitioning the superior court to take action.

**3.84. Assistance.** Sessions and presbyteries should assist communicants and adherents of the church in preparing petitions so as to prevent their being rejected on the ground of informality or other defect.

**3.85. Who at bar.** A petitioner is a party at the bar. If any member of a court be a petitioner to it, singly or with others, he is at the bar during that business and until it is disposed of. A member cannot present the petition of others.

**3.86. Procedure.** A petition is read or at least so much is read as to indicate its subject or its character. Such reading may show that it cannot competently or with propriety be received. The first question is whether it is to be received. If this requires to be discussed the petitioner ordinarily is heard but its subject or character may be such that the court may refuse to hear the petitioner even on that. When the petition has been received the court proceeds to consider its answer to the prayer of the petition.

**3.87. Others concerned.** When a petition affects the interests of others the petitioner must supply them in reasonable time and by either personal delivery or certified mail with

- (a) a copy of the petition and
- (b) notice of the time and place of the meeting of the court at which he has asked or will ask that the petition be heard and he must inform the clerk of the court in writing that he has done so.

If the court after receiving the petition is not satisfied that sufficient intimation has been given to others concerned it orders the petitioner to serve a copy of the petition on them with a citation to attend.

## REFERENCES

**3.88. Reference.** A reference is a document containing matters of difficulty or of importance which are stated and referred by resolution of an inferior court for opinion or advice by its superior court.

**3.89. How transmitted.** A reference is transmitted in the form of a properly attested extract minute of the resolution to refer accompanied by all relevant documents and if there are persons who have a direct interest in the matter they must be notified by the court referring.

**3.90. Reference stated.** The reference when taken up is stated by a member of the court from which it has come and the statement shall show what the subject matter is and why it has been referred. No question on a point of form or order can be raised except by the moderator until the reference shall have been stated.

**3.91. How dealt with.** The court may then decline to entertain the reference or it may sustain the reference which means that the matter is properly before the court and may then be discussed on its merits.

**3.92. Right to vote.** The members of the inferior court retain their right both to deliberate and vote.

**3.93. Disapproved but taken up.** A court may find that there was not sufficient ground for referring the case and that the inferior court should have addressed itself to the adjudication of the same. When any delay has created hardship to any person having a direct interest in the matter the court may proceed to determine the issue.

**3.94. Further procedure.** Unless the decision of the superior court determines the issue of the case the inferior court is directed to proceed in it according to the laws of the church.

## 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 associated 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 examined and attested.** The presbytery records shall be in the custody of the Clerk. Following the confirmation of the Minutes of each meeting the Clerk shall forward one signed copy by mail to the Clerk of Assembly and either two (2) signed copies by mail or one unsigned copy by email to the Convener of the Presbytery Records Committee for examination, the latter to be accompanied by the statement “these are a true record of the signed confirmed Minutes”. The Clerk shall bring to the General Assembly each year or delegate another member of the presbytery to do so, the Minutes of the previous calendar year for examination and attestation by the Moderator.

## 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 associated 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. Licentiate 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;
- (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.

**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.



# 6

## CALLS, ORDINATIONS, INDUCTIONS

### CALLS

**6.01. Duty of office-bearers.** When a pastoral charge becomes vacant the interim moderator meets with the session and the committee of management and makes arrangements for a meeting of the congregation to be held as soon as possible and not later than six weeks after the edict of vacancy has been served.

**6.02. Rolls.** The session prepares and attests revised rolls of communicants and adherents.

**6.03. Finance.** The committee of management prepares four copies of the Terms of Call Form of the committee on Ministry and Mission including a report dealing with the financial position setting forth all the liabilities of the congregation, the stipend and allowances proposed to be paid to the minister, and an agreement to meet the assessments as determined from time to time by the Assembly.

**6.04. First meeting of congregation.** At the meeting of the congregation the reports from the office-bearers regarding the rolls and finance shall be considered. The amount of stipend, annual holiday, travelling expenses on church business, telephone and other allowances shall be fixed and arrangements made for the payment of any arrears to the former minister and for supply and for presbytery and Assembly assessments.

**6.05. Report to presbytery.** The decision of the congregation on all matters shall be reported to the presbytery. The presbytery requires:

Four copies of the Terms of Call Form of the committee on Ministry and Mission containing:

- (a) Extract minute of the meeting of the congregation about stipend, annual holiday, travelling expenses, telephone and other allowances and an agreement to meet the assessments as determined from time to time by the Assembly.
- (b) Statement by the treasurer of all the financial liabilities of the congregation including any debt on church property, arrears to former minister and for supply, and sums due to presbytery or to any committee of the Assembly.
- (c) Number of communicants on the roll attested by session.

- (d) Number of adherents on the roll attested by the session.

**6.06. Ministry and Mission approval.** The action of the presbytery subsequent to its consideration of these documents shall be guided by the regulations of the committee on Ministry and Mission. Upon receipt of the approval of terms of call from the committee on Ministry and Mission the congregation may proceed to call a minister.

**6.07. Terms and call together.** A presbytery may deal with terms of call and with a call at the same meeting, but only on the following conditions:

- (a) The Terms of Call Form must first be laid on the table of the presbytery.
- (b) Provisional approval of the proposed terms of call by the committee on Ministry and Mission must then be received by the presbytery.
- (c) The presbytery may then approve the terms of call which in this instance is the final approval.
- (d) When the above conditions have been fulfilled and the terms of call have been approved the presbytery may then proceed to deal with the call.
- (e) Under no circumstances shall any charge proceed to an election in a vacancy, or any presbytery proceed with a settlement, on terms which have not been approved by the Committee within the preceding twelve months.

**6.08. Terms of call expire.** A pastoral charge shall not proceed to an election in a vacancy on terms of call which have not been approved within the preceding twelve months.

**6.09. Selection committee appointed.** Unless the congregation is prepared at its first meeting during the vacancy to proceed to a call a selection committee, consisting of the session and as many members as the congregation shall deem necessary to represent as far as possible the various interests of the pastoral charge, shall be appointed by the congregation.

**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.

**6.15. Call to be subscribed.** After the result of the election has been announced from the chair the name of the elected minister or licentiate is inserted in the Form of Call and the communicants are invited to come forward and subscribe the same. Adherents are also invited to subscribe the Form of Concurrence which is drawn up on a separate sheet. The signatures of both communicants and adherents are attested by the interim moderator.

**6.16. Commissioners to prosecute the call.** Commissioners are appointed by the congregation to take charge of the Form of Call and the Form of Concurrence. The number of commissioners appointed shall not exceed three,

or one for each one hundred (or part thereof) communicants whose names are on the roll of communicants attested by the session, whichever number is the greater. At least one of the commissioners shall be a member of session. Through these commissioners opportunity is given to communicants and adherents not present at the meeting to sign the documents. The signatures of the members and adherents are appended on separate sheets and are attested by one or more of the commissioners as having been written in their presence.

**6.17. Call sustained.** At the next meeting of the presbytery the call is presented by the interim moderator who gives to the presbytery an account of the proceedings connected therewith. The commissioners are also heard in support of it. If the presbytery finds that the minister called was eligible to receive a call and that the call was regularly conducted and was signed by a proper representation of the congregation it is usually sustained.

**6.18. Call not sustained.** A presbytery is not bound to sustain a call even after a valid election and a call shall not be sustained when the presbytery is satisfied that the greater good of the church would be promoted by not sustaining it. A call shall not be sustained unless it is signed, or can be satisfactorily shown to be acquiesced in, by at least three-fifths of the communicants whose names are on the roll of communicants attested by the session. When a call is not sustained the proceedings in the congregation begin afresh.

**6.19. Correspondence in call.** In regard to any vacancy ministers and licentiates must correspond only with the interim moderator and the session clerk and not with private members of the congregation.

**6.20. Canvassing prohibited.** It is unlawful for ministers or licentiates whether by themselves or through others to canvass for election or to enter into negotiations with any member or members of a congregation for the procuring of a call. The call is declared invalid when it is made evident to the presbytery that such action has been taken or knowingly connived at by the minister or licentiate called.

## ORDINATIONS

**6.21. Call to a licentiate.** If the call is to a licentiate the call with an extract minute regarding the terms of call and the liabilities of the congregation shall be given to the licentiate who is required to intimate acceptance or non-acceptance of the call within thirty days.

**6.22. Certificate of status.** If a licentiate accepts the call a certificate of status must be produced and on the certificate being found satisfactory the

presbytery may prescribe trials for ordination.

