THE PRESBYTERIAN CHURCH OF AUSTRALIA

CONSTITUTION,

PROCEDURE and PRACTICE

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INTRODUCTION

1. The Church - The Presbyterian Church of Australia was constituted in Sydney on the 24th day of July, 1901, by the Union of the Presbyterian Churches of New South Wales, Queensland, South Australia, Tasmania, Victoria and Western Australia.

2. Supreme Standard - 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.

3. Subordinate Standard - 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. In this Statement the Church declares certain facts and doctrines to be vital to the Christian faith, and, whilst recognising liberty of opinion on matters in the Confession of Faith not essential to the doctrine therein taught, retains full authority in any case which may arise to determine what falls within this description and to guard against the abuse of this liberty to the injury of its unity and peace (Basis of Union).

4. Re-statement of Creed - The Church, believing in the promised guidance of the Holy Spirit and under a sense of direct responsibility to its ever-living Head, claims the right to interpret, revise, or abridge the Subordinate Standard, to restate its doctrine, and to change the formula, as duty may require.

5. Worship - "Worship", the book of common order of the Presbyterian Church of Australia, is a guide to the orderly administration of the Sacraments and other Offices of the Church. The Westminster "Directory for the Public Worship of God", may likewise be consulted.

6. Government - The only 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.

On the Spiritual Freedom of the Church and its relation to the Civil Power, see Chapter 7.

Members of the Church are reminded that all church government is based on the assumption that communicants and adherents will loyally observe the decisions of its courts and conform to the Christian spirit in which the Church exercises its functions. All members are therefore urged to unite in Christian fellowship and service in a spirit of brotherly love and in loyalty to the ever-living Head of the Church.

7. **Church Crest -** During its first session, 1901, the General Assembly of Australia adopted as its "emblematic device" the one in use in the Churches of New South Wales and Queensland, substituting the word "Australia" for the names of these States. The crest was approved by the New South Wales Assembly in 1883 and was first used in 1884. The Queensland Church adopted it in 1895. Besides the words "Presbyterian Church of Australia" and "Nec tamen consumebatur," the Crest consists of the Burning Bush, St. Andrew's Cross, the Southern Cross, a Latin Cross, a Rose, a Thistle, and a Shamrock.

8. **Logo -** The 2001 General Assembly (Min. 78(1)) resolved that the Assembly, "Without disowning the current Crest(s), approve and adopt as another visual emblem of the Church, a logo generally described as follows:

> "A vertical, contrasting, stylized 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."

Notes

FOREWORD

Contents:
The 2004 General Assembly of the Presbyterian Church of Australia resolved to approve the reprinting of The Code of the Presbyterian Church of Australia entitled *Constitution, Procedure and Practice*.

Although the term "Code" is often used to describe all or part of the material which comprises the Practice and Procedure of the Presbyterian Church of Australia, this material is not a "Code" in the same form as the Code of State Churches. Each State Assembly has a Code, being a codification in a single volume of numbered rules which comprise the laws of the State Church. The General Assembly of Australia has no equivalent set of codified rules. Rather the General Assembly of Australia "Code" comprises a variety of chapters which deal with the constitution of the Presbyterian Church of Australia and its practice in specific areas of its limited jurisdiction and with declarations made on particular subjects within its jurisdiction.

In the *Constitution, Procedure and Practice of the Presbyterian Church of Australia* there are twelve chapters, each (for convenience) comprising a document regarding the constitution of, or a declaration or enactment by, the General Assembly of Australia. In 2018 the Code Committee authorized the publication of a new edition incorporating all amendments made up to and including the 2016 meeting of the General Assembly.

Amendment:
The Scheme of Union is in two parts namely:

(a) the Basis of Union, which essentially declares matters of doctrine, and
(b) the Articles of Agreement, which essentially declare matters of administration.

Each of the Basis of Union and the Articles of Agreement have their own "Barrier Act" procedure. Section III of the Basis of Union provides that "any proposed revision or abridgement of the subordinate standard of the Church or re-statement of its doctrine or change of the formula" requires the consent of a majority of the State Assemblies, a three fifths majority of the Presbyteries and a three fifths majority of the members present at the General Assembly. Under such procedure, dissenting congregations may have rights (*see* Section IV).

Article 15 provides that the Articles may be amended with the prior consent of the

majority of Presbyteries and the majority of State Assemblies. It has been the practice of the Church in accordance with usual "Barrier Act" procedure, although not strictly a requirement of the Articles, that any proposed amendment to the Articles will be remitted with the authority of the General Assembly of Australia. Accordingly, a proposed change is considered at two consecutive Assemblies.

A proposal to amend the Standing Orders may be dealt with at any meeting of the General Assembly but the proposal must come by way of Overture.

Conclusion:
In accordance with the authority of the General Assembly the Code Committee has prepared this publication for the assistance of all members of the Church. The Committee hopes that the ready availability of these documents will assist in the more effective administration of the Church to the glory of God.

Rev Bruce Meller
Convener, Code Committee August, 2018

CHAPTER 1

THE SCHEME OF UNION

The Presbyterian Church of New South Wales, the Presbyterian Church of Victoria, the Presbyterian Church of Queensland, the Presbyterian Church of South Australia, the Presbyterian Church of Tasmania and the Presbyterian Church of Western Australia, holding the same doctrine, government, discipline, and form of worship, believing that it would be for the glory of God and the advancement of His Kingdom that they should form one Presbyterian Church, as hereinafter provided, to be called the Presbyterian Church of Australia, and under authority of Christ alone, the Head of the Church and Head over all things to His Church, agree to unite on the following basis and subject to the following articles to be subscribed by the Moderators of the respective churches in their names and on their behalf.

BASIS OF UNION

I The Supreme Standard of the united church shall be the Word of God contained in the Scriptures of the Old and New Testaments.

II The Subordinate Standard of the united church shall be the Westminster Confession of Faith, read in the light of the following declaratory statement:-

1. That in regard to the doctrine of redemption as taught in the subordinate standard, and in consistency therewith, the love of God to all mankind, His gift of His Son to be the propitiation for the sins of the whole world, and the free offer of salvation to men without distinction on the grounds of Christ's all sufficient sacrifice, are regarded by this Church as vital to the Christian faith. And inasmuch as the Christian faith rests upon, and the Christian consciousness takes hold of, certain objective supernatural historic facts, especially the incarnation, the atoning life and death, and the resurrection and ascension of our Lord, and His bestowment of His Holy Spirit, this Church regards those whom it admits to the office of the Holy Ministry as pledged to give a chief place in their teaching to these cardinal facts, and to the message of redemption and reconciliation implied and manifested in them.

2. That the doctrine of God's eternal decree, including the doctrine of election to eternal life, is held as defined in the Confession of Faith, Chapter III, Section 1, where it is expressly stated that according to this doctrine, "neither is God the author of sin, nor is violence offered to the will of the creature, nor is the liberty or contingency of second causes taken away, but rather established"; and further, that the said doctrine is held in connection and harmony with the truth - that God is not willing that any should perish, but that all should come to repentance, that He has provided a salvation sufficient for all, and adapted to all, and offered to all in the Gospel, and that every hearer of the Gospel is responsible for his dealing with the free and unrestricted offer of eternal life.

3. That while none are saved except through the mediation of Christ and by the grace of the Holy Spirit, Who worketh when and where and how it pleaseth Him; while the duty of sending the Gospel to the heathen who are sunk in ignorance, sin and misery is imperative; and while the outward and ordinary means of salvation for those capable of being called by the Word are the ordinances of the Gospel, in accepting the subordinate standard it is not required to be held that any who die in infancy are lost, or that God may not extend His Grace to any who are without the pale of ordinary means, as it may seem good in His sight.

4. That in holding and teaching, according to the Confession of Faith, the corruption of man's nature as fallen, this Church also maintains that there remain tokens of man's greatness as created in the image of God, that he possesses a knowledge of God and of duty - that he is responsible for compliance with the moral law and the call of the Gospel, and that, although unable without the aid of the Holy Spirit to return to God unto salvation, he is yet capable of affections and actions which of themselves are virtuous and praiseworthy.

5. That liberty of opinion is allowed on matters in the subordinate standard not essential to the doctrine therein taught, the Church guarding against the abuse of this liberty to the injury of its unity and peace.

6. That with regard to the doctrine of the civil magistrate and his authority and duty in the sphere of religion, as taught in the subordinate standard the church holds that the Lord Jesus Christ is the only King and Head of the Church, "and Head over all things to the Church, which is His body." It disclaims, accordingly, intolerant or persecuting principles and does not consider its office-bearers, in subscribing the Confession, as committed to any principles inconsistent with the liberty of conscience and the right of private judgement, declaring in the words of the Confession that "God alone is Lord of the conscience".

III Any proposed revision or abridgement of the subordinate standard of the Church, or restatement of its doctrine, or change of the formula, shall, before being adopted, be remitted to the local assemblies, and through them to the presbyteries, and no change shall be made without the consent of a majority of the local assemblies, three-fifths of the presbyteries of the whole Church, and a majority of three-fifths of the members present when the final vote of the General Assembly is taken.

IV On any change being made in the Basis of Union in accordance with Section III, if any congregation thereupon refuses to acquiesce in the change and determines to adhere to the original basis of union, the General Assembly is empowered - (1) to allow such congregation to retain all its congregational property; or (2) to deal in such other way with the said property as to the Assembly may seem just and equitable.

V Any proposed change in either of the two preceding Sections III and IV shall be made only under the provisions contained in section III.

VI Formula to be signed by ministers and elders at their ordination or induction, and by probationers on receiving licence:-

> 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.

ENDNOTE:

1. The power under Section III has been used twice. Due to the shortage of ordained ministers during the First World War, the GAA in 1916 (BB 1916 Min. 70) amended the Confession of Faith Chapter XXVII, Section IV to allow for administration of the Sacraments by other than ordained ministers (see Chapter 4.2 of *Constitution, Procedure and Practice*)

   In 1928 (BB 1928 Min. 57) the GAA amended the Confession of Faith Chapter XXIV Section IV to permit marriage of a man with his deceased wife's sister, or of a woman with her deceased husband's brother (see Chapter 5.1 of *Constitution, Procedure and Practice*)

2. When these amendments were made under Section III, no congregation exercised the right under Section IV to adhere to the original basis of union.

Notes

ARTICLES OF AGREEMENT

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17. Definitions

1. General Assembly

1.1 There shall be a Supreme Court of the Church which shall be called the General Assembly of the Presbyterian Church of Australia.

1.2 The General Assembly shall meet in such places as it shall determine. The General Assembly shall endeavour to arrange its business so as to meet once each three years, but may meet more or less frequently if it so decides from time to time. At the conclusion of a session of the General Assembly the General Assembly adjourns until its next meeting.

1.3 The General Assembly shall consist of:

(a) an equal number of ministers and elders elected pursuant to Articles 1.4 and 1.5;

(b) the Officers of the General Assembly as appointed pursuant to Article 1.7 (any who is not a minister or elder does not have power to vote); and

(c) the past Moderators of the General Assembly.

1.4 Each State Assembly shall elect one minister and one elder for every sixteen Sanctioned Charges or portion thereof within its bounds. A State Assembly may elect alternates to take the place of a member who may be unable to attend. The Clerk of the State Assembly shall notify the Clerk in writing prior

to the opening of the General Assembly of the commissioners from that State Assembly.

1.5 Each Presbytery shall elect from within its bounds one minister and one elder for every five Sanctioned Charges or portion thereof within its bounds[1]. A Presbytery may elect alternates as in the case of State Assemblies. The Clerk of Presbytery shall notify the Clerk in writing prior to the opening of the General Assembly of the commissioners from that Presbytery.