**6.23. Trials for ordination.** In the event of trials being prescribed the licentiate is not required to pass them within less than thirty days after his acceptance of the call. Members of presbytery are appointed to examine the licentiate on each of the subjects prescribed. Other members of presbytery have the right to take part in the examination after the examiners appointed by the presbytery have completed their work.

**6.24. Trials not sustained.** If the licentiate does not accept the call or if the trials are not sustained, intimation is made to the congregation that the call has been declined or that the licentiate called has not been found qualified.

**6.25. Edict of ordination.** If the call is accepted and the trials, if prescribed, are sustained the edict of ordination is issued and a day is appointed for the ordination and induction intimation of which is made to the congregation at least eight days before the date fixed for the ordination.

**6.26. Edict called for.** When the presbytery meets for the ordination at the fixed time and place and has been duly constituted the edict of ordination is called for and shall be returned with certification that it has been properly announced. Objections in terms of the edict are then asked for by the presbytery and, if no objections are offered or unless they are substantiated forthwith or are judged frivolous, the service is proceeded with.

**6.27. Edict dispensed with.** The issuing of the edict is dispensed with when the licentiate is ordained for service other than within a pastoral charge. In such cases public notice of the intention of the presbytery shall be given to enable any objection to the life or doctrine of the person concerned to be brought forward and substantiated.

**6.28 Ordination.** After divine service a brief narration of the steps taken in connection with the call is given by the moderator or other member of the presbytery appointed for the purpose. The questions appointed by the General Assembly of Australia having been satisfactorily answered the licentiate who is to be ordained kneels in the midst of the presbytery. The moderator by prayer, with the laying on of hands in which the members of the presbytery join, ordains the licentiate to the office of the holy ministry. At the conclusion of the prayer the minister ordained rises and the moderator says:

In the Name of the Lord Jesus Christ, the King and Head of the Church, and by authority of this presbytery we hereby declare you duly ordained to the office of the holy ministry and inducted into this pastoral charge and entitled to all the rights

and privileges thereto appertaining and in token thereof we give you the right hand of fellowship.

The moderator and other members of presbytery give the minister the right hand of fellowship and the formula may be signed by the minister. The minister and people are then exhorted as to their respective duties and, on retiring from the church the members of the congregation give their minister the hand of welcome. When the presbytery resumes the minister shall sign the formula if this has not already been done and the clerk shall add the minister's name to the roll of the presbytery. The presbytery shall instruct the clerk to register the minister for the celebration of marriages.

**6.29. Session notified.** Certified intimation of the ordination and induction is sent by the clerk to the session clerk to be engrossed in the minutes of the next meeting of the session.

## INDUCTIONS

**6.30. Call to minister not a member of a presbytery.** If the call is to a minister eligible for a call who is not a member of a presbytery the call with an extract minute regarding the terms of settlement and the liabilities of the congregation shall be sent to the clerk of the presbytery holding jurisdiction who shall instruct the minister to attend the next meeting of the presbytery to respond to the call.

**6.31. Call to minister of same presbytery.** If the call is to a minister who is a member of the same presbytery an edict of proposed translation summoning parties to the next meeting of presbytery is issued as soon as the call is sustained or, on receipt of the call, the clerk of the presbytery may issue the edict of proposed translation so that both congregations may be represented at the meeting of presbytery when the call is laid on the table. When commissioners are present from both congregations they are usually heard in the following order,

- (a) One of the commissioners of the congregation calling;
- (b) Two commissioners from the congregation whose minister has been called, and
- (c) One of the parties prosecuting the call is heard in reply.

If the commissioners are unable to attend it is competent for them to send a written statement of reasons for or against the translation.

**6.32. Prayer.** The moderator may offer prayer for guidance at any stage in the proceedings and the minister who has been called may, at any stage, make a statement in regard to the call. Following the decision of the presbytery the moderator may offer prayer for divine blessing on the minister and the

congregations affected by the call.

**6.33. Edict of translation.** An edict of proposed translation must be read to the congregation whose minister is under call on two Sundays in order that a congregational meeting may be convened at which the mind of the congregation may be expressed and commissioners appointed to represent the congregation at the meeting of the presbytery at which the call is to be dealt with.

**6.34. No translation.** If the presbytery resolves not to translate all procedures in connection with the call are stopped and both congregations are notified accordingly.

**6.35. Translation.** If the presbytery agrees to translate it shall place the call in the hand of the minister. When the minister intimates acceptance of the call the presbytery shall make arrangements for the induction, appoint an interim moderator for the pastoral charge about to become vacant and instruct the clerk to issue an edict of vacancy.

**6.36. Edict of vacancy.** The edict of vacancy must be read to the congregation concerned on at least one Sunday as soon as possible after the vacancy

**6.37. Call to a minister of another presbytery.** If the call is to a member of another presbytery the call on being sustained, together with an extract minute regarding relative documents, is forwarded to the second presbytery. The clerk of the second presbytery, on receipt of the call, may issue the edict of proposed translation and shall notify the first presbytery of the date of the meeting when the call will be laid on the table of presbytery. The procedure is the same as in the case of a call to a member of the same presbytery except that the second presbytery does not deal with the question of sustaining the call which is the function of the first presbytery.

**6.38. No translation.** If the second presbytery resolves not to translate intimation thereof is sent at once to the first presbytery and all procedure in connection with the call is stopped.

**6.39. Translation.** If the presbytery agrees to translate it places the call in the hand of the minister who is required to intimate acceptance or non-acceptance of the call within thirty days. When the minister intimates acceptance of the call the presbytery instructs the minister to wait for and obey the orders of the first presbytery which makes arrangements for the induction with all convenient speed. The second presbytery shall appoint an interim

moderator for the pastoral charge about to become vacant and instruct the clerk to issue an edict of vacancy.

**6.40. Translation before three years.** A presbytery may approve the translation of a minister from a pastoral charge within three years only in special circumstances.

**6.41. When released from pastoral charge.** The minister called is not released from one pastoral charge until regularly inducted into another unless the translation is to a pastoral charge beyond New South Wales when the presbytery shall fix a date from which the pastoral charge of the minister called shall be declared vacant.

**6.42. Notice of induction.** It is the duty of the presbytery after inducting to a pastoral charge the minister of a pastoral charge under the jurisdiction of another presbytery to give immediate information to that presbytery of the date of the induction so that the edict of vacancy may be duly issued.

**6.43. Call to Minister of another denomination.**

- (a) A congregation may issue a call to a minister or licentiate of another Presbyterian denomination either within Australia or in another country.
- (b) The presbytery of the bounds may process the call but cannot proceed to the induction of the minister under call or to the ordination and induction of the licentiate under call until that minister or licentiate has become a minister of the Presbyterian Church of Australia within the rules and regulations of the General Assembly of Australia.
- (c) The congregation issuing a call to such a minister or licentiate should assist that minister or licentiate, if desirous of accepting the call, to make application through the presbytery of the bounds to the Reception of Ministers Committee to be received as a minister or licentiate of the Presbyterian Church of Australia.
- (d) A presbytery may proceed to the induction of the minister under call or to the ordination and induction of the licentiate under call whose application to be received as a minister of the Presbyterian Church of Australia has been approved by the Reception of Ministers Committee if and when:
  - (i) the minister or licentiate completes any further study required by the Reception of Ministers Committee if prescribed by the College Committee, and

- (ii) the minister or licentiate signs the Formula upon opportunity being given so to do by the presbytery.
- (e) Where a call is issued to a minister of a pastoral charge in a denomination overseas, the presbytery shall forward the call, together with all necessary documents, to the clerk of the presbytery of the minister who has received the call. Any ministers or ruling elders who are known or believed to be able to attend the meeting of the minister's presbytery at which the call is to be taken up may be appointed to act as representatives of the presbytery and of the congregation from which the call proceeds. If the transfer is agreed to by the presbytery overseas the completion of the call and induction proceeds in the usual way.
- (f) A congregation proposing to issue a call to a minister or licentiate who is outside of the Presbyterian Church of Australia should in preparing the terms of call include a provision which allows the congregation to withdraw from the call if the call is not finalised by the induction of the minister or the ordination and induction of the licentiate under call within a defined period.

**6.44. Ministers from other churches.** Licentiate and ministers from other Presbyterian churches and ministers from other churches pass under the direction of the committee on Ministry and Mission for one year as far as their appointments are concerned except as otherwise provided by the General Assembly of Australia.

**6.45. Induction.** The procedure for an induction is the same as in the case of ordination except that trials are not prescribed nor is the action of ordination repeated. The declaration used by the moderator is:

In the Name of the Lord Jesus Christ, the King and Head of the Church, and by authority of this presbytery we hereby declare you duly inducted into this pastoral charge and entitled to all the rights and privileges thereto appertaining and in token thereof we give you the right hand of fellowship.

## RESIGNATIONS

**6.46. Resignation of pastoral charge.** A minister shall resign from a pastoral charge only to the presbytery and no resignation shall be accepted until careful inquiry has been made into the causes which have led to it and until the congregation shall have been cited to declare its mind in regard thereto.

**6.47. Edict of resignation.** An edict of resignation of a minister must be read on two Sundays to the congregation of the minister who has resigned to the presbytery in order that a congregational meeting shall be convened at which the mind of the congregation may be expressed and commissioners appointed to represent the congregation at the meeting of the presbytery at which the resignation will be considered. This procedure applies also in the case of a minister whose resignation is from the ministry of the Presbyterian Church of Australia.

# 7

## CANDIDATES FOR THE MINISTRY

### CANDIDATES

**7.01. Qualification** A person applying for acceptance as a candidate for the ministry must be a communicant member with at least six months' standing in a congregation of the Presbyterian Church of Australia in the State of New South Wales and must be an active and effective elder, or if not an elder, of suitable Christian maturity and endowed with the spiritual gifts necessary to exercise a significant spiritual leadership including the potential to serve effectively as the moderator of a session.

**7.02. Application** Application for acceptance as a candidate for the ministry is made in the first instance to the presbytery of the bounds. To the presbytery belongs the right and duty of judging the fitness or otherwise of persons within its jurisdiction who apply to be accepted as candidates for the ministry. The presbytery may accept such persons only after:

- (a) the presbytery has received a report from the session of the congregation to which the applicant belongs,
- (b) the presbytery has received a report from a candidate's review panel operated by the committee on theological education,
- (c) the presbytery has contacted any other presbytery in the Presbyterian Church of Australia within the bounds of which the applicant may have served in the last five years, to obtain disclosure to the initiating presbytery of any reasons for which a responding presbytery might consider the applicant unsuitable for the ordained ministry and seeking, if appropriate, a referee from that presbytery.
- (d) In the case that an applicant has been involved in a church other than the Presbyterian Church of Australia in the last five years, the presbytery has contacted an appropriate person in that church seeking disclosure of any reasons for which the applicant may be considered unsuitable for the ordained ministry and seeking a referee.

**7.03. Session Report** The session, when submitting the report required in 7.02, must advise the presbytery of its satisfaction or otherwise in relation to each of the qualifications there listed.

**7.04. Presbytery** The presbytery shall satisfy itself, by careful inquiry, of the applicant's general health, maturity and suitability for training as a

candidate for the ministry.

**7.05. Provisional Candidature** If the presbytery is satisfied of the applicant's suitability on all grounds for the work of the ministry, it may accept the applicant as a candidate. Such acceptance shall be provisional upon the satisfactory completion of all relevant requirements for the ensuing twelve months. Should circumstances so indicate, the presbytery may extend the period of provisional candidature.

A candidate for the ministry is required to commence the course of training within two years of being accepted as a candidate unless the faculty gives permission to extend this time.

The presbytery shall inform the Principal of the PTC of the resolution accepting the candidate and any developmental goals and shall include a copy of the application for candidature.

**7.06. Presbytery Jurisdiction** A candidate for the ministry is initially under the care and jurisdiction of the presbytery which granted candidature. If a candidate is appointed for a period of more than three months to any sphere of service within the church (including a Field Education Scheme or similar appointment) outside the bounds of the presbytery having jurisdiction over the candidate, or if a candidate transfers membership to a congregation outside that presbytery, the presbytery shall transfer jurisdiction to the presbytery within the bounds of which the candidate is thus located, forwarding the candidate's application form and associated documents to the second presbytery and advising the committee on theological education of the transfer.

This rule shall not apply in the case of a candidate who is in the final year of training and who, in accordance with Rule 7.09, requests the presbytery having jurisdiction at the commencement of the final year of training to take the candidate on trials for licence.

**7.07. Presbyterial Care** Presbyteries are required to interest themselves in the welfare of the candidates under their jurisdiction and shall encourage the candidates under their jurisdiction (if any) to attend the meetings of the presbytery.

At the commencement of each academic year, the presbytery shall determine, in consultation with the candidate, developmental goals for the candidate, and the means by which the achievement of those goals will be measured. The presbytery, by mutual agreement with the candidate, shall also appoint a mentor who will advise and assist the candidate in the pursuit of agreed goals. The mentor shall not be the candidate's FES trainer and, by preference, should be a ruling or teaching elder or a deaconess.

The Committee on Theological Education shall forward an annual report (which may be prepared by a candidates' review panel) to the presbytery

concerning the suitability on all grounds of the candidates under that presbytery's jurisdiction and all candidates shall report to the presbytery on the progress of their studies. Thereupon the presbytery shall conduct a review of each candidate under its jurisdiction determining either to sustain or terminate that candidate's candidature. Candidature may be sustained provisionally if the presbytery is concerned about aspects of the candidate's performance or development. If candidature is sustained, the presbytery will again establish developmental goals for the candidate for the ensuing twelve months and submit to the Faculty a recommendation regarding the candidate's readiness to proceed to the next stage of training.

**7.08. Termination** If candidature is not sustained it must be terminated, however no termination shall be effected unless the presbytery has previously advised the candidate of specific concerns held by the presbytery, agreed with the candidate on strategies for remediation, and appointed a mutually acceptable mentor to assist the candidate in the pursuit of relevant goals.

If candidature is terminated, the presbytery shall inform the committee on theological education of its decision.

## LICENTIATES

**7.09. Applications for licence.** A candidate may apply to be taken on trials for licence to the presbytery holding jurisdiction or to the presbytery which initially accepted the candidate. As soon as the candidate shall have satisfied the requirements for entrance to the final year of the course the candidate shall advise the committee on Theological Education and the presbytery holding jurisdiction concerning the presbytery to which it is intended to apply for licence. The committee shall send a list of candidates and their presbyteries to the clerk of each presbytery in the State not later than 31 January, with the intimation that if no objections are received from any other presbytery before 30 April by the presbytery to which the candidate intends to apply, the presbytery will take the candidate on trials for licence. If, for any special reason deemed sufficient by the presbytery to which the candidate applies for licence, the name of any candidate has not been given in for insertion in the aforesaid list the presbytery may itself send the name of the candidate to other presbyteries with intimation that if no objection is received within three calendar months it will proceed to take the candidate on trials for licence. In this case the expense of intimation shall fall on the candidate. If a presbytery objects to the licensing of a candidate the objection must be referred to the Assembly or the Commission of Assembly. If no presbytery objects or if the Assembly or its Commission gives permission a presbytery may take a candidate on trials for licence at any time after 30 April of the candidate's final year, providing that, at the time of the trials, the candidate shall have held communicant membership in one or more

congregations of the Presbyterian Church of Australia for at least the previous two years. Before a presbytery takes on trials for licence a candidate not under its jurisdiction, it shall obtain from the presbytery holding jurisdiction a current report on the candidate's work together with the candidate's file. The presbytery may set the trials and examine the candidate and if the trials are satisfactory sustain them but in no case shall the presbytery licence a candidate until it has received a certificate from the College Committee officially attesting that the candidate has satisfied all the requirements of the General Assembly of Australia and until it has satisfied itself as to the character of the candidate.

A candidate for the ministry may not be licensed in less than one year after the receipt by a presbytery of his application for candidature.

**7.10. Trials.** The trials shall be conducted either by the presbytery itself or a committee thereof which shall recommend to the presbytery afterwards whether the trials shall be sustained or otherwise. The trials shall be of the following nature:

- (a) The conduct of an ordinary service of worship on a Sunday, in the presence of a minister and elder appointed by the presbytery or its committee, who shall confer with the candidate and shall report to the presbytery or its committee, and
- (b) an oral examination, in private, on the doctrine, practice and procedure of the Presbyterian Church of Australia, with special reference to the courts of the Church and the organisation of the congregation and also to the doctrine of the Church and Sacraments as dealt with in chapters xxv, xxvii, xxviii and xxix of the Westminster Confession of Faith, and
- (c) a conference with the presbytery or its committee on the aims and methods of the Christian ministry.