1.6 The following persons shall have all the rights of members of the General Assembly (except the right to vote if not a minister or elder) while the Assembly is discussing the reports (including deliverances) of their respective committees if they have not been commissioned as members of the General Assembly:

(a) conveners of General Assembly committees in presenting their reports; and

(b) the office-bearers holding full-time appointments made or authorised by the General Assembly, such as the National World Mission Co-ordinator of APWM, the Superintendent of the Presbyterian Inland Mission and the Editor of the national journal.

1.7 The General Assembly shall in accordance with its regulations appoint the following who shall be the Officers of the Assembly:
Moderator (who shall be referred to as Moderator-General in distinction from the moderators of State Assemblies); Clerk; Deputy Clerk; Business Convener; Procurator; Law Agent.

1.8 A meeting of the General Assembly to deal with special unforeseen business may be convened by the Moderator on a requisition from not fewer than thirty members who are drawn from not less than four States. The Moderator shall determine the place and time of meeting and not less than 30 days' notice of the meeting and the business to be transacted shall be given by the Clerk. The business is not proceeded with unless:

(a) a quorum is present, and

(b) the action of the requisitionists and of the Moderator in convening the meeting is approved by the General Assembly as convened.

2. Powers of the General Assembly

2.1 The General Assembly shall have powers legislative, administrative and judicial, which powers shall be supreme with respect to:

(a) doctrine of the Church;

(b) worship of the Church;

(c) discipline of the Church;

(d) the training of students for service in the Church (including training for the ministry, deaconess training and other training areas as determined by the General Assembly);
(e) the admission of candidates to the ministry;
(f) the reception of ministers from other Churches;
(g) re-admission to the ministry of previous ministers of the Church;
(h) overseas mission;
(i) home mission, particularly in inland or other sparsely settled areas, at the request of or in conjunction with a State Assembly;
(j) relations with
    (i) the national bodies of other churches in Australia,
    (ii) overseas churches;
(k) the publication of a national journal;
(l) Christian education; and
(m) chaplains to the defence force.

2.2 In the exercise of its legislative powers under Article 2.1 where the Assembly proposes to enact a Rule (including repeal or amendment of a Rule), the General Assembly shall be bound by Barrier Act procedure. In the Church such procedure requires the approval of a majority of the State Assemblies and a majority of the Presbyteries before the General Assembly may enact such a Rule as binding and effective, but subject to Article 2.3.

2.3 If the General Assembly resolves to remit under the Barrier Act procedure referred to in Article 2.2 a proposed new Rule (including repeal or amendment of a Rule), the General Assembly may by further resolution which is approved by not less than two thirds of those present and voting grant interim authority in which case the proposed new Rule shall take effect from the close of that meeting of the General Assembly to the next meeting of the General Assembly.

2.4 For the purposes of Article 2.2 the failure by a Presbytery or a State Assembly to respond to a remit shall be deemed to be approval of that remit.

3. Commission of the General Assembly

3.1 A Commission of the General Assembly may be convened as specified in Article 3.6 with the following powers and duties:
(a) to deal with and determine each matter referred to it by the General Assembly, and
(b) to consider and determine any other matter or issue and to take such action, being of a kind which would normally be dealt with by the General Assembly but which because of its urgent nature requires prompt executive or judicial action.

3.2 The Commission of Assembly shall:

(a) act in the interest of the Church on every occasion so that the Church does not suffer or sustain any prejudice or harm which can be prevented;
(b) observe all instructions given to the Commission by the General Assembly;
(c) act in all its proceedings in accordance with the rules and constitution of the Church;
(d) be accountable to and censurable by the General Assembly as the Assembly shall see fit;
(e) refrain from enacting, amending or repealing any rules or regulations of the General Assembly, or entering into a consideration of any overture or motion proposing legislation;
(f) deal only with matters specified in Article 3.1(a) and (b); and
(g) submit its minutes duly confirmed and all relevant papers to the next meeting of the General Assembly through the Clerk.

3.3 The membership of the Commission of Assembly shall be as follows:
(a) the Moderator, who shall be chairman;
(b) the other Assembly Officers;
(c) all past Moderators of the General Assembly;
(d) members from the States as follows:

	Ministers	Elders
New South Wales	4	4
Victoria	3	3
Queensland	2	2
South Australia	1	1
Western Australia	1	1
Tasmania	1	1

3.4 The State Assembly shall appoint members of the Commission from that State. These appointments shall continue until such time as the State Assembly makes new appointments, it being intended that there should always be designated members to the Commission from each State Assembly. Any vacancy which may occur shall be filled by the State Assembly or on behalf of the State Assembly of the relevant State in such manner as the State Assembly may direct.

3.5 The quorum for a Commission of Assembly shall be 16 members drawn from at least four of the States, at least eight of whom are members pursuant to Article 3.3(d).

3.6 The Moderator shall convene the Commission of Assembly:
(a) when so appointed by the General Assembly,
(b) when requested so to do by a quorum of the members of the Commission, or

(c) on his own direction.

The Commission shall meet at such time and in such location as the Moderator determines.

3.7 The Clerk shall take all steps which may be necessary or desirable to arrange for any meeting of the Commission of Assembly.

4. Committees

4.1 The General Assembly may establish standing committees to carry out the work of the General Assembly in their respective areas including the following:

(a) Australian Presbyterian World Mission
(b) Business
(c) Christian Education
(d) Church and Nation
(e) College
(f) Code
(g) Defence Force Chaplaincy
(h) Finance
(i) Moderator's Nominating
(j) National Journal
(k) Presbyterian Inland Mission
(l) Public Worship and Aids to Devotion
(m) Reception of Ministers
(n) Relations with Other Churches.

4.2 The General Assembly may appoint special committees to carry out such tasks as determined from time to time by the General Assembly. Such committees cease at the conclusion of the next meeting of the General Assembly unless the Assembly reappoints the Committee for a further term.

5. Mission

The mission of the Church is to take the Gospel to people of all ethnic and cultural groupings. That mission is pursued in Australia and overseas according to the following schema:-

(a) APWM shall give effect to the responsibility of the General Assembly to initiate and support world mission outside Australia and overseas and indigenous ministry within Australia.
(b) It shall be the responsibility of the state home mission committees, in conjunction with presbyteries, to pursue the missionary challenge within the states.
(c) It shall be the responsibility of the Presbyterian Inland Mission Committee to exercise ministry to isolated and remote communities.

(d) The General Assembly may by way of a consultative committee otherwise seek to encourage cross-cultural ministry within Australia.

6. Defence Force Chaplaincy

6.1 The Defence Force Chaplaincy Committee shall administer the authority of the General Assembly in respect of defence forces. In particular the Committee shall nominate, discharge and control chaplains in the Australian Defence Force, both at home, or abroad.

6.2 The General Assembly may delegate such portions of its authority in this area as it shall deem fit to the relevant chaplaincy committees of the State Assemblies. The Defence Force Chaplaincy Committee shall co-operate with those committees and the State Assemblies in all matters conducive to the satisfactory conduct and control of the work of the Defence Force Chaplains.

7. Theological Training

7.1 There shall be a course of training for the ministry of Word and Sacraments which shall be supervised by the College Committee.

7.2 The General Assembly shall determine the course of training, together with the prerequisites for entry to the course.

7.3 The College Committee shall admit candidates for the ministry to the course of training, grade students throughout the course, approve syllabi, conduct examinations as necessary, and issue certificates (known as exit certificates) on completion of the course of training.

7.4 The State Assemblies shall administer the course of training through the operation of such theological halls or colleges as:

(a) are recognised pursuant to Article 7.5, and

(b) may be recognised from time to time by the General Assembly.

7.5 The theological colleges and halls recognised for the training of candidates for the ministry shall be:

(a) in Queensland - the Reformed College of Ministries,

(b) in NSW - the Presbyterian Theological Centre, and

(c) in Victoria - the Presbyterian Theological College.

7.6 Each State Assembly operating a theological hall or college shall appoint professors or lecturers, together with a faculty and a committee to administer each such hall or college.

7.7 The course of training shall consist of a theological course, at degree standard, whose subjects are prescribed in regulations approved by the General Assembly after receiving advice from the College Committee.

7.8 A Presbytery shall not license a candidate for the ministry until the candidate has been issued by the College Committee with an exit certificate

which certifies that all requirements of the College Committee have been met by the candidate.

7.9 Only men shall be eligible for admission to the ministry of Word and Sacraments in the Church and all rules and regulations of the General Assembly and services of ordination shall be construed that reference therein to ministers of the Word and Sacraments shall refer only to men2.

8. Reception of Ministers

8.1 The Reception of Ministers Committee deals with applications by ministers and licentiates (or equivalent) of other denominations to be received as ministers of the Church and with applications for reinstatement from people who have previously resigned from the ministry of the Church.

8.2 Ministers and licentiates from denominations which are not presbyterian who seek to be accepted as ministers of the Church may be admitted only by the General Assembly.

8.3 Ministers and licentiates from other presbyterian churches and people who have previously resigned from the ministry of the Church who seek to be accepted as ministers of the Church may be admitted by:

(a) the General Assembly,

(b) a State Assembly if so authorised by the General Assembly, or

(c) the Reception of Ministers Committee in accordance with regulations enacted by the General Assembly so as to secure uniformity of method of admission.

8.4 The Reception of Ministers Committee shall upon the presentation of a certificate of status from the church in which they have been serving and a certificate of good conduct from APWM receive as ministers of the Church:

(a) ministers who were previously ministers of the Church who have undertaken missionary service under the authority of APWM and have put themselves under the ecclesiastical jurisdiction of the church within which they are working, and

(b) ministers who were previously licentiates of the Church who have undertaken missionary service under the authority of APWM and have placed themselves under the ecclesiastical jurisdiction of the church within which they are working and who received ordination within that Church.

9. Co-operative Action with State Assemblies

9.1 Each State Assembly may at its discretion and shall if so required by the General Assembly report to the General Assembly on issues pertaining to the work and welfare of the Church within the jurisdiction of that State Assembly.

9.2 The General Assembly shall consider such reports, and issue any recommendations, when that is deemed advisable, with regard to them.

9.3 The General Assembly may, in conjunction with the relevant State Assembly, originate new home mission schemes and take such steps as it may think fit to raise money and otherwise assist the home mission operations of any State Church.

10. Powers of State Assemblies

10.1 The autonomy of the State Assemblies shall not be further interfered with than is necessary to give effect to the Basis of Union and the Articles of Agreement.

11. Financial Issues

11.1 The Finance Committee shall manage the finances of the General Assembly.

11.2 A fund shall be formed in order to pay for:

(a) the working expenses of the General Assembly (including its committees and officers), and

(b) such part of the travelling and accommodation expenses of its members as the General Assembly may from time to time determine.

The State Assemblies shall contribute to this fund in such proportions as the General Assembly may from time to time determine.

11.3 Subject to any determination of the General Assembly, the Finance Committee may authorise the handling of financial functions of the General Assembly by one or more State Assemblies, including the trustees and/or administrative officers of a State Church.

11.4 The General Assembly may establish trustees to hold and deal with any property of the Church including the General Assembly and its committees. The General Assembly may in addition authorise incorporation for similar purposes if thought desirable by the General Assembly.

11.5 The General Assembly may establish a superannuation scheme and/or a long service leave scheme for the benefit of ministers of the Church. In particular the General Assembly may form or incorporate schemes for these purposes and may:

(a) require ministers of the Church to contribute to any such scheme,

(b) require congregations with a minister to contribute to the scheme in respect of ministers of those congregations,

(c) require State Assemblies or committees of the Church or a State Assembly employing a minister to contribute in respect of that minister,

(d) determine the amount of contributions, and

(e) enact regulations in respect of the operation of the scheme.

11.6 No minister within the jurisdiction of a State Assembly connected with or liable to join a beneficiary, provident or superannuation fund or long service leave fund thereof shall be required to contribute to any such scheme of the General Assembly without the consent of the State Assembly.