**7.11. Transfer.** At the request of an applicant for licence and on sufficient reason shown, the presbytery holding jurisdiction may transfer the applicant to the jurisdiction of another presbytery. The certificate of transference must state what stage the candidate has completed in the course and whether the candidate has been regularly received for trials and what part, if any, of the trials has already been sustained.

**7.12. Licensing.** When a presbytery has resolved to licence a candidate as a preacher of the gospel the moderator of the presbytery shall put to the candidate the questions appointed by the General Assembly of Australia. Satisfactory answers having been given the moderator addresses the candidate on the responsibilities about to be undertaken and, after prayer, addresses the licentiate in the following words:

In the Name of the Lord Jesus Christ, and by the authority which he has given to the Church, we licence you to preach the gospel wherever God in his

providence may call you and may the blessing of God rest upon you and may the spirit of Christ fill your heart.

The moderator then gives the licentiate the right hand of fellowship. The licentiate signs the formula and the clerk adds the name of the licentiate to the roll of licentiates of the presbytery.

**7.13. Supervision and direction.** On receiving an Exit Certificate, a candidate for the ministry ceases to be under the direction of the committee on Theological Education. Licentiates remain under the supervision and subject to the authority of the presbytery which licensed them until they are regularly transferred to another presbytery. Licentiates pass under the direction of the committee on Ministry and Mission for one year as far as their appointments are concerned and the control of the presbytery is subject to this limitation only.

#### ORDINATION WITHOUT INDUCTION

**7.14. Ordination special circumstances.** A presbytery may ordain a licentiate without an induction to a pastoral charge under the following circumstances:

- (a) For the administration of the sacraments in remote localities on the recommendation of the committee on Ministry and Mission or on its own initiative.
- (b) For service as a chaplain to the navy, army or air force on the recommendation of the committee on Ministry and Mission.
- (c) For appointment to an office authorised by the Assembly at the request of the Assembly or a committee, board or council of the Assembly empowered to fill such an office.
- (d) For appointment to an appointment charge or home mission station for a period of one year or more on the recommendation of the committee on Ministry and Mission.
- (e) For service in another body in which the Presbyterian Church has a sharing concern and where such service is deemed necessary for the ordained ministry and on the recommendation of the committee on Ministry and Mission.
- (f) For appointment as an assistant to a minister and whose appointment is for a period of one year or more and on the recommendation of the committee on Ministry and Mission.

#### DEACONESSES

**7.15. Acceptance of deaconess candidates.** Procedures for the acceptance of Deaconess candidates shall be the same as those for the acceptance of candidates for the ministry.

**7.16. Jurisdiction.** For the duration of her course of training a Deaconess candidate shall be under the jurisdiction of the presbytery that accepted her as a candidate or within whose bounds she is working.

**7.17. Commissioning.** Upon satisfactory completion of Deaconess trials as set by the presbytery having jurisdiction or under which she was first accepted as a Deaconess candidate, the Deaconess may be commissioned by a presbytery at which commissioning she signs the formula.

**7.18. Ministry and Mission Committee advised.** The presbytery shall advise the Ministry and Mission Committee that she has been commissioned as a Deaconess.

#### VOTING PROCEDURE ON ACCEPTANCE OF CANDIDATES FOR THE MINISTRY AND DEACONESSES

**7.19. Majority required.** In decisions by a court of the church regarding the acceptance of a person's candidature, a three-fifths majority of those present and voting is required.

# 8

## THE GENERAL ASSEMBLY

### CONSTITUTION

**8.01. N.S.W. Assembly.** The General Assembly of the Presbyterian Church of Australia in the State of New South Wales is the court of the church immediately above the presbytery and is supreme in all church matters except those included under Article iv of the Articles of Agreement of the Deed of Union, 1901.

**8.02. Members.** The Assembly consists of:

- (a) Ministers whose names, when the roll of Assembly is fixed, are on the membership rolls of the presbyteries within the bounds of the Assembly's jurisdiction.
- (b) One elder for 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 the pastoral charge as an associate or colleague.
- (c) Elders to whom seats on a presbytery have been granted by the Assembly.
- (d) The Law Officers or the Acting Law Officers, the General Manager and the members of the Trustees. Any who are not acting elders or who do not have a seat on a presbytery do not have power to vote.
- (e) An elder being moderator of the Assembly.

**8.03. Officers.** The officers of the Assembly are the moderator, the clerks, the procurator, the law agent and the convener of the Business Committee.

**8.04. Moderator nomination and election.** The moderator is chosen annually in the following manner:

Each presbytery sends to the clerk of the Assembly not later than 31 August one or more names of ministers on the roll of the Assembly or of acting elders of sessions within the bounds of the Assembly's jurisdiction with the number of votes in favour of each nominee, or if there be only one name forwarded the number of votes in favour of that person. The clerk shall notify all

persons nominated and any person wishing to withdraw from nomination shall notify the clerk of the Assembly prior to 30 September. Immediately after 30 September the clerk shall issue to presbyteries a report on the nominations, and any presbytery desiring to make any alteration to its first nomination may send a second nomination to the clerk of the Assembly not later than 31 December provided the first nomination was received by the clerk not later than 31 August. If no second nomination is made the first nomination stands. When a nominee has not received an absolute majority of votes the Clerk of the Assembly shall immediately send to presbyteries a report on the nominations. Each presbytery which has forwarded nominations shall notify the Clerk of Assembly prior to 1 March the number of votes in favour of each of the two nominees receiving the highest number of votes. When the nominations have been received by the Assembly the election of moderator proceeds. Whilst it has been the custom to elect the person having an absolute majority of votes the Assembly has always reserved to itself the right of setting aside any or all of the nominees. If more than one is nominated in the Assembly the vote is taken in the usual way and the individual with the final majority of votes is declared duly elected. In case of equality the moderator has a casting vote. The newly elected moderator is then conducted to the chair and delivers an address.

**8.05. Vacancy in moderatorship.** In the event of a vacancy in the moderatorship occasioned by death or otherwise, or in the event of the moderator being incapacitated by mental or bodily infirmity, the most recent former moderator who is available becomes the occupant of the vacant office and discharges the duties thereof until the next annual meeting of the Assembly. In the event of the moderator, through illness or absence from the bounds of the Assembly, being unable to discharge the duties of his office and so long as he is unable to do so, his most recent predecessor in office who is available and who, at the moderator's request or failing that at the request of the clerk, is willing to act becomes and is styled the "Acting Moderator" and is deemed to be the moderator for all purposes and may describe himself in legal documents as such.

**8.06. Clerk.** The Assembly appoints one or more clerks who are permanent officers and hold office under regulations prescribed by the Assembly.

**8.07. Vacancy in clerkship.** When a vacancy occurs in the clerkship of the Assembly and an acting Clerk is appointed the acting clerk shall have all the powers and authority of the Clerk.

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

**8.09. Nobile officium.** The Assembly claims for itself in all matters on which it is supreme the nobile officium in the same manner as it is claimed by the General Assembly of Australia in matters in which it has supreme jurisdiction.

## MEETINGS

**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.

**8.11. Quorum.** Sixteen members representing at least four presbyteries, and at least one-half of whom are ministers, form a quorum of the Assembly.

**8.12. Emergency Meeting.** An emergency meeting of the Assembly is convened by the moderator on a requisition from not fewer than ten members representing at least three presbyteries and on not less than seven days' notice but no action can be taken at such meeting except in reference to the matters specified in the circular. Nor can the business be proceeded with unless there is a quorum present and unless the action of the requisitionists and of the moderator in convening the meeting is approved by a majority of the members present.

**8.13. Ministerial changes and elders' commissions.** At any meeting of the Assembly called for special purposes or an emergency meeting a report on ministerial changes may be received and elders' commissions in favour of those appointed to fill vacancies caused by death, resignation, suspension or removal from office may be sustained.

**8.14. Minutes published.** The minutes of proceedings of the annual session of Assembly and of the Commission of Assembly and of any meetings called for special purposes and emergency meetings held during the previous year are published as soon as possible after the close of the annual session.

**8.15. Order of business.** The business of the annual session of Assembly shall be ordered as follows:

- (a) At the commencement of the annual session of Assembly the moderator of the previous annual session in the name of the Lord Jesus Christ, the King and Head of the Church, constitutes the Assembly with prayer, the reading of scripture and the singing of a hymn of praise.
- (b) The minutes of the previous annual session of the Assembly, of the Commission of Assembly and of any meetings called for

- special purposes or emergency meetings which may have been held are confirmed.
- (c) The permanent minutes consist of a copy of the Blue Book and each page of the minutes when confirmed is signed by the moderator and clerk and the Blue Book so signed is retained as the permanent record of the proceedings of the previous session of the Assembly.
  - (d) The clerk then intimates the changes that have been made in the roll by death, removal or accession since last Assembly according to the intimations he has received from the clerks of presbyteries.
  - (e) The roll of assembly is then made up and adopted by the Assembly.
  - (f) The Assembly proceeds to the election of the moderator.
  - (g) The newly elected moderator conducts public worship.
  - (h) The report of the Business Committee is submitted.
  - (i) The Lord's Supper shall be observed during every annual session of Assembly at a time determined by the Assembly. The moderator appoints ministers and elders to assist at the service and assigns to them their duties. If the moderator is an elder the most recent former moderator who is available, being a minister, shall preside.
  - (j) when the business of the annual session has concluded, the moderator addresses the Assembly.
  - (k) After prayer and the singing of a hymn of praise, the moderator intimates the time and place of next meeting. Then in the name and by the authority of the Lord Jesus Christ, the King and Head of the Church, the moderator declares the session of the General Assembly closed and pronounces the benediction.

#### COMMISSION OF ASSEMBLY

**8.16. Commission of Assembly.** In addition to any special commission which the Assembly may appoint the ordinary Commission of Assembly meets as appointed by the Assembly and transacts any special business remitted to it as well as the business covered by the following Act:

The Commission of Assembly consists of all the members of the Assembly, the quorum being the same as the quorum of the Assembly. The moderator of the General Assembly is chairman of the commission, and the clerks of Assembly are clerks of the commission.

And the General Assembly hereby fully empowers the said commission, or the quorum thereof, to enter into and finally determine, as it shall see cause, in every matter referred to it, or which shall be referred to it, by or in virtue of any

act or order of the Assembly, and to do everything contained in, and conform to, the instructions given, or to be given, by the Assembly; and to advert to the interests of the Church on every occasion, that the Church do not suffer or sustain any prejudice which the commission can prevent, as the commission shall be answerable; provided always that this general clause be not extended to particular affairs or processes before presbyteries, that are not of universal concern to, or influence upon the whole Church; and that what shall be determined at one meeting of the commission with relation to private causes shall be unalterable by any other meeting thereof, and shall stand and continue in force till disapproved of by the General Assembly.

Further, the said commission is hereby fully empowered to receive any references, appeals and complaints that shall be made to the commission from presbyteries in matters of doctrine, and ripen such references, appeals and complaints for the next Assembly, and to contribute what it can to the suppression of vice and immorality, and to give all needful advice and assistance to presbyteries and committees of the Assembly upon application to it for that end.

And further, the commission is empowered to grant leave to presbyteries to take students on trials for licence.

The commission is hereby strictly forbidden to meddle in any other matters than what are committed and referred to it as above mentioned.

In all its actings the commission is to proceed according to the acts and constitution of this church, and shall be accountable to and censurable by the Assembly, as the Assembly shall see cause.

Members are required to attend the meetings of the commission, and for the better securing a quorum and attendance of members, the General Assembly hereby forbids all presbyteries to meet on any of the days appointed for the meeting of the commission except by permission of the commission; and such of the members of presbyteries as are on the commission are required, all of them, to give attendance to the meetings thereof; provided always that when any presbytery of this church shall decline to comply with the sentence of the commission, or to give the same a full execution, the commission is hereby forbidden to execute the same, but shall allow the same to lie over to the ensuing Assembly, to which such presbytery shall be answerable for such its conduct, and is hereby appointed to send up its reasons for the same.

**8.17. Pastoral Relations Commission.** There shall be a commission of the General Assembly called the Pastoral Relations Commission whose function will be to assist presbyteries in dealing with difficult pastoral relationships. The minutes of the Commission together with any reports prepared by the Commission shall be retained in the custody of the Clerk of Assembly. They shall remain confidential to the members of the Commission and to the parties to whom they are addressed and shall not be made available to

the General Assembly unless the General Assembly should first resolve that there are special circumstances that justify a review of the Commission's proceedings.

### ASSEMBLY APPOINTMENTS

**8.18. Committees.** Standing and special committees are appointed by the Assembly for the management of the schemes of the church and other operations of a permanent character.

**8.19. Business Committee.** The Assembly shall appoint a Business Committee whose membership, powers and duties shall be defined by the Assembly.

**8.20. Law officers.** The Assembly shall appoint a procurator and law agent who become members of the Assembly by virtue of their office. Their duties and status shall be defined by the Assembly.

**8.21. General Manager.** The Assembly shall, after first receiving the recommendation of the property trust, appoint a General Manager. The General Manager shall be the official head of the Church Offices and shall be responsible to the Trustees for the provision of up to date financial information concerning all activities of the Church and alerting the Trustees to any developing trends with which the trust should be concerned. The General Manager shall be a member of all committees elected by the Assembly and may appoint the Secretary to the Property Trust to deputise for him in the exercise of this responsibility. The General Assembly may make regulations relating to the General Manager and the appointment thereof. Any reference in any rule or regulation of the Church to the General Secretary shall be deemed to be a reference to the General Manager.

**8.22. Auditor.** The Assembly shall appoint an Official Auditor who shall undertake, annually, an audit of the financial affairs of all church organisations, provided that the Trustees may, with the consent of the Official Auditor, approve alternative audit arrangements for any particular activity or organisation of the church.

All organisations of the church shall prepare annual Statements of Financial Position and of Financial Performance which statements must be audited by the Official Auditor unless the Official Auditor approves an alternative arrangement agreeable to the Trustees.

**8.23. Members of faculty.** The appointment of Professors and full-time lecturers, who shall, upon taking up their appointment, become members of

the Theological Hall faculty, is to be made by the Assembly, by way of the deliverance of the report to the Assembly of the Committee on Theological Education. The Committee shall call for applications for any vacant position, conduct interviews and bring a nomination to the Assembly. If the Standing Committee declines to endorse the recommendation of the Executive, it may not substitute another name but may either request the Executive to conduct fresh interviews or may appoint an interviewing committee consisting of six members of the Executive and up to six others who may bring a recommendation directly to the Assembly. The Assembly may also hear any subsequent appeal of an aggrieved party and may appoint a special commission of up to twelve persons who shall be empowered to make an appointment no later than September if it is to take effect at the commencement of the following year.

**8.24. Minister appointed released and inducted.** When a minister of a pastoral charge under the jurisdiction of the Assembly is appointed to a professorship or other office the Assembly on making the appointment requests the minister and the presbytery having jurisdiction to take the necessary steps to secure the release of the minister and requests a presbytery to arrange for the induction or setting apart.

## FINANCE AND PROPERTY

**8.25. Trustees.** All property held for the church generally or for any congregation thereof or for any other purpose in connection with the church or any congregation thereof or for any person or body connected therewith, including all moneys belonging to the general funds of the church, is vested in the Trustees appointed by the General Assembly in terms of the Property Trust Act. The purchase of freehold and leasehold lands as an investment and the sale from time to time of such lands belonging to the church as are held for general purposes and all matters connected with the resumption by any government or other public authority of any property belonging to the church including the settlement of all purchase prices and the making, prosecution and determination of all resumption claims and other ancillary and incidental matters shall be in the hands and according to the discretion of the Trustees. The Trustees shall have full discretionary powers and authority to discharge and carry out all necessary executive functions and acts relative to the general administration of the temporal affairs of the church in relation to the work of the Church Offices and the officers appointed to do and engage in such work as occasion may require, and in particular to make such advances of money on such securities as may appear to the Trustees to be sufficient, and manage, direct, regulate, control and deal with all investments and re-investments subject to such terms and conditions as shall seem advisable to the Trustees, and may fix and pay from time to time all salaries, remunerations and bonuses which they may from time to time think

proper to settle and allow either for general ascertained services or duty or for particular or special services rendered, and it shall not be necessary for the Trustees to obtain either the previous consent or direction or subsequent confirmation of the General Assembly to any act done or disbursement made in the premises ALWAYS PROVIDED that appointments of the Ministry and Mission Superintendent, the General Manager and such other officials as are or may hereafter be entitled to a seat in the General Assembly by virtue of their office shall be made by the General Assembly.