11.7 The General Assembly may in co-operation with the State Assemblies seek to promote uniformity within the State Churches as to the conditions of service for Ministers, particularly in respect of the transfer of Ministers from one State to another State.

12. Insurance

12.1 The General Assembly may co-operate with the authorities of State Churches for joint or federal control or mutual association in respect of effecting insurance of all kinds.

12.2 Unless otherwise determined by the Assembly, the Finance Committee shall be responsible for pursuing insurance issues as referred to in Article 12.1.

13. Assessors

13.1 At each ordinary meeting the General Assembly shall elect from amongst its members 8 ministers and 8 elders to be a body of assessors, who shall be able to assist any presbytery or State Assembly which may seek their assistance in any matter.

13.2 The presbytery or State Assembly shall request such assistance of the Moderator who shall appoint at least 3 but not more than 6 assessors from among the body of assessors.

14. Rules and Regulations

14.1 In the exercise of powers conferred on the General Assembly by Article 2.1, the General Assembly may make Rules and/or Regulations from time to time including but not limited to:

(a) standing orders for meetings of the General Assembly,

(b) regulations for the establishment and functioning of committees of the General Assembly as provided for under Article 4,

(c) regulations regarding Officers of the General Assembly as appointed under Article 1.7, and

(d) rules for the exercise of discipline in the Church.

14.2 The General Assembly may by separate resolution or within such Rules or Regulations prescribe procedures for the amendment repeal or replacement of specified Rules or Regulations.

15. Amendment

15.1 The General Assembly by resolution expressed to be pursuant to this Article may repeal, amend or add to these Articles of Agreement from time to time, but not without the prior consent of the majority of the Presbyteries of the Church and a majority of the State Assemblies.

15.2 If the General Assembly resolves to remit to State Assemblies and Presbyteries a proposed alteration to these Articles, a record shall be taken and recorded in the minutes of the General Assembly of the numbers voting for and against, and of those present but not voting, in respect of such resolution.

15.3 For the purposes of Article 15.1, the failure by a Presbytery or a State Assembly to respond to a remit shall be deemed to be disapproval of that remit.

16. Transitional

16.1 The enactment of these Articles does not affect the validity of any decision of the General Assembly made pursuant to the Articles of Agreement in force prior to the enactment of these Articles.

16.2 All administrative arrangements of the General Assembly, including the appointment of committees and enactment of Rules and Regulations, made pursuant to the Articles of Agreement in force prior to the enactment of these Articles shall continue to apply in full force and effect but now subject to these Articles of Agreement.

17. Definitions

17.1 In these Articles of Agreement the following words shall have the meanings given:

"Article" means an article of these articles of agreement.

"APWM" means the committee of the General Assembly known as the Australian Presbyterian World Mission Committee.

"Church" means the Presbyterian Church of Australia, being a federal union of the State Churches.

"Clerk" means the Clerk of the General Assembly.

"Clerks" means the Clerk and the Deputy Clerk of the General Assembly.

"Regulation" means an enactment by the General Assembly to facilitate the administrative operation of the Assembly and/or its committees, which enactment is not a Rule.

"Rule" means an enactment by the General Assembly which creates binding obligations upon members of the Church generally and/or upon subordinate courts of the Church.

"Standing Committee" means a committee of the General Assembly established under Article 4.1.
"State Assembly" means the General Assembly of a State Church.
"State Church" means each of the Presbyterian Church of New South Wales, the Presbyterian Church of Victoria, the Presbyterian Church of Queensland, the Presbyterian Church of South Australia, the Presbyterian Church of Western Australia and the Presbyterian Church of Tasmania.

Footnotes

1. The General Assembly declared in 1926 that presbyteries may not appoint as representatives elders beyond their bounds (BB 1926 Min. 115(3)).

2. The rights of those women ordained to the ministry, or accepted as a candidate for the ministry, prior to the 1991 General Assembly, are not affected (BB 1988 Min. 136; BB 1991 Mins. 63, 170).

Notes

CHAPTER 2

STANDING ORDERS

Definitions

1. (a) "Assembly" means the General Assembly in session.
   (b) "Court" means General Assembly, or State 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 without any negative voice, except when otherwise stated.

THE GENERAL ASSEMBLY

Quorum

2. No business shall be transacted in the General Assembly except in the presence of at least sixteen members, representing more than one of the State Assemblies, and at least one-half of whom are ministers.

Meetings, how constituted

3. All meetings of the General Assembly and their 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.

Sittings of Inferior Courts

4. 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.

Moderator

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

Moderator absent

6. 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.

Recognising the Chair

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

Clerk

8. The General Assembly shall have its Clerk, usually, but not necessarily, a member of the Court, who shall keep an accurate record of its proceedings, and supply extracts of the proceedings when duly called for. The Clerk is elected by and holds office at the will of the court. A Clerk in accepting office shall make the declaration de fideli (which is as follows: "I do solemnly affirm and declare that I will faithfully discharge the duties now entrusted to me.")

Associates

9. Ministers of settled charges and bona fide acting elders, who are members of other Courts of equal standing, Missionaries while under engagement by Australian Presbyterian World Mission who are on furlough and who are ordained elders or ministers of the Presbyterian Church of Australia, and full-time Chaplains to the Defence Force of the Commonwealth under appointment by the Defence Force Chaplaincy Committee of the General Assembly of Australia and who are ordained ministers of the Presbyterian Church of Australia, if they are not already representative of a State Assembly or Presbytery, may be associated with the General Assembly.

Privileges of Associates

10. Associate members shall have all the rights and privileges of members except that they shall not move or second a motion or amendment, vote on any question, or occupy the Chair.

Minutes Confirmed

11. 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.

Permanent Records

12. The permanent records of the General Assembly shall be those confirmed in the presence of the Court or by a Commission appointed and authorised to confirm them.

Extract Minutes

13. No extracts from the Minutes shall be given by the Clerk without the leave or instruction of the Court; and the fees to be charged for such extracts shall be fixed by the Court.

BUSINESS PROCEDURE

Order of Business

14. In the General Assembly after the first sederunt the order of business shall be:-
    (a) At morning sederunts:
        (i) Confirmation of the Minutes of the proceedings of the previous day.
        (ii) Reasons of Dissent from any of the decisions recorded in the Minutes so confirmed, and the necessary procedure connected therewith.
        (iii) Leave to print and circulate 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 evening sederunts;
        (i) Report of Business Committee relative to next day.
        (ii) Leave to print and circulate 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.

Orders of the Day

15. The items of business, as arranged by the Business Committee and approved by the Assembly, shall constitute the Orders of the Day.

Variation of Orders of the Day

16. 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. A motion to vary the Orders of the Day may be made only at the interval between items of business.

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

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

Reports and Deliverance

20. 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 deliverance shall be printed and circulated among members of the Assembly at least one day before they are considered.

Recommendations

21. 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 shall be held as read unless the Assembly desire otherwise.

Questions *[Interim Authority – BB 2023 Min. 31 (2)]*

23. Relevant questions may be put by any member through the Moderator to:

(a) the convener for clarification of the report before the Assembly receives it;

(b) the convener after he and the seconder have spoken to the deliverance;

(c) the mover of a notice of motion or an amendment.

MOTIONS AND AMENDMENTS

Substantive Motion

24. 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.

Categories of Motions

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

(a) the original motions,

(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.

Procedure for Voting on Motions

26. 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 judgement 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.

Amendments

27. Motions shall be amended (a) by leaving out certain words, (b) by leaving out certain words in order to insert or add other words, (c) by inserting or adding certain words.

Negative

28. A direct negative to a motion shall not be a competent amendment.

Incompetent Amendments

29. 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.

Amendments to Amendments

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

Notices of Motion

31. Notices of Motion shall be written and handed to the Business Convener at least one sederunt before the matter to which it is 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.

Amendments without notice

32. An amendment may be moved without notice if in the opinion of the Moderator it arises in the course of a 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.

When seconded

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

Reserving a speech

34. 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.

Member giving notice absent

35. 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.

Motion lapses if not seconded

36. 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.

Notice withdrawn

37. 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.

Motions withdrawn by Leave of the House

38. 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.

Motions - not recorded

39. 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.

Notice changed

40. 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.

No change without Leave

41. After a motion or amendment has been moved, no change shall be made in its terms without Leave of the House.

Amendments put first

42. Amendments shall be put before the motions to which they refer.

Debate thereon

43. When an amendment is before the House, the debate shall be strictly confined to such amendment.

PROCEDURE IN DEBATE

Members called

44. 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.

Speak more than once

45. 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, except in any debate involving counter motions, and (d) in Committee of the Whole.

Mover of amendment

46. 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.

47. A mover of an amendment shall not afterwards speak to the main question.

Moderator leaves the Chair

48. 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.

The Moderator standing

49. 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.

Interruptions

50. No member shall interrupt a speaker except for one or other of the following:
    (a) to state a point of order and to ask for a ruling of the Chair on it;
    (b) to call attention to a breach of the privileges of the House;
    (c) to make a personal explanation;
    (d) to move that the House sit in private;
    (e) to move the adjournment of the debate;

(f) to move the "Previous Question";
(g) to object to language deemed objectionable or reflecting on character.

Points of Order

51. Points of order must refer strictly to the order of the proceedings of the House.

52. 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 views on it, and afterwards rule on the point; or
(c) refer it to the House for decision by debate and vote.

Ruling of the Chair challenged

53. 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.

Privilege

54. Questions of privilege take precedence over all other business and may at any time be brought forward by any member.

55. 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.

56. 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.

The "Previous Question"

57. 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.

58. The "Previous Question" shall be moved and seconded without debate and shall forthwith be put to the vote.

59. The "Previous Question" must refer to the motion before the House. It cannot be moved in a committee of the Whole House.

60. 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.

61. The negativing of the "Previous Question" shall not preclude its being moved again during the same debate.

Adjournments

62. 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.

63. Such a motion shall be put to the vote without debate.

64. The negativing of such motion shall not preclude its being moved again during the same debate or sederunt.

65. 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.

66. 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.

Procedural Motion

67. A motion, 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.

Closed doors

68. 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 moved, 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 the higher court unless a motion to the contrary, duly made and seconded and put to the vote without debate, is carried.

69. The negativing of such motion shall not preclude its being moved again during the same debate or sederunt.

Character affected

70. 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.

Personal explanation

71. A member may at any time make a personal explanation.

Explanation in debate

72. 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.

Objectionable language

73. Language ruled objectionable shall be forthwith withdrawn and apologised for by the speaker and in a manner satisfactory to the House.

74. 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 ground for such further action as the House may think fit to take.

Laws not to be reflected on

75. 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.

Speech in reply

76. 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.

The Closure

77. 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 forthwith put to the vote the motion, or the amendment only, or the amendment and the motion, as the case may be, without further debate.

Mode of taking the vote

78. 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.

The Moderator interrupted

79. 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 words "Aye" in putting the question to the voices.

VOTING

Member's vote

80. A member may vote on a motion though he has not voted on any amendment to it.

Within the House

81. No member can, by voice or otherwise, give a vote outside the barrier.

Vote taken

82. (a) By the voices

The Moderator or Chairman shall 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 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, the vote may be taken by either division or ballot.

Vote by ballot

83. 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 such 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.

Vote by division

84. 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.

Casting Vote

85. 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.

Questions not reconsidered

86. No question which has been decided at one sederunt of a court can be reconsidered at a subsequent sederunt during the same session.

DISSENTS

Dissent

87. A member may dissent from any resolution of a court on which he has voted, and he has the right to have his dissent recorded in the minutes; also his reasons if given forthwith. But he shall not dissent from a resolution, which has been carried on the voices, or from a resolution affirming or negativing any amendment, or from any resolution of the Committee of the whole.

88. He may also, when the minute recording the dissent is brought forward for confirmation, give in, without comment, written reasons of dissent. These, provided they do not involve a breach of privilege, shall be received without debate and shall be kept in retentis.

89. The court may, if it thinks fit, give written answers to reasons of dissent, which answers shall be likewise kept in retentis. A motion to appoint a Special Committee to answer reasons of dissent shall be put to the vote without debate. The report of the Special Committee may be debated, and shall be dealt with as the court sees fit.

COMMITTEE OF THE WHOLE

90. 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.

Papers transmitted

91. 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.

Questions

92. 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 statement.

Parties at the Bar

93. 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.

The Moderator shall call the parties to the bar at the time when the Business Convener announces that the relevant matter is the next item of business to be considered by the Assembly. Parties at the bar shall have the right to challenge the competency of the matter before the House.

Two heard

94. References shall be stated, and overtures and petitions supported, by not more than two persons in each case.

Procedures in dissents and complaints and appeals

95. In dealing with an appeal or a complaint transmitted for its judgement a court:

(a) calls the parties (i.e., appellants or complainants and the respondent court) to its bar;

(b) hears read the record of the case in the inferior court, and relative documents, or if they are printed, may take them as read;

(c) hears the appellants or complainants or, if there are more than two, the representatives to a number it determines;

(d) hears the respondents appointed by the inferior court;

(e) hears the appellants or complainants in reply;

(f) calls for questions from members of the court;

(g) after removing all parties from the bar, deliberates on the case before it.

When parties are removed from the bar, it is at the discretion of the court, whether they be permitted to hear the discussion of the case.

When the court has reached a decision or judgement, parties shall be recalled to the bar by the Moderator, who shall then announce to them the decision or judgement of the court.

No document may be read or appear among the papers of the court (printed or written) unless it was before the court of first instance, or was offered to it and rejected, and has thence come up regularly.

Protestation

96. When a complaint or an appeal has been fallen from, the respondent shall make a protestation to the effect and shall be entitled to receive an extract minute of the same.

"Sustain", "Dismiss"

97. 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.

Reference dismissed

98. 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.

Petitions

99. A motion to grant the prayer of a petition (which 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.

Documents in a case

100. 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 complaints or appeals the expense of printing shall in the first instance be borne by the complainant or complainants or by the appellant or appellants, and by the party losing when the case is finally decided, unless remitted or distributed by the Assembly.

COMMITTEES - COMMISSIONS

Committees

101. 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.

Commission

102. 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 - SUSPENDED - AMENDED

Suspension of Standing Orders

103. These Standing orders may be suspended in whole or in part 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. The purpose or purposes for which it is proposed that the Standing Orders be suspended shall be distinctly stated.

Amendment of Standing Orders

104. Any proposal to amend or add to these Standing Orders shall be introduced to the General Assembly by overture only.

Notes

CHAPTER 3
- GENERAL RULES FOR OVERTURES, PETITIONS AND REFERENCES

1. GENERAL

1.01 Authority

These rules are enacted by the Assembly pursuant to its general legislative function as contained in the Articles, in particular Articles 2 and 14.

1.02 Definitions

In these rules:

"**Articles**" means the Articles of Agreement as contained in the Scheme of Union as amended from time to time.

"**Assembly**" means the General Assembly of the Church.

"**Barrier Act procedure**" means the procedures (which reflects the Barrier Act 1697 of the Church of Scotland) whereby the Articles or any Rules may be added to or altered in any way, being the procedure:

(a) in the case of Articles – as contained in Article 15

(b) in the case of the Basis of Union – as contained in Clause III of the Basis of Union

(c) in the case of a Rule – as contained in Article 2.2.

"**Church**" has the same meaning as in the Articles.

"**Committee**" means a committee of the Assembly established under Article 4.1.

"**Overturist**" means the committee, court or persons who bring forward an overture pursuant to Rule 2.03.

"**Rule**" has the same meaning as in the Articles.

1.03 Standing Orders

Procedural issues relating to overtures, petitions and references are contained in the Standing Orders of the Assembly. These Rules shall be read in conjunction with the relevant Standing Orders. In the event of any inconsistency between these Rules and the Standing Orders, the provisions of these Rules shall prevail.

2. OVERTURES

2.01 Overture

An overture is a formal written proposal submitted to the Assembly:

(a) for the enactment of any alteration to either the Basis of Union or the Articles,

(b) for the enactment of any other change (by addition of any new law or repeal or amendment of an existing law) to any Rules of the Church,
(c) for a declaration or interpretation of the law or practice of the Church on some particular point, or
(d) 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.

2.02 Form of overture

An overture for the enactment of a new law or the amendment of an existing law ought to specify 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.

2.03 Who may overture

An overture may be made to the Assembly by:
(a) a Committee,
(b) any seven members of the Assembly drawn from at least two of the States,
(c) a State Assembly, or
(d) a Presbytery.

2.04 Obligations of Overturist

An Overturist is required to:
(a) see that the overture is in due form,
(b) include in the recitals to the overture:
    (i) the opinion of the Overturist that the overture seeks a decision of the Assembly which is within the jurisdiction of the Assembly,
    (ii) reference to the authority pursuant to which the Assembly may give effect to the overture.
(c) appoint two members of the Overturists to support it in the Assembly, and
(d) see that the overture is properly expressed.

2.05 Notice to be given

An overture shall not be moved unless notice of it has been given:
(a) at a previous sederunt of the Assembly, or
(b) in the papers for the Assembly submitted to members prior to the first sederunt of an Assembly.

2.06 Presbytery Overture

Any overture from a Presbytery to the Assembly shall be transmitted through the State Assembly which shall forward it with or without comment or with approval or disapproval. A State Assembly is not entitled to refuse to transmit an overture which is presented in proper form. A Presbytery may transmit an overture to the Assembly direct when no regular meeting of the State Assembly intervenes between the meeting of the Presbytery at which it was approved and the Assembly.

2.07 Proceedings not judicial

The Assembly 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 Assembly from participating and voting in the proceedings relative thereto.

2.08 Several overtures

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

2.09 Receiving and stating an overture

Before an overture can be stated in the Assembly it must be formally received. Only members of the Assembly or others specifically appointed for the purpose by the Overturist 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 Assembly and must be disposed of.

2.10 Questions and motion

After the overture has been stated members of the Assembly may put relevant questions to the persons stating the overture through the moderator. After questions have been answered the persons stating the overture if they are members of the Assembly 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 or such other necessary action be taken.

2.11 How dealt with

An overture is either:

(a) sustained by the Assembly and the specific matter proposed in the overture approved in its original or amended form, or
(b) sustained and sent down to State Assemblies and Presbyteries in its original or amended form under Barrier Act procedure, or
(c) sustained and sent down to State Assembly and Presbyteries in its original or amended form for consideration and report, or
(d) is dismissed.

2.12 Remit apart from Barrier Act procedure

The Assembly may remit any subject to State Assemblies and Presbyteries for their suggestion, opinion and report apart from Barrier Act procedure. Under such a remit State Assemblies and 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 law of the Church.

2.13 Remit under Barrier Act procedure

Before an overture can pass into a law of the Church, it must be approved by the Assembly and sent down to State Assemblies and Presbyteries under Barrier Act procedure. Presbyteries and State Assemblies must either approve or disapprove the overture. Any suggestions from a Presbytery or State Assembly of a possible reconsideration of the subject of an overture under Barrier Act procedure must be kept entirely distinct from the approval or disapproval of the overture.

2.14 Interim Authority

If the object of an overture transmitted under Barrier Act procedure is for a change to a Rule the Assembly may consider whether to grant interim authority under Article 2.3. The Scheme of Union does not permit the granting of interim authority for any proposal to enact a change to the Basis of Union or the Articles.

2.15 Declaratory Statements

These Rules regarding overtures do not prejudice the right of the Assembly to declare what the Assembly understands the law of the Church to be on any point on which questions have been raised which are within the jurisdiction of the Assembly. Such declarations may be passed by the Assembly itself without reference to State Assemblies and Presbyteries.

3. PETITIONS

3.01 Petition

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

3.02 Who may petition

Any inferior court or any congregation, committee or organization 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 Assembly by petition. The Assembly may at its discretion receive and deal with a petition from any person other than the aforesaid.

3.03 Matter and form

Petitions must be what they profess to be. They must pray for something which is within the jurisdiction of the Assembly to grant and which could not have been or cannot be otherwise constitutionally obtained. A petition reviewing the judgement 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 the petitioner's right of appeal or complaint in an 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 Assembly to take action.

3.04 Assistance

Sessions, Presbyteries and State Assemblies 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.

3.05 Who at bar

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

3.06 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 Assembly may refuse to hear the petitioner even on that. When the petition has been received the Assembly proceeds to consider its answer to the prayer of the petition.

3.07 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 Assembly at which the petitioner has asked or will ask that the petition be heard.

The petitioner must inform the Clerk of the Assembly in writing that this has been done. If the Assembly 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.

4. REFERENCES

4.01 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 the Assembly, being within the jurisdiction of the Assembly.

4.02 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.

4.03 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.

4.04 How dealt with

The Assembly may then decline to entertain the reference or it may sustain the reference which means that the matter is properly before the Assembly and may then be discussed on its merits.

4.05 Right to vote

Any members of the inferior court who are members of the Assembly retain their right both to deliberate and vote.

4.06 Disapproved but taken up

The Assembly 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 Assembly may proceed to determine the issue.

4.07 Further procedure

Unless the decision of the Assembly determines the issues of the case the inferior court is directed to proceed in it according to the laws of the Church.

5. APPEALS AND COMPLAINTS

5.01 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 appeal must also state the grounds upon which the appellant alleges that GAA has jurisdiction. 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 judgement is given.

5.02 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. The complaint must also state the grounds upon which the complainant alleges

that GAA has jurisdiction. 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.

5.03 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 judgement, undue haste in proceeding to judgement, judgement against evidence or the weight of evidence or denial of natural justice.

5.04 Resolution of Disputes

When an appeal, a complaint, or a petition to resolve a dispute is to come before the Assembly, the Clerk may appoint a minimum of five Assessors (appointed under Article 13) and shall advise the parties to enter into negotiations with these Assessors for the purpose of seeking to resolve the dispute. The content of such negotiations shall be confidential to the parties. The Clerk shall report to the Assembly whether negotiations were held or not held in cases of unresolved disputes.

5.05 Respondents and appellants

No more than two appellants or complainants and no more than two respondents have a right to present the case.

5.06 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.

5.07 Documents

A court transmits without delay 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.

5.08 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.

5.09 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.

5.10 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.

5.11 Parties at the bar

An appeal or complaint places at the bar of the superior court, and prevents 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.

5.12 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.

5.13 Procedure

In appeals or complaints the procedure is:

(a) Parties are called to the bar.

(b) The minutes of the inferior court and relative documents are read, or if they are printed, may be taken as read.

(c) The court considers the issue of jurisdiction relating to the appeal/complaint, and proceeds to resolve to accept or reject jurisdiction.

(d) 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".

(e) The appellants or complainants are heard.

(f) The respondents are heard.

(g) The appellants or complainants are heard in reply.

(h) Questions may be put through the moderator to the parties by members of the court. If the court sees cause, any question and answer may be recorded in the minutes.

(i) The parties are removed from the bar. When parties are removed from the bar, it is at the discretion of the court whether they be permitted to hear the discussion of the case.

(j) The court considers the case and proceeds to judgement.

(k) Parties are recalled and the finding is intimated to them.

5.14 How dealt with

An appeal or complaint is usually sustained or dismissed in whole or in part and in either case the judgement of the inferior court may be modified or altered as the superior court may think fit.

5.15 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 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 judgement 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.

5.16 Dismissed

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

5.17 Protestation

When a complaint or an appeal has been has been fallen from, the respondent shall make protestation to that effect and shall be entitled to receive an extract minute of the same.