**8.26. Assembly Fund.** The Assembly has a fund known as the Assembly Fund out of which the honoraria to the moderator and clerks, the travelling expenses of the presbytery representatives to the meetings of the standing committees, the proportion of office expenses, and all necessary expenditure connected with the management of the Assembly's business are defrayed and such other payments made as the Assembly may determine.

**8.27. Basic stipend.** The Assembly may, on the recommendation of the committee on Ministry and Mission, declare a basic stipend.

#### RELATIONSHIP TO GENERAL ASSEMBLY OF AUSTRALIA

**8.28. Commissioners to General Assembly of Australia.** When the ballot is taken at the Assembly a ballot, when required, is also taken for the appointment of commissioners to the General Assembly of Australia and for membership of its commissions and committees.

**9****ASSEMBLY COMMITTEES**

**9.01 Assembly committees.** The Assembly shall appoint committees which shall be either ordinary or special committees.

**ORDINARY COMMITTEES**

**9.02 Ordinary Committees.** Ordinary committees conduct the continuing functions of the Assembly and their designation as ordinary committees is determined by the Assembly. The fact that such a committee is an ordinary committee shall be noted in the minute establishing the committee.

**9.03 Membership of ordinary committees.** The membership of ordinary committees will be specified in the regulations of that committee. One third of those elected to the membership of a committee shall retire each year with the retiring members being eligible for re-election. Nominations to fill any vacancies shall be made by the respective committee prior to the Assembly and the names shall be forwarded forthwith to the Clerk of the Assembly who shall cause such names together with the names of all other members of the committee to be printed in the White Book. Further nominations may be made by any member of the Assembly provided that such nominations are in writing and handed to the Clerk of the Assembly not later than 2.00 p.m. on the Wednesday afternoon of the Assembly. Thereafter the Ballot Committee shall prepare a ballot paper and the ballot is taken on the following day. The result of the ballot is declared as soon as possible and such declaration is final. In the event of equality of votes, the Moderator shall have a casting vote.

**SPECIAL COMMITTEES**

**9.04 Special committees.** The Assembly may appoint special committees from time to time with the membership of the committee specified in the minute of the Assembly establishing such committee. Special committees shall be appointed by the Assembly only if the Assembly has determined that the subject matter with which such committee is to deal cannot adequately be dealt with by an existing committee. The fact that such a committee is a special committee shall be noted in the minute establishing the committee.

**9.05 Regulations of special committees.** Special committees appointed by the Assembly shall be governed by regulations granted by the Assembly or, if regulations have not been granted, shall function in accordance

with the resolution of the Assembly which set them up.

**9.06 Dissolution of special committees.** Special committees shall report to the Assembly which, at the time of the report, shall decide whether to continue the appointment of that committee or not.

#### GENERAL RULES FOR COMMITTEES

**9.07 Additional members of committees.** In addition to the members of the ordinary committees and special committees elected by the Assembly the following shall also be members of all committees:-

- (a) The Moderator and Clerk or Clerks of Assembly.
- (b) The General Manager of the Church.

**9.08 Minutes.** Minutes of meetings of all committees shall be sent to the clerk of each presbytery for the information of members of presbytery within one month of each meeting of the Committee.

**9.09 Conveners.** The Assembly shall elect the conveners of all its committees.

**9.10 Special members.** The Assembly retains the right of adding other persons for special reasons to its committees either as full members or as members for stated purposes.

**9.11 Meetings.** Each committee shall fix the times and the places for their meetings.

**9.12 Seat forfeited.** A committee shall declare vacant the seat of any elected member who is absent from three consecutive meetings of the committee without obtaining leave of absence or supplying valid reason for such absence to the committee.

**9.13 Vacancy.** In the event of a vacancy in the elected membership or the convenership of a committee however occurring, the committees shall have power to fill such vacancy which appointment shall hold good until the next meeting of the Assembly.

**9.14 Regulations.** Each committee shall be governed by regulations approved by the Assembly and such regulations shall be promulgated, amended, suspended or repealed only by motion of which notice has been given not later than at the second sederunt of the Assembly.

**9.15 Variation of activities.** The Assembly may, by motion of which notice has been given not later than at the second sederunt of the Assembly, add another activity to those of any committee or transfer the responsibility for any activity from one committee to another.

**9.16 Report and deliverance to the Assembly.** The report and deliverance of each committee to the Assembly shall be approved by the full committee before it is submitted for inclusion in the White Book. Any recommendation in any report shall not be held as adopted by the Assembly unless it is definitely set forth in the deliverance which has been approved by the Assembly.

**9.17 Conveners' expenses.** Committees shall refund all out-of-pocket expenses incurred by conveners but no honorarium, nor any other consideration shall be given without the express consent of the Assembly.

**9.18 Members' travelling expenses.** Committees may reimburse all members for travelling expenses for attendance at meetings. A committee which does not have funds may request the Trustees to provide adequate funds for this purpose and upon such request the Trustees may make such funds available.

**9.19 Production of records.** The Assembly may, by motion duly passed at any sederunt, call for the production of all records of any committee.



# DECLARATORY ACTS

## 1991

**Rule 1.42.** (Numbered as 1.41 in the earlier edition.)

- (1) A proposed exercise by a presbytery of its powers contained in the final paragraph of Rule 1.42 should be considered with very great care; and
- (2) If such action is proposed, a presbytery should by resolution specify:
  - (a) the relevant vital interests of the congregation, and
  - (b) why the proposed exercise by the presbytery of its power to take action under Rule 1.42 is necessary to protect these vital interests.

## 1993

### **Communications:**

Declare that the Assembly should not receive as a Communication a document which could be submitted in another form but may receive as a communication

- i. the resignation of an Assembly officer.
- ii. the submission of documents addressed to the General Assembly of Australia as the superior court.
- iii. any other communication which has been approved by the Assembly's Business Committee.

## 1998

### **Disputes:**

Declare that church members who are engaged in any conflict before the church courts should act with restraint, refrain from any action which might prejudice a fair consideration of that case or pre-empt the court's judgement and contain the matter within the church.

## 2004

Declare that when the word 'parish' is used in Parts I, II and III of The Code, it

has the same meaning as 'pastoral charge' in 1.02 of The Code. [Commission of Assembly April, 2004 Min. 21]

# APPENDIX

## A. THE BARRIER ACT The Church of Scotland 1697

The General Assembly, taking into their consideration the Overture and Act made in the last Assembly concerning Innovations, and having heard the report of the several Commissioners from Presbyteries to whom the consideration of the same was recommended, in order to its being more ripely advised and determined in this Assembly; and considering the frequent practice of former Assemblies of this Church, and that it will mightily conduce to the exact obedience of the Acts of Assemblies, that General Assemblies be very deliberate in making of the same, and that the whole Church have a previous knowledge thereof, and their opinion be had therein, and for preventing any sudden alteration or innovation, or other prejudice to the Church, in either doctrine or worship, or discipline, or government thereof, now happily established; do, therefore, appoint, enact and declare that before any General Assembly of this Church shall pass any Acts which are to be binding rules and constitutions to the Church, the same Acts be first proposed as Overtures to the Assembly, and, being by them passed as such, be remitted to the consideration of the several Presbyteries of this Church, and their opinions and consent reported by their Commissioners to the next General Assembly following, who may then pass the same into Acts, if the more general opinion of the Church, thus had, agree thereunto.

## B. QUESTIONS AT ORDINATION AND INDUCTION

### (1) **Ministers:**

#### **To be answered by members of the congregation:**

- (1) Do you, the members and adherents of this congregation, adhere to the call which you have already subscribed in favour of Mr. A.B. to be your minister?
- (2) Do you now cordially receive him as your minister, promising to provide for him suitable maintenance, and give him all due respect, encouragement and obedience in the Lord?

#### **To be answered by ministers:**

- (1) Do you believe the Word of God which is contained in the Scriptures of the Old and New Testaments, to be the only rule

of faith and practice?