Notes

CHAPTER 4
PART ONE
- DETERMINATIONS ON THE SACRAMENTS

4.1 Rightful Subjects of Baptism, 1906

At the General Assembly (1905) attention was drawn to the following facts, viz., that a difference of view exists in the Church with respect to the children who should be regarded as rightful subjects of Christian Baptism, and a diversity of practice among those with whom lies the duty of administering this ordinance.

The Assembly regarded the matter as sufficiently important to appoint a Committee to draw up a short statement of the Church's doctrine on the subject, together with such instructions as might be helpful in guiding Ministers and Church Sessions.

The view of the Church with regard to the children to whom baptism should be administered is explicitly stated in the Confession of Faith and in the Larger and Shorter Catechisms.

The Shorter Catechism, Question 95, says:
"Infants of such as are members of the visible Church are to be baptised."

The Larger Catechism, Question 166, says:
"Infants descending from parents, either or both professing faith in Christ, are to be baptised."

The Confession of Faith (Chapter XXVIII Section IV) says:
"Not only those that do actually profess Christ, but also the infants of one or both believing parents are to be baptised."

This view which makes Christian faith on the part of at least one of the parents essential to the validity of the ordinance, is the only one which is in accordance with the nature of the ordinance as that is set before us in the Scriptures. As great spiritual truths are symbolised in this ordinance, and obligations of a special kind with regard to the training of the children are incurred, by those who receive baptism for their children, to administer this Sacrament to the children of such parents as are without Christian faith, degrades the ordinance to a meaningless form, and brings parents under responsibilities which they are unable to discharge.

The Assembly therefore, would counsel Ministers and Sessions to take heed that

the ordinance be administered only to the children of such parents as are one or both communicants of the Church, or who, being themselves baptised, make such a profession of faith as would entitle them to become full members of the Church and partakers of the Lord's Supper.

They would further suggest that the following questions, or questions of a similar kind, be put to those who are not communicants of a Christian Church, who are seeking to have their children baptised:

(i) Do you believe in God the Father Almighty, in Jesus Christ the Saviour of the world, Who in His Love gave His life for the world's redemption, and in the Holy Spirit the Sanctifier?
(ii) Do you believe in the Christian Church as an institution founded by Christ, in which all who are regularly baptised have a place as members?
(iii) Do you engage to bring up your child (or children), as far as you are able, in the knowledge of God and of His holy will?
(iv) Do you agree so to order your lives as will set before your child an example of holy living?

4.2.1 Administration of the Sacraments - Special Provision.

Chapter XXVII, Section IV, of the Confession of Faith is as follows:

There be only two sacraments ordained by Christ our Lord in the Gospel, that is to say, Baptism and the Supper of the Lord: neither of which may be dispensed by any but by a Minister of the Word lawfully ordained.
It was amended (G.A.A. Blue Book 1914 Min. 61, 1916, Minute 71) so that it reads:
"There be only two Sacraments ordained by Christ our Lord in the Gospel, that is to say, Baptism and the Supper of the Lord: neither of which may be dispensed by any but a Minister of the Word lawfully ordained (saving where the General Assembly has made special provision to the contrary that the people of God may not be left without these sealing ordinances).

4.2.2 *A**dministration of the Sacraments by Elders and unordained pastoral ministry workers [Interim Authority – BB 2023 Min. 51 (2)]***
Elders and unordained pastoral ministry workers may in specified circumstances be authorised by a Presbytery to administer the sacraments.

Before giving this authorisation, the Presbytery must be satisfied as to his having:

a) an adequate understanding of the theology of the sacraments;
b) a proven record of service demonstrating his suitability to take on special responsibilities; and
c) completed all Safe Church requirements for a person in leadership;

and then, in the case of an unordained pastoral ministry worker, Presbytery must also be satisfied as to:
d) his accreditation in accordance with the rules and regulations of the relevant state church;
e) his satisfactory length of membership in the Presbyterian Church of Australia of not less than 12 months; and
f) his subscription to the Subordinate Standard of the church read in the light of the Declaratory Statement.

When this authorisation is to apply to ministry within a Charge, Presbytery must satisfy itself:
g) that there exists a genuine pastoral connection with the Charge that includes the acceptable preaching or teaching of the Word to the congregation/s;
h) that this will be applied only for such occasions fixed by the relevant Session and at the invitation of the Moderator or interim Moderator.

When this authorisation is to apply for ministry in connection with a Federal or State committee, the relevant Presbytery must satisfy itself that:
i) the purpose for granting such authority is consistent with the designated ministry of that Committee.

When so authorised, those Elders and unordained pastoral ministry workers, when administering the Sacraments, shall use the forms in, or adopt a form congruent with, the most recent Book of Common Order as approved by the Presbyterian Church of Australia.

The Moderator (Interim Moderator) of the Charge or the relevant Committee shall be responsible for the manner in which the sacraments are administered and recorded.

4.3 Administration of the Sacraments by ministers of churches other than the Presbyterian Church of Australia.

Unless other provisions are made by the General Assembly of Australia the sacraments of the Church may be administered only by the following persons:

(a) A person who has the status of a minister of the Presbyterian Church of Australia and who is able to perform ministerial functions.

(b) A Home Missionary granted permission to administer the sacraments in terms of the regulations of the General Assembly of Australia.

(c) A person who has the status of an ordained minister of a reformed or Presbyterian Church and who has been duly authorised to administer the sacraments by the presbytery of the bounds in particular circumstances e.g., an exchange ministry, an interim ministry during a vacancy, of which circumstances the presbytery shall be the sole judge.

Notwithstanding the previous provision, ministers of the Presbyterian Church of Australia may, with the approval of the presbytery of the bounds and in special circumstances, invite a minister of another church to administer the Sacraments.

Notes

PART TWO
- DETERMINATION ON THE ELDERSHIP

The General Assembly of Australia (BB 2023 Min. 30 (9)(b)) adopted the following declaration on the Eldership and, at Min. 30(9)(c), instructed the Code Committee to include the declaration in *Constitution, Procedure and Practice*

4.4 Eldership

The Presbyterian Church of Australia:

(i) holds that elders occupy a pastoral office to which belongs the spiritual oversight of the Church. Under the Chief Shepherd, the Lord Jesus Christ, elders shepherd and serve the church by sharing in its government, teaching the word of God, praying with and for God's people, and modelling life in Christ, according to their gifts;

(ii) holds that teaching is, and always has been, a vital part of an elder's duties and that all elders must be competent to teach according to their gifts;

(iii) observes a functional distinction between ministers of the word and sacraments, and elders.

Notes

CHAPTER 5
- DETERMINATIONS ON SEX, GENDER, MARRIAGE, AND DIVORCE

5.1 Marriage and Divorce:

Chapter XXIV, Section IV, of the Confession of Faith is as follows:

Marriage: Marriage ought not to be within the degrees of consanguinity or affinity forbidden in the Word; nor can such incestuous marriages ever be made lawful by any law of man or consent of parties, so as those persons may live together as man and wife. The man may not marry any of his wife's kindred nearer in blood than he may of his own; nor the woman of her husband's kindred nearer in blood than of her own.

The second sentence of this section was amended (G.A.A. Blue Book, 1912 Minute 53, and pages 130 to 136; 1914 Minute 113; 1926 Minute 42) so that it read: 1928 Min. 57: "The man may not marry any of his wife's kindred nearer in blood than he may of his own, nor the woman of her husband's kindred nearer in blood than of her own, except the case of a deceased wife's sister, or the case of a deceased husband's brother."

The laws of the Church require that the parties to a marriage shall not be within the degrees of consanguinity or affinity forbidden by the Word of God (in this respect consanguinity and affinity are equivalent); that they be both unmarried; and that they are of years of discretion fit to make their own choice or upon good grounds to give mutual consent; or, if under age, that they have obtained the necessary consent required by law. See Confession of Faith, Chapter XXIV. The Confession of Faith has been amended by the General Assembly of Australia, so as to allow of the marriage of a man with his deceased wife's sister, or of a woman with her deceased husband's brother.

The Declaration on Guiding Principles concerning the Remarriage of Divorced Persons (BB 1967 Min. 107(3)(a)) has been removed by the resolution of The General Assembly of Australia (BB 2023 Min. 30(5)).

The General Assembly of Australia (BB 2023 Min.99(3)(a) adopted the following updated statement on Sex, Gender and Marriage and, at Min. 99(3)(c) instructed the Clerk to update the version contained in *Constitution, Procedure and Practice*

5.2 Sex, Gender and Marriage

1. Preamble

The Presbyterian Church of Australia seeks to be faithful to God by holding to the teaching of Scripture in faith and life. Our Subordinate Standard affirms the biblical teaching that God created us male and female (WCF 4.2) and that marriage is to be between one man and one woman (WCF 24.1). This statement presents the Church's understanding of humanity in relation to sex, marriage and gender, based on the teaching of Scripture.

This statement uses the terms 'sex' and 'gender' as is common in contemporary discussion. Sex is the binary differentiation of humans as male or female by chromosomes, hormones and the reproductive organs which makes possible reproduction. Gender refers to a person's self-understanding, social identity and social presentation. The position of this statement is that a person's gender should be determined by their sex.

In this statement the Church:

- expresses its joy in God our Creator and his good order of creation;
- expresses its grief over the effects of our Fall into sin in distorting God's good order;
- expresses its faith in the Lord Jesus Christ our Redeemer and Saviour;
- expresses its hope in God's promise of a new creation in which righteousness dwells; and
- reaffirms its commitment to serving Christ, his church and his world in the area of sex, gender and marriage.

2. We rejoice in God our Creator and his good order of creation

2.1. All people are made in God's image (Gen 1:26-27; Declaratory Statement §4) and have a common dignity and worth. No one should be mocked, hated, or bullied.

2.2. God established a good order in his creation (WCF 5.1) in which humans were either male or female (Gen 1:27; 5:2; WCF 5.2), sharing a common humanity (Gen 2:23), but distinguished biologically through their capacity to conceive children together through sexual intercourse (Gen 2:24; 4:1). These differences should be recognised and celebrated. Men and women are equally created in God's image and are to express their gender in complementary relationships, especially in a loving marriage (Gen 2:18; Deut 22:5; 1Co 11:14-15; Eph 5:22-33; Col 3:18-21; 1 Tim 2:12-14) and also within leadership in the household of God (1 Cor 14:29–35; 1 Tim 2:11–3:7; Titus 1:6–9).

2.3. In God's good order, human beings have been created with a biological sex (male or female) with different genetic, chromosomal and anatomical characteristics (Gen 1:27; 2:24; 4:1; WCF 5.2) which determines gender identity (self-recognition of being either a man or a woman) and gendered roles in relationships (for example being either a husband or a wife, Gen 2:24-25). While the Bible does not closely prescribe expression of gender (for example tastes, clothing, personality traits etc), Christians should express themselves in godly ways which do not mislead others in their culture as to their sex and gender (Deut 22:5; 1 Cor 11: 2-16).

2.4. Marriage is a union of a husband and a wife, to the exclusion of all others, voluntarily entered into for life (WCF 24.1), which for the good order of society is established by a public commitment. It is a sign of the love that exists between Christ and his church (Eph. 5:24–33). The purpose of marriage is lifelong love, intimacy and companionship, to provide the most favourable and stable environment to reproduce and nurture children, and to promote the health and stability of society (Gen 2:18; Ecc 4:9-11; Deut 6:1-7; Eph 6:1-4; Prov14:1; Pss 127 & 128; WCF 24.2). In the unity and partnership of marriage the husband is the head of the wife. A husband is to love his wife as Christ loved the church, and a wife is to submit to her husband (Gen 2:18; Eph 5:21–30). Marriage is the only proper setting for sexual activity. It is the divinely ordained environment for the raising and nurturing of children.

2.5. Married couples are commanded by God to be faithful. All sexual activity outside of marriage is prohibited (Ex 20:14; 22:19; Lev 19:29; Deut 5:18; 22:13-21; 1Co 6:9-10; Heb 13:4; Rev. 21:8; 22:15), as is abuse and violence within marriage (1 Pet 3:7). Divorce is prohibited, except on proper grounds (Mal 2:15; Mt 19:4-8; Mk 10:6-9; 1Co 7:10-14; WCF 24.5-6).

3. We mourn the effects of the Fall and our own sin as they distort God's good order

3.1. The fall of Adam rendered all humanity guilty and subject to God's eternal punishment (Rom 5:12-19). It corrupted us and the created order. 'Our first parents … fell from their original righteousness and communion with God, and so became dead in sin, and wholly defiled in all the faculties and parts of soul and body', and 'the same death in sin and corrupted nature' was 'conveyed to all their posterity descending from them by ordinary generation' (WCF 6.1-3). As a consequence, all humans turn away from God, refuse to obey him, and worship created things instead (Rom 1:25) — including marriage and sexual experiences — and seek to establish sexual and gender identities apart from God and his order (Rom 1:26-27). All humans face struggle, distress and distortion in our experiences of gender and sexuality and marriage.

3.2. From the Fall, human sin and God's curse have disordered and frustrated God's good creation pattern (Gen 3:14-19; Rom 8:19-21). Humans have sought to make sense of their world and establish their identities apart from God (Prov 1:7; 12:23; Rom 1:21-29; 7:5,14-18; Eph 4:22). Relationships between husband and wife are spoiled (Gen 3:7,12,16; 4:19,23), spouses are abusive and unfaithful in marriage and marriages end in divorce (Dt 21:13-14; Mal 2:10-16; Mt 19:4-8; 1Co 7:10 -14). Women are oppressed (Ge 34:7-31; Deut 22:28–29; Jdg 19:22-20:7; 2Sa 13:1-32; Zec 14:2; 1 Pet 3:7). Polygamy and polyandry are both corruptions of God's good pattern of marriage (Gen 4:19; 29:30; 30:1; Dt 21:15-17; 17:17; 1 Ki 16:31; 1Co 7:2; 1Ti 3:2). Men and women are tempted to, and participate in, sexual immorality (Ge 39:6-12; 2Sa 11:2-5; Mt 5:27-28; 1 Pe 4:3; 2 Pe 2:14-18) including, adultery (Ex 20:14; Lev 18:20; Dt 5:18; Pr 22:14; 30:20; Mt 19:18; Jas 2:11), pre-marital sex (Dt 22:13-21, 23; Matt 1:19;), polyamory, homosexual sex (Lev 18:22; 20:13; Rom 1:18-32; 1 Cor 6:9-10; 1 Tim 1:9-10), incest (Lev 18:6-18; 20:17,19; Dt 22:30; 27:20,22-23; Eze 22:11), and rape (Ge 19:4-9; Dt 22:25-29; Lev 18:22; 20:13; Jdg 19:22-28; 20:4-5; 2 Sa 13:14-20). A further effect of sin is that men and women transgress the boundaries of their sex (Deut 22:5; 1 Cor 6:9; 1 Cor 11:4-5, 13-15).

3.3. One consequence of the Fall is that some people are born with conditions in which their sex organs are not easily characterised as either male or female, or their sex organs are not consistent with their sex chromosomes (sometimes called intersex conditions or disorders of sex development). These are often physically uncomfortable and emotionally distressing conditions.

3.4. A further consequence of the Fall is that some people experience their gender to be different to their sex (sometimes called gender incongruence, gender identity disorder or gender dysphoria). This is often a very distressing and confusing experience.

3.5. People who suffer from these conditions and experiences are equally made in God's image and share in the common dignity and worth of all human beings. However, these conditions do not constitute a third sex or gender, nor do they contradict the truth that in his originally good creation, God has established a binary sexual order for human beings. Binary biological sex remains the basis on which we understand these experiences.

3.6. All forms of sexual immorality are sin, as is marital unfaithfulness through violence, or desertion. Jesus condemns all sexual immorality, teaching that sin begins prior to any such act, in the corruption of heart and eye (2 Sam

11) with a lustful, covetous look, a redirecting of desires, emotions and fantasies (Matt 5:27-28; Prov 6:23-29; Jer 5:8).

3.7. People are tempted to turn from God's good order and break his commands in all aspects of sexual life and gender, as is the case in all other areas of human life after the Fall. Temptations to sin can arise externally to ourselves, as Jesus experienced (Matt 4:1-11). For all fallen human beings, temptations also arise from their sinful nature and external temptations appeal to their corrupted desires. The corrupted nature and all the covetous desires that proceed from it, including involuntary or pre-conscious attractions towards ends contrary to God's law, are truly and properly sin and we are culpable for them (2 Peter 3:3; 1 Jn 2:16-17; WCF 6:4-6). We are all prone to living out these sinful desires in thought, word and deed (Jam 1:13-15). All sexual temptations are to be resisted and are desires which should be mortified (Gal 5:24). There is a pastorally significant moral difference between experiencing sinful desires and seeking to mortify them, as opposed to cultivating desires into actions (James 1:14-15).

3.8. Christians who do not struggle with gender incongruence or same-sex attraction can possess unwarranted self-righteousness ignoring their own sinful desires, their need to repent and their need for mercy in Christ. Everyone's expression of sexuality and gender has sinful aspects, and all desire for sexual activity outside the boundaries of marriage is illicit.

3.9. Modern Western culture has developed in a framework in which God is not relevant to understanding the world or shaping ethics. This has promoted a culture which views each person as free to determine their own identity and moral framework; and assumes that diversity, including gender and sexual diversity, is a good in itself; and that pleasure and comfort are primary. This culture does not acknowledge the existence of God's good creational order and often celebrates changes which transgress that order. It also presents temptations through sexualised advertising, pornography and social pressures in friendships and in employment and educational contexts.

3.10. The church, in seeking to teach and apply the biblical view of sex, gender and marriage has often failed to acknowledge our own sin and has caused undue hurt. We have failed to adequately understand the struggles of others; and, in doing so, have prevented the gospel being heard by those who, like us, are in desperate need of salvation and secure identity in Christ. As a church we are accountable to the Lord Jesus for our treatment of others, especially those who are young in the faith (Matt 18:6; 1 Pet 4:17).

4. We look to Christ for redemption, proclaim him as Lord and Saviour and seek to live for him in ways consistent with God's good order

4.1. In his incarnation, God the Son took on human nature to redeem people from sin, to heal them from corruption and reconcile them to God, and to restore God's good order to creation. He achieved this by his life, death, resurrection and ascension (Jn 3:16-21; Eph 1:3-10; 1 Pet 1:1-9; WCF 8).

4.2. The gospel, which proclaims Christ as the Saviour for all who trust him, is offered to all people (Isa 57:19; Acts 2:39; Rom 1:5; 3:24; 1 Tim 2:4). Everyone who comes to Christ is welcomed by him and included in his salvation (John 6:37). In Christ, his people find their true humanity and a new identity, irrespective of their gender, sexuality, marital status, family background, social status or ethnicity. They are restored to the image of God in Christ and united with each other in him (Rom 10:12; 1Co 12:13; Gal 2:20; Eph 2:10, 15; 4:22-24; Col 3:10-11). Christ is the answer to the underlying problems for all people — including those facing sexual temptation, the consequences of sexual sin, broken and difficult marriages, loneliness, shame, and gender confusion.

4.3. Christ calls all people, though lost in sin, to come to him to be reconciled to God and discover their true humanity in his service. By his Spirit working through his Word and prayer, God draws sinners to him, transforming our rebellion into love and reordering our desires and deeds to conform to Christ. By his Spirit, he enables us to grieve and hate our sinful nature and to recognise and repent of particular sins, particularly (Lk 3:10-14; Rom 8:3-9; WCF 10.1, 13.1, 15.5). Truthfully and humbly naming sin and calling people to repentance are not harmful because of God's gracious mercy and the sanctifying power and promised fullness of life in Christ (John 10:10; Acts 2:38, 2 Cor 7:10).

4.4. By his Spirit, all believers must struggle against sin and constantly turn to Christ, putting to death the sinful nature with its particular sins (Rom 6:11-14; WCF 13, 15:5). The Spirit helps us to humbly speak the truth in love and encourage one another to grow in Christ (Eph 4:15-16). We should exercise wisdom in choosing language that articulates the truth about ourselves, naming our sins but not being named by them (1 Cor. 6:9–11). Christians should flee sin (Gen 39:6b-12; Matt 5:27-30; 1 Cor 6:18; Rom 6:11-12; 1 Pet 1:14; 2:11), and hence be careful to avoid legitimising sin by using descriptions that either downplay or even celebrate temptation.

4.5. God does not promise to heal all broken bodies or human relationships, nor to end temptation, nor remove homosexual attraction, gender confusion or other burdens in this life. Neither does he say that sinful desires are fixed and can never be changed. He promises that, because we are his chosen, redeemed and sanctified children, his grace will be

sufficient in all our trials (2 Cor. 12:9) and his Spirit will bear rich fruit in every aspect of our lives (Gal 5:13-25). He also promises that on the return of Christ all his people will receive resurrected and restored bodies and enjoy full communion with him in a world of righteousness freed from curse and frustration (Rom 8:20-24; 2 Pet 3:13; Rev. 21:1-5).

4.6. An unmarried person who is a follower of Jesus Christ is called to live faithfully for him in chastity. Singleness is a proper and honourable Christian calling, since it was the calling of the Lord Jesus himself (Matt 19:12; 1 Cor. 7:32–35; 1 Tim 5:5).

4.7. Married couples who follow Jesus Christ are called to live together faithfully as husband and wife, loving and serving one another. Husbands are to love their wives as Christ loved the church, and wives are to submit to their husbands (Col. 3:18–19; Eph. 5:22–33; Tit 2:4-5; 1 Pet 3:1-7). Parents are to love their children and raise them in the training and instruction of the Lord (Gen 18:19; Deut 6:7; Col 3:21; Eph 6:4). Children are to honour and obey their parents (Ex 20:12; Deut 5:16; Pr 6:20; Col 3:20; Eph 6:1-2).

4.8. An intersex person who is a follower of Jesus Christ should embrace their biological sex insofar as it may be known. Surgical treatment to enable this may be appropriate, though it is not morally necessary.

4.9. A person who experiences gender incongruence and who is a follower of Jesus Christ should accept their body as inherent to their personhood, given to them by God, and seek to reconcile their understanding and presentation of their gender according to this fundamental truth. Learning to live consistently with this may be an on-going and difficult process, yet, as with all Christians, their union with Christ through his Spirit will lead them to grow in grace.

4.10. Both the desire for, and the act of, sexual relations with a person of the same sex are sinful (Romans 1:26-27; 1 Cor 6:9-11). Such desires should be rejected and mortified, as a Christian seeks "to put on the new self, created to be like God in true righteousness and holiness" (Eph 4:24). The good news for those who experience same-sex attraction (as indeed for all sexual sinners) is that in Christ they can be known and identified not according to their sexual impulses but as beloved children of God, forgiven and justified, freed from guilt and shame, set apart for growth in Christlikeness and good works, secure in resurrection life, and precious brothers and sisters in Christ.

4.11. Faithful proclamation of the gospel requires the church to give a clear public witness in word and action to the righteousness of God, the nature and consequences of human sin, including its impact on the curse and frustration of the fallen creation, and God's free offer of grace in the Lord

Jesus (Jn 16:8; Acts 2:23, 17:16-17, 30-31; Rom 1:18-3:20). The church presents God's good order and his moral law to the wider society, in part for the sake of the common good which is promoted by a recognition of the moral law. The church is not called to provide moral discipline for society (1 Cor 5:9–10), nor to seek moral reformation of society apart from gospel ministry. The priority of its mission is to proclaim Christ and to call people to salvation in him.