- (2) Do you own and accept the Westminster Confession of Faith, as amended by the General Assembly, and read in the light of the Declaratory Statement contained in the Basis of Union adopted by this Church on the 24th day of July, 1901, as an exhibition of the sense in which you understand the Holy Scriptures, and as a confession of your faith; and do you engage firmly and constantly to adhere thereto, and to the utmost of your power to assert maintain and defend the same?
- (3) Do you own and accept the purity of worship as practised in this Church?
- (4) Do you own the Presbyterian form of government to be founded on the Word of God and agreeable thereto? And do you promise that through the grace of God, you will firmly and constantly adhere to, and to the utmost of your power, in your station, assert, maintain, and defend the same?
- (5) Are zeal for the glory of God, love to the Lord Jesus Christ, and a desire to save souls, and not worldly interests or expectations, so far as you know your own heart, your great motives and chief inducements to the work of the Holy Ministry?
- (6) Do you accept this call, and promise through grace to perform all the duties of a faithful minister of the gospel among this people?
- (7) Do you promise to give conscientious attendance upon the courts of this church, and to direct your best attention to the business thereof, doing all in the spirit of faithfulness, brotherly kindness, and charity?
- (8) Do you promise, in the strength of Divine grace, to lead a holy and circumspect life, to rule well your own house, and faithfully, diligently, and cheerfully to perform all the parts of the ministerial work to the edifying of the Body of Christ in love?
- (9) All these things you profess and promise through grace, as you shall be answerable at the coming of the Lord Jesus Christ?

**(2) Licentiates:**

**To be answered by Licentiates:**

- (1) Do you believe the Word of God which is contained in the Scriptures of the Old and New Testaments, to be the only rule of faith and practice?

- (2) Do you own and accept the Westminster Confession of Faith, as amended by the General Assembly, and read in the light of the Declaratory Statement contained in the Basis of Union adopted by this Church on the 24<sup>th</sup> day of July, 1901, as an exhibition of the sense in which you understand the Holy Scriptures, and as a confession of your faith; and do you engage firmly and constantly to adhere thereto, and to the utmost of your power to assert, maintain, and defend the same?
- (3) Do you own and accept the purity of worship as practised in this Church?
- (4) Do you own the Presbyterian form of government to be founded on the Word of God and agreeable thereto; and do your promise that through the grace of God, you will firmly and constantly adhere to, and to the utmost of your power, in your station, assert, maintain and defend the same?
- (5) Are zeal for the glory of God, love to the Lord Jesus Christ, and a desire to save souls, and not worldly interests or expectations (so far as you know your own heart), your great motives and chief inducements to the work of the Holy Ministry?
- (6) Do you promise in the strength of Divine grace to lead a holy and circumspect life, faithfully fulfilling all appointments and instructions given you by competent authority, in accordance with the laws of this Church?
- (7) All these things you profess and promise through grace, as you shall be answerable at the coming of the Lord Jesus Christ?

**(3) Elders:**

**To be answered by members of the congregation:**

- (1) Do you, the members and adherents of this congregation now confirm the election of A.B. and C.D. to the office of ruling elder in this congregation?
- (2) Do you promise to render him/her/them all due respect and encouragement in the discharge of his/her/their office?

**To be answered by elders:**

- (1) Do you believe the Word of God which is contained in the Scriptures of the Old and New Testaments, to be the only rule of faith and practice?
- (2) Do you own and accept the Westminster Confession of Faith, as amended by the General Assembly, and read in the light of the Declaratory Statement contained in the Basis of Union

adopted by this Church on the 24th day of July, 1901, as an exhibition of the sense in which you understand the Holy Scriptures, and as a confession of your faith; and do you engage firmly and constantly to adhere thereto, and to the utmost of your power to assert maintain and defend the same?

- (3) Do you own and accept the purity of worship as practised in this Church?
- (4) Do you own the Presbyterian form of government to be founded on the Word of God and agreeable thereto? And do you promise that through the grace of God you will firmly and constantly adhere to, and to the utmost of your power, in your station, assert, maintain, and defend the same?
- (5) Do you adhere to your acceptance of the call of this congregation, to exercise among them the office of ruling elder?
- (6) Do you engage through Divine Grace to discharge with diligence and faithfulness the various duties of your office, watching over the flock, showing yourself a pattern of good works, and giving a conscientious attendance on the meetings of Session, Presbytery, and Assembly, when duly called to do so?
- (7) All these things you profess and promise through grace, as you shall be answerable at the coming of the Lord Jesus Christ?

### C. THE FORMULA

To be signed by ministers, licentiates and elders

I own and accept the Subordinate Standard of this Church, with the explanations given in the Articles contained in the Declaratory Statement, as an exhibition of the sense in which I understand the Holy Scriptures, and as a confession of my faith. I further own the purity of worship practised in this Church and the Presbyterian government thereof to be founded on the Word of God and agreeable thereto; and I promise that through the grace of God I shall firmly and constantly adhere to the same, and to the utmost of my power shall, in my station, assert, maintain, and defend the doctrine, worship and government of this Church.

### D. EDICTS

#### (1) Election of Elders.

The session of this congregation has decided to add *two* more people to the eldership. A meeting of the congregation will be held in *Wakool* Church

on the *30th of June 20\_\_* to elect the new elders. Communicant members are invited to hand to the Session Clerk on or before the *12th of June 20\_\_* the nomination of people suitable for election to the position of elder.

*22nd May 20\_\_* .

*A. Signature*  
Session Clerk

**(2) Admission of elder from another congregation.**

The session plans to admit A. B. who was an elder of the congregation at *Moonbi*, to the session in this congregation. If any communicant has any objections to A. B. becoming an elder in our congregation, you must hand your objection, in writing, to the Session Clerk on or before the *20th of November 20\_\_*. If no relevant objection is received, the session will admit A. B. to the eldership in this congregation according to the rules of the church.

*30th November, 20\_\_*.

*A. Signature*  
Session Clerk

**(3) Ordination/Induction of elders.**

The session of this congregation having decided to proceed to the ordination and induction of A. B. and induction of C. D. and E. F. to the position of elder has directed that this announcement be read. Notice is now given that if any person has any objection to offer against the life or doctrine of A. B., C. D. or E. F. they must give that objection in writing to the Session Clerk on or before the *20th of November 20\_\_*. If no relevant objection is lodged, the session will proceed to the ordination and/or induction at the *morning* service within the *Wakool* Church on the *11th of December 20\_\_* .

*30th November, 20\_\_* .

*A. Signature*  
Session Clerk

**(4) Resignation of minister.**

The resignation of the Reverend A. B. as minister of this congregation having been received, the Presbytery of the *Riverina* now summons the Reverend A. B., the other members of the session, the communicants and all others having interest, to attend the meeting of the Presbytery to be held at *Moulamein* on the *16th of May 20\_\_* at *7.30 p.m.* so that they may state their reasons, if they have any, why Mr. B.'s resignation should not be accepted, or otherwise declare their mind in regard to the resignation. Any who do not attend will be held as consenting to the resignation.

30th April, 20\_\_ .

A. Signature  
Presbytery Clerk

**(5) Translation of Minister.**

A call from the congregation at *Wilcannia* to the Reverend A. B., minister of this congregation, to be their minister, having been forwarded to the Presbytery of the *Riverina*, the presbytery now summons the Reverend A. B., the other members of session, the communicants and all others having interest, to attend the meeting of the presbytery to be held at *Moulamein* on the *16th of May 20\_\_* at 7.30 p.m. so that they may state their reasons, if they have any, why Mr. B.'s transfer should not proceed, or otherwise declare their mind in regard to the transfer. Any who do not attend will be held as consenting to the transfer.

30th April, 20\_\_ .

A. Signature  
Presbytery Clerk

**(6) Vacancy in a pastoral charge.**

The Presbytery of the *Riverina* has declared the congregation at *Wakool* to be vacant in consequence of the transfer/resignation/death of the Reverend A. B. . The office-bearers and members of this congregation are now called upon to take steps to fill the vacancy as soon as possible, according to the rules of the church.

The congregation is required to meet within the next six weeks to receive reports from its office bearers, to fix the terms of call to a minister and to appoint a Selection Committee.

Attention is drawn to the rules of the church giving powers to a presbytery to submit to the congregation the name of a minister or licentiate and to proceed to the appointment of a minister should the congregation fail to issue a call within twelve months.

1st November, 20\_\_ .

A. Signature  
Presbytery Clerk

**(7) Ordination/induction of minister.**

The Presbytery of the *Riverina* having decided to proceed to the [ordination and] induction of the Reverend/M A. B. as minister of this congregation has directed this announcement to be read. Notice is given that if any person has any objection to offer against the life or doctrine of the Reverend/M A. B. , the objection must be handed, in writing, to the Clerk of

the Presbytery on or before the *1st of February 20\_\_*. If no relevant objection is received, the presbytery will proceed to the [ordination and] induction of the Reverend/M. A. B. on *Tuesday 27th February at 7.30 p.m.* at the *Wakool* church and admit him/her as the minister of this congregation.