5. We live in eager expectation of God's new creation

5.1. The Lord has promised at his return a new creation where righteousness will dwell, and his people will enjoy glorious freedom in his presence, and he will wipe away all their tears (Rom 8:21; 2 Pet 3:13; Rev. 21:1-5; WCF 33.2). So, we live in hope, longing for and praying for the day when we shall be fully conformed to Christ and the created order will be gloriously transformed, healed of all disorder and corruption. In the presence of the Triune God, God's people will be given the fullness of their new identity in Christ (1 Cor 13:12; 1 John 3:2; Rev. 22:4-5).

5.2. In the new creation, marriage and sexuality will reach their fulfillment in the marriage of Christ the lamb to his people (Rev. 19:7; 21:2). Jesus declares there will be no marriage at the resurrection, which means that marriage is temporal, and not an 'ultimate' relationship for humanity, but one that points to this ultimate fulfillment (Matt 22:30). We do not know the details of how bodies will be transformed and how that will reflect sex or intersex conditions. The bodies of God's people will be glorified and made to be like Christ (1 Cor. 15:35–53; Phil 3:20-21; 1 Jn 3:2).

5.3. Only then will God's people be freed from temptation and able to love him perfectly and freely (WCF 9.5).

6. We commit ourselves to serving Christ, his church and his world in the area of sex, marriage and gender

6.1. As the Church addresses issues of sex, gender and marriage in its teaching and pastoral ministry it should teach and act in consistency with the understanding set out in this statement in prayerful dependence upon the Holy Spirit.

6.2. It is important to differentiate between cultural trends and movements, and the situation of individuals. The Church should identify for its members, and for the society, false views about marriage, sex and gender. It should do so in a way that is gracious, compassionate and engaging, and which offers life lived for Christ as a genuine alternative. It should treat those who are influenced by these movements as victims in need of compassion and, like all people, sinners in need of repentance. The Church should remain sensitive to congregation members who may struggle with gender or sexuality issues.

6.3. The deeply personal nature of sex, gender and marriage makes teaching about these areas, and the provision of pastoral care, particularly complex. We should seek to be informed as well as possible, to welcome advice from those with relevant personal and professional experience and constantly to seek wisdom from the Lord.

6.4. Good pastoral care will involve determining with those concerned, in light of the teaching of Scripture, how they can live faithfully in Christ. It will involve supporting them in this and, in love, holding them accountable for their actions. It may involve helping them access the services of appropriate professionals who should share a view of sex, gender and marriage consistent with this statement.

6.5. We should seek to build churches in which people of all ages grow together in the gospel, and which share the gospel of God's love in Christ. Our churches should aim to reinforce, enrich and model identity in Christ in contrast to the idolatrous identities of the world. Churches should seek to model faithfulness in marriage and singleness, and to support single people, couples moving toward marriage and married couples to live godly lives and to serve Christ together. The Church should be a community in which people can be honest about their temptations and pain and receive compassionate support from fellow believers as they seek to live faithfully.

6.6. The Church teaches that a marriage can only end in divorce when the marriage covenant is broken (Matt. 19:3–9, WCF 14.4-5). It should seek to support marriages and encourage reconciliation where possible (1 Cor 7:10-11).

6.7. The Church teaches that God opposes abuse and violence in marriage and in the family. He particularly warns husbands to be considerate to their wives and treat them with respect (Eph 5:28–30; 1 Pet 3:7). Acts of domestic violence and abuse are heinous sins. In providing pastoral care, church leaders should be alert for signs of domestic and family violence, and teaching in churches should address these issues. Domestic violence may be a valid ground for divorce, along with adultery and desertion (WCF 24:6).

6.8. No office bearer of the Church shall solemnise or bless a union between two people other than that between a man and a woman who have no legal impediment to marriage.

6.9. Biological or natal sex is the relevant basis on which the church makes decisions about qualifications for marriage, church membership and church office.

6.10. The Church will not ordain any person who is involved in a sexual relationship outside of a marriage between a man and a woman. No

church officer nor anyone in a position of leadership or responsibility within the Church should be involved in such a relationship.

6.11. All schools, training colleges, aged care facilities, charitable organisations, and other ministries and institutions operated by, in connection with, or under the authority or control of the Church are to operate in a manner, and for purposes, consistent with the understanding of sex, gender and marriage set out in this statement. Church property is only to be used in a manner and for purposes consistent with that understanding.

Notes

CHAPTER 6
- QUESTIONS AT ORDINATIONS AND INDUCTIONS

For procedure in regard to licensing, ordination and induction see the Code Books of the State Assemblies. For Forms of Service suitable for such occasions see "The Book of Common Order of the Presbyterian Church of Australia".

6.1 Ordination or Induction of Ministers

Questions for the Congregation
The members of the Congregation are requested to stand up, and the following questions are put to them:

(i) 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?
(ii) 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?

Be pleased to signify your assent by holding up the right hand.

Questions for the Minister-Elect
The congregation assenting, the following questions are put to the Minister-elect:

(i) Do you believe the Scriptures of the Old and New Testaments to be the Word of God, the only rule of faith and practice?
(ii) 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?
(iii) Do you own and accept the purity of worship as practised in this Church?
(iv) 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?
(v) 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?

(vi) Do you accept this Call, and promise through grace to perform all the duties of a faithful minister of the Gospel among this people?

(vii) Do you promise to give conscientious attendance upon the Courts of the Church, and to direct your best attention to the business thereof, doing all in the spirit of faithfulness, brotherly kindness, and charity?

(viii) 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?

(ix) All these things you profess and promise through grace, as you shall be answerable at the coming of the Lord Jesus Christ?

The General Assembly of 1933 declared that an ordained and inducted Minister is responsible to his Presbytery, and not to his Session, for the discharge of all the duties of his office. (BB 1933 Min. 161).

6.2 The Induction of a Minister appointed to a Special Office

At the induction of Ministers to special offices, the Questions to the Congregation shall be omitted. In the Questions to Ministers the following shall be substituted for Question (vi):

> "Do you accept this appointment, and promise through grace to perform all the duties pertaining thereto?

In Questions (viii), the words "duties pertaining to your office" shall be substituted for "parts of the ministerial work".

6.3 The Ordination or Induction of a Ministerial Missionary

At the ordination of Ministerial Missionaries the questions to the Congregation are omitted. Questions (i) to (v) prescribed for the ordination of Ministers are put; also the following substituted for Questions (vi) to (ix):

(vi) Do you promise to be subject in the Lord to the Church and its judicatories and conscientiously to take part in their proceedings as you have opportunity?

(vii) Do you promise, in the strength of Divine grace, to lead a holy and circumspect life; to rule well your own household; and faithfully, diligently, and

cheerfully to perform in all its parts the work of a Missionary to the increase and edification of the body of Christ?

(viii) Do you adhere to your acceptance of the call to be a Missionary of this Church, and promise through grace to perform all the duties of a faithful Missionary of the Gospel among the people to whom you are sent?

(ix) All these things you profess and promise through grace as you shall be answerable at the coming of the Lord Jesus Christ?

In the case of a Medical or Educational Missionary the same questions shall be put as in the case of a Ministerial Missionary, except that in Question (v) the words "to which you have given yourself" shall be substituted for the words "of the holy ministry".

6.4 The Ordination or Induction of a Professor or full-time lecturer

At the Ordination or Induction of a Professor or full-time lecturer (as in the case of a Missionary) the Questions for Congregations shall be omitted, and instead of Questions (vi) to (ix), the following shall be substituted:

(vi) Do you accept the office of a Professor or full-time lecturer in the Theological Hall of this Church, and do you engage in the strength and power of Jesus Christ, our Lord and Master, to live a holy and circumspect life, and faithfully to discharge all the parts of the work assigned to you as Professor of _____ or full-time lecturer in _____ for the training of the students under your care for the office of the Holy Ministry, and the edifying of the Body of Christ?

(vii) All these things you profess and promise through grace, as you shall be answerable at the Coming of the Lord Jesus Christ?

6.5 The Licensing of Theological Students

Questions (i), (ii), (iii), (iv), (v) are the same as those put to Ministers before Ordination.

(vi) 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?

(vii) All these things you profess and promise through grace, as you shall be answerable at the coming of the Lord Jesus Christ?

6.6 Questions at the Ordination or Induction of Elders

Questions for the Congregation

The members of the Congregation are requested to stand up, and the following questions are put to them:

(i) Do you, the members and adherents of this congregation, now confirm the election of these brethren (or this brother) to the office of Ruling Elder in this congregation?

(ii) And do you promise to render them (or him) all due respect and encouragement in the discharge of their (or his) office?

Be pleased to signify your assent by holding up the right hand.

Questions for Elders-Elect

The Congregation assenting, the following questions are put to the Elders-elect:

(i) Do you believe the Scriptures of the Old and New Testaments to be the Word of God, the only rule of faith and practice?

(ii) 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?

(iii) Do you own and accept the purity of worship as practised in this Church?

(iv) 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?

(v) Do you adhere to your acceptance of the Call of this Congregation, to exercise among them the office of Ruling Elder?

(vi) 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 so to do?

(vii) All these things you profess and promise through grace, as you shall be answerable at the Coming of the Lord Jesus Christ?

6.7 The Ordination or Induction of Deacons

Questions for the Congregation

(i) Do you, the Communicants and adherents of this Congregation, now confirm the election of these brethren (or this brother) to the office of Deacon in this Congregation?

(ii) And do you promise to render them (or him) all due respect and encouragement in the discharge of their (or his) office?

Be pleased to signify your assent by holding up the right hand.

Questions for the Deacons-Elect *[Interim Authority – BB 2023 Min. 77 (2)]*

(i) Do you believe the Scriptures of the Old and New Testaments to be the Word of God, the only rule of faith and practice?

(ii) 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 to the same?

(iii) Do you own and accept the purity of worship as practiced in this Church?

(iv) Do you own and accept the Presbyterian form of government to be founded on the Word of God and agreeable thereto, and do you engage firmly and constantly to adhere to the same?

(v) Do you adhere to the acceptance of the call of this Congregation to exercise among them the office of Deacon?

(vi) All these things you profess and promise, through grace, as you shall be answerable at the coming of the Lord Jesus Christ?

6.8 Formula for Ministers and Elders

Formula to be signed by Ministers and Elders at their Ordination or Induction, and by Probationers on receiving licence:

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.

Notes

CHAPTER 7
- DECLARATION ON THE SPIRITUAL FREEDOM OF THE CHURCH

On Spiritual Freedom

Whereas recent decisions affecting the relations of the administration and discipline of the Church to the Civil Courts have been given by the Civil Courts in the Commonwealth of Australia:

And whereas the Presbyterian Church of Australia is directly interested in such decisions:

It seems good and necessary to the General Assembly of the Presbyterian Church of Australia to make a Declaration on this matter, lest the Church be assumed to acquiesce in any infringement of the Crown Rights of Christ within His own Church, as declared in the Standards of the Church, or in any infringement of the essential principles of Presbyterianism, as held by Presbyterian Churches throughout the world.

Accordingly the General Assembly of the Presbyterian Church of Australia hereby declares as follows:

1. That the General Assembly holds, in accordance with the Word of God and the Westminster Confession of Faith as accepted by this Church:

    (a) That God has ordained Civil Magistrates to be, under Him, over the people, for His own glory and the public good, and the Church has ever been instant in teaching the people to pray for the sovereign of the realm, and all who under him administer the government, to honour their persons, to obey their lawful commands, and to be subject to their authority for conscience' sake.

    (b) That the Lord Jesus has instituted His Church in the world as a society of His believing people, to which He has promised His own presence and Spirit to guide and rule the Church to the glory of His holy name and the advancement of His kingdom upon earth; and this Church of the Lord Jesus is distinct from the kingdoms of this world, both in its origin and its nature, and not subject to them in spiritual affairs.

(c) That the Lord Jesus, as King and Head of His Church, has therein appointed a government and jurisdiction, in the hands of Church Officers, distinct from the Civil Magistrate. With this distinct jurisdiction, which is directly from Christ, the only King and Head of His Church, the Civil Magistrate has no lawful right to interfere or to assume to himself any authoritative control over the same. This jurisdiction comprehends the determining, interpreting, changing, adding to and modifying its constitution and laws, its subordinate standards and Church formulas; the preaching of the Word; the administration of the Sacraments; the exercise of ecclesiastical discipline, including the admission and exclusion of members, and the ordination, induction, and suspension, or deposition of office-bearers; and generally all matters touching the doctrine, worship, discipline and government of the Church.

(d) That in all matters coming within the jurisdiction of the Church, as defined above, office-bearers and members of the Church are bound to abide by the decision of the Church Courts, and recourse to Civil Courts against any decision of the Church in these matters, or against the execution thereof, is excluded.

2. That Christ, having established His Church and appointed a distinct government and jurisdiction therein, the maintenance of the spiritual freedom of the Church specially concerns His honour and dignity, as the Church's only Head and Ruler.

3. That, while the Church claims to be in the spiritual sphere under no authority other than that of Christ, whose mind and will it is bound earnestly to seek to know and obediently to follow, it makes no claim to infallibility of interpretation as to the mind and will of Christ in any particular case, any more than the Civil Magistrate claims to be infallible in his own sphere; yet such absence of infallibility in either case does not warrant the intrusion of the Church into the sphere of the Civil Magistrate or of the Civil Magistrate into the sphere of the Church.

On the Nobile Officium of the General Assembly

Whereas the Presbyterian Church of Australia, in accordance with the Word of God and the Westminster Confession of Faith, as accepted by this Church, recognises "no other Head of the Church but the Lord Jesus Christ"; and whereas, by the Articles of Agreement contained in the Deed of Union of the Presbyterian Church of

Australia, it is, among other things, provided that the General Assembly of the said Church shall have functions - legislative, administrative and judicial supreme with regard to the doctrine, worship and discipline of the Church; and whereas questions have arisen as to the nature and extent of such functions and as to their exercise:

Now, therefore, it is hereby declared:

1. That the General Assembly of the Presbyterian Church of Australia, as the supreme legislative, administrative, and judicial Court of the Church in those matters which have been or may hereafter be assigned to its jurisdiction, claims and possesses the extraordinary (equitable) jurisdiction inherent in every supreme governing authority, commonly known as the Nobile Officium.

2. That, while the limits of this inherent right cannot be drawn beforehand, as from its nature it must be exercised at the dictates of conscience, illuminated by the influence and the spirit of the Head of the Church, its exercise would be mainly in the direction of validating or correcting errors of procedure in the lower Courts of the Church; dealing with and disposing of any matters not specifically provided for in the laws or rules made by the Church; providing remedies for wrongs to individual members of the Church for the remedying of which there is no provision; restraining the application of any rule or law which would press with undue severity upon any member of the Church; and redressing any wrong to the Church for which no statutory or other provision had been made.

3. That this inherent power shall be exercised by the General Assembly alone, in those matters which belong to its jurisdiction.

4. That nothing in the foregoing shall interfere with State Assemblies in the exercise of the Nobile Officium in matters in which they are supreme.

Rules to Give Effect to the Declaration on the Spiritual Freedom of the Church

1. That the following Rules and all other Rules and any forms heretofore or hereafter to be made or prescribed by the General Assembly shall regulate and guide the several Courts and Judicatories, Congregations, Members and Office-bearers of the Church, in their respective proceedings; but such Rules and forms are not to be regarded as laws which can in no instance be added to or deviated from, but as indications of what is considered by the

Church to be the ordinary method of procedure in the cases and under the circumstances to which the Rules and forms refer, and are not to be held as limiting or prejudicing the Nobile Officium of the General Assembly, or of any State Assembly, in dealing with any matter in which it is the supreme authority of the Church.

2. That every office-bearer, member, and adherent of the Church is subject to the Church in the exercise of its functions relating to doctrine, worship, and discipline, and shall be deemed to have agreed to submit to every decision of the Court of the Church which has proper cognisance of the matter in question – whether such decision shall involve any question as to the meaning or effect of the Constitution, or of any Rules or Regulations of the Church, or as to the jurisdiction of the said Court to deal with the matter in question or otherwise, and every such decision shall be valid and final, unless upon an appeal to a Higher Court of the Church it shall be reversed or varied by such Higher Court.

3. That any office-bearer, member or adherent of the Church who shall bring any action or suit against any Court of the Church, or any member of any such Court, to compel any act to be done or in respect of, or to set aside or restrain, or have declared null and void, any act done or proposed to be done or decision come to by such Court, in the exercise of its functions relating to doctrine, worship or discipline, shall be guilty of contumacy, and if he shall be a Minister or Elder, shall also be guilty of a breach of his ordination vow.

4. That an act of contumacy may be dealt with summarily by the Court against the authority of which the offence has been committed and punished at the discretion of the Court.

5. That nothing in these Rules shall apply to any action brought to determine the civil effects of the decisions and sentences of the Church, nor shall anyone be debarred by these Rules from raising an action for civil damages for an alleged infringement of his civil rights provided that any person who is or shall be entitled to hold or occupy any property, or to receive any emolument, by virtue of a spiritual office or position in the Church, shall, on ceasing to hold, or on being removed from such office or position by any Court of the Church, cease to be entitled to hold or occupy such property or receive such emolument.

6. That the General Assembly, and every State Assembly, has original jurisdiction in every matter and case of discipline, and may either remit the matter or case to an inferior Court, or deal with and dispose of it by the direct exercise of its own authority, subject to the provisions in the Rules of Procedure in regard to Discipline.

7. That nothing in these Rules, or in the Rules as to Procedure in regard to Discipline, shall be deemed to take away the right of State Assemblies and inferior Courts to exercise their administrative functions, as these are secured by the Articles of Agreement.

The Declaration on the Nobile Officium and associated rules were remitted to presbyteries and State Assemblies in 1910, modified in 1912 and amended again in 1914

BB 1910, Min. 33, 42; Page 22f
BB 1912, Min. 61, Pages 170, 178
BB 1914, Min. 116, Pages 193-6

Notes

CHAPTER 8
- CODE OF DISCIPLINE
(Reissued February 2018; amended September 2018)

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PART 1 - GENERAL PRINCIPLES AND RULES

Jurisdiction 1.01 The General Assembly of Australia (herein called "the General Assembly") has authority pursuant to Article 2.1 of the Articles of Agreement to enact rules regarding the exercise of discipline within the Church. This Code of Discipline is an enactment of the General Assembly pursuant to Article 2.1. The rules and regulations of State Assemblies are displaced by this code of discipline only to the extent necessary to give effect to these Rules.

Ends of discipline 1.02 Discipline is exercised by those appointed to rule in the Church for the glory of God, the purity of the Church and the spiritual good of the offender. Discipline is to be administered in a spirit of faithfulness, love and tenderness.

Offences

1.03 Alleged behaviour which constitutes an offence that is subject to the staged processes of this Code of Discipline is anything in the doctrines or practices of a member of the Church which is contrary to:

(a) the Word of God as the supreme standard of the Church as understood in accordance with the Westminster Confession of Faith as the subordinate standard of the Church read in the light of the declaratory statement as provided for in Clause II of the Basis of Union, or

(b) an obligation imposed on a minister or member of the Church by a law of the Church.

Civil courts

1.04 In cases of discipline Church Courts form their own judgements independently of proceedings in other courts but the judgement of a civil court may be taken into consideration.

Time limit

1.05 No accusation shall be received or proceeded with in respect of any offence alleged to have been committed more than five years before the date of the accusation, unless it relates to sexual abuse or abuse of authority.

When an allegation is made under the Code of Discipline, it must be investigated and pursued thoroughly, responsibly and as quickly as the case might allow so that no delay in process or judgement will prejudice either the accuser or the accused.

Private hearing

1.06 All matters relating to discipline are heard in private unless the Court determine otherwise.

Decision of Church Courts

1.07 In matters of discipline ministers and members of the church must abide by the decision of the Church Courts and recourse to a civil court against:

(a) any such decision, or

(b) the execution thereof, or

(c) any individual member of the Court acting as such,

is excluded.

Situation not fully provided for

1.08 If a situation occurs for which these Rules do not make full provision a Court has a discretionary power in the conduct of the case but care must be taken that substantial justice is done to the accused, and full opportunity allowed for the accused to vindicate innocence or extenuate guilt.

Procedure to be explained

1.09 It is the duty of Sessions and Presbyteries to explain the procedures to parties and, if parties desire to carry the case to a higher Court, to show them how they may do so.

Definition of Member

1.10 Except where the context otherwise requires, in these Rules the expression "member of the Church" shall mean both communicant and adherent and includes a member who holds office as elder, manager or deacon.

Transitional

1.11 Any case which has been commenced prior to the enactment of these Rules shall be dealt with until it is finally concluded in accordance with the rules in force prior to these Rules unless all parties agree to proceed in accordance with these Rules.

Administrative Procedures

1.12 Nothing in these rules is intended to apply to administrative processes provided for in the rules and regulations of the State churches which do not involve any alleged conduct in respect of a member of the church of the kind referred to in Rule 1.03. Unless alleged conduct of the kind referred to in Rule 1.03 is a materially contributing reason giving rise to the exercise of power, the State churches may establish (by way of example) rules:

(a) requiring the roll of communicant members to be revised, including authorising sessions to remove from a communicant roll persons

who, by their habitual absence from attendance at communion and/or other worship in the congregation, should not continue to be included as communicant members of the Church,

(b) relating to the termination of office of an elder where the member's usefulness as an elder has been seriously impaired such as due to persistent absence from meetings not satisfactorily explained, or incapacity whether physical or mental,

(c) permitting a presbytery to deal with the incapacity of a minister whether physical or mental by dissolving the pastoral tie,

(d) permitting a presbytery to deal with a congregation in an unsatisfactory state by:

(i) dissolving the pastoral tie, and/or

(ii) dissolving the session and/or the committee of management.

Protection of Children

1.13 (a) This Rule relates to practices and procedures which may be adopted by a State Assembly from time to time to give effect to secular legal, including statutory, obligations that apply to State churches (including church courts, church organisations, committees and office-bearers within State churches) relating to the protection of children. Such practices and procedures are referred to in this Rule as child protection policies. State churches initiate, develop and amend child protection policies under their State rules which must accord with any mandatory specific requirements of secular State and federal law applicable in their State. It is an object which is in accord with the supreme powers of the national federal Church under Article 2.1(c) that State churches achieve as much uniformity between their child protection policies as the

secular laws applying in a particular jurisdiction permit.

(b) In child protection policies, the primary purpose is the protection of children rather than the application of discipline to the alleged offender. Such policies are however congruent with the ends of discipline expressed in Rule 1.02: putting in place proper measures to protect children and to forestall an alleged offender against his or her alleged propensity is for the glory of God, the purity of the Church and the spiritual good of the alleged offender.

(c) Child protection policies operate in relation to members of the Church and those who are not members of the Church but who attend or otherwise participate in or interact with the life and activities of the Church. Discipline under this Code of Discipline applies only to those who are members of the Church (communicants or adherents) including office-bearers of the Church. Accordingly, in relation to those who are not members of the Church, child protection policies will operate apart from this Code of Discipline.

(d) Where a child protection policy operates in relation to alleged conduct or activity of a member of the Church that by the description of the alleged conduct or activity comes within Rule 1.03, the provisions of this Code of Discipline must be followed in accord with the following paragraphs of this Rule (which incorporate reference to child protection policies).

(e) If in accordance with the child protection policies a member of the Church willingly and without coercion or duress enters