*6th February, 20\_\_ .*

*A. Signature*  
Presbytery Clerk

**(8) Attestation of the reading of an edict.**

This edict was read to the congregation at *Wakool* on the *13th February 200\_* and to the congregation at *Yallakool* on *20th February 20\_\_* by me.

*20th February 20\_\_ .*

*A. Signature*  
Session Clerk

**(9) Congregational Meeting.**

To be read in connection with the following edicts:

Resignation of minister

Translation of minister

A meeting of the congregation will be held on *Sunday 27th February 20\_\_* at *10 a.m.* for the purposes of considering the resignation/transfer of the minister of our congregation and appointing representatives to state to presbytery the view of our congregation in regard to the resignation/transfer.

*6th February 20\_\_ .*

*A. Signature*  
Session Clerk

**E. CERTIFICATES**

**(1) Status of elder.**

It is hereby certified on the *1st day of June 20\_\_* in the name of the session of the congregation at *Wakool* that *A. B. of 10 Yallakool Road, Wakool* is bona fide member of session.

*A. Signature*  
Session Clerk

**(2) Status of minister/licentiate.**

It is hereby certified on the *1st day of June 20\_\_* in the name of the

Presbytery of the *Riverina* that the Reverend/M A. B. is an ordained minister/a licentiate of the Presbyterian Church of Australia and leaves the Presbytery of the *Riverina* holding this status.

A. Signature  
Presbytery Clerk

**(3) Transfer of candidate for the ministry.**

It is hereby certified on the *1st day of June 20\_\_* in the name of the Presbytery of the *Riverina* that A. B. is a candidate for the ministry of the Presbyterian Church of Australia and is now transferred from the presbytery of the *Riverina* to the jurisdiction of the presbytery of the *Clarence*.

A. Signature  
Presbytery Clerk

**(4) Transfer of adherent/communicant.**

It is hereby certified on the *1st day of June 20\_\_* that A. B. is an adherent/a communicant member of the Presbyterian Church of Australia and leaves the congregation at *Wakool* holding this status.

A. Signature  
Session Clerk

F. FORMS

**(1) Extract minute.**

At *Wakool* and within the Presbyterian Church on the *6th* day of *June 20\_\_* the session of the congregation at *Wakool* [or the Presbytery of the *Riverina*] met and was constituted with prayer.

Among other things:

**[Here take in the minute]**

The meeting was closed with prayer.

Extracted from the records of the session of the congregation at *Wakool* [or the Presbytery of the *Riverina*] this *6th* day of *June 20\_\_* by me.

A. Signature  
Session/Presbytery Clerk

**(2) Commission for elder to presbytery.**

This is to certify that at a duly constituted meeting of the session of the congregation at *Wakool* held on the *1st* day of *December 20\_\_* A. B. of 2 *Yallakool Road, Wakool 2710* was commissioned to represent the session in the Presbytery of *the Riverina* from the *1st* day of *January 200\_* to the *31st* day of *December 200\_*.

*3rd December 20\_\_*.

*A. Signature*  
Session Clerk

**(3) Commission for alternate elder to presbytery.**

This is to certify that at a duly constituted meeting of the session of the congregation at *Wakool* held on the *1st* day of *December 20\_\_* C. D. of 23 *Yallakool Road, Wakool 2710* was appointed as an alternate elder for A. B. to represent the session in the Presbytery of *the Riverina* from the *1st* day of *January 20\_\_* to the *31st* day of *December 20\_\_* [or at its next meeting on the *21st* day of *February 20\_\_*].

*3rd December 20\_\_*.

*A. Signature*  
Session Clerk

**(4) Commission for elder to Assembly.**

This is to certify that at a duly constituted meeting of the session of the congregation at *Wakool* held on the *1st* day of *December 20\_\_* A. B. of 2 *Yallakool Road, Wakool 2710* a bona fide member of the session of *Wakool* was appointed to represent the session in the New South Wales General Assembly which is appointed to meet at Sydney in June, 20\_\_.

*3rd December, 20\_\_*.

*A. Signature*  
Session Clerk

**(5) Call to minister.**

We, the undersigned communicant members of the pastoral charge of *Wakool*, desiring to promote the glory of God and the good of the church, being without an inducted minister, and being assured by sound information or our own experience of your gifts and qualifications for the work of the ministry within this pastoral charge, have agreed to invite, call and entreat you, the

Reverend/M A. B. to take up the pastoral office among us. Upon your acceptance of our call we promise to provide for you suitable maintenance and to give you all due respect, encouragement and obedience in the Lord.

In witness of this we have subscribed our names this *1st* day of *February 20*\_\_ .

***[Here take in names and addresses]***

The above signatures are attested by

*15th February 20*\_\_ .

*A. Signature*  
Commissioner

**(6) Concurrence in call to minister.**

We, the undersigned adherent members of the pastoral charge of *Wakool* signify our concurrence in the call to you, the Reverend/M A. B. to the pastoral charge of this pastoral charge.

***[Here take in names and addresses]***

The above signatures are attested by

*3rd December 20*\_\_ .

*A. Signature*  
Commissioner

**(7) Demission of pastoral charge by minister.**

I, the Reverend A. B. minister of the pastoral charge of *Wakool*, being moved by just and sufficient causes, hereby demit my pastoral charge purely and simply into the hands of the Presbytery declaring that, in so far as I am concerned, the pastoral charge shall be held vacant and it shall be free to the congregation to call, and to the Presbytery to admit, another minister. And I consent that this my Deed of Demission shall be recorded in the Presbytery's books.

Witness my hand this *30th* day of *November 20*\_\_ .

*A. Signature*  
Minister

Witnesses:      A. Witness  
                      B. Witness

**(8) Appeal or dissent and complaint.**

I, A. B. , appeal [*or dissent and complain*] to the Presbytery of the *Riverina* [or the General Assembly] against the decision of the session of the congregation at *Wakool* [or, of the Presbytery of the *Riverina*] on the *1st* day of *May 20\_\_* concerning

**[Here take in a brief description of the subject]**

on the following grounds [or for the following reasons].

1.)

2.) **[Here take in the grounds or reasons]**

3.)

*4th May 20\_\_* .

*A. Signature*

**(9) Overture.**

To the General Assembly of the Presbyterian Church of Australia in the State of New South Wales:

Whereas:

A.

B. **[Here state the premises of the overture]**

C.

Now therefore the Presbytery of the *Riverina* [or the session of the congregation at *Wakool*] overtures the General Assembly to take these premises into consideration and to

**[Here take in what is required]**

or to do otherwise as the Assembly in its wisdom may deem fit.

*3rd December 20\_\_* .

*A. Signature*

**(10) Petition.**

To the General Assembly of the Presbyterian Church in the State of New South Wales [or to the Presbytery of the *Riverina* or to the session of the congregation at *Wakool*]:

This petition shows that:

**[Here state the premises of the petition]**

Now therefore A. B. asks the General Assembly [or the Presbytery or the session] to take these premises into consideration and to

**[Here take in what is desired]**

or to do otherwise as the Assembly [or presbytery or session] in its wisdom may deem fit.

3rd December 20\_\_.

A. Signature

**(11) Reference.**

The Presbytery of *the Riverina* [or, the Session of the congregation of *Wakool*] duly convened and constituted on the *1st of December 20\_\_* resolved to refer to the General Assembly [or, the Presbytery of the *Riverina*] for opinion, advice, decision, direction or judgement the matter contained in the following extract minute;

**[Here take in the extract minute of presbytery or session]**

Extracted from the records of the Presbytery of the *Riverina* [or the Session of *Wakool*] this *3rd day of December 20\_\_*, by me

A. Signature

Session/Presbytery Clerk

**G. MODES OF ADDRESS**

General Assembly:

The General Assembly

Presbytery:

The Presbytery of

Moderator of Assembly:

The Right Reverend *Rt. Rev.* A. B.

Former Moderator General:

The Very Reverend *Very Rev.* A. B.

## Minister:

The Reverend *Rev.* A. B. or Pastor A. B.

"The Reverend (*Rev.*)," is always followed by Christian names, initials or "Mr." and "The Reverend (*Rev.*)" is never used in the plural form. If a wife is included in the address it should appear as "The Reverend A. and Mrs. B."



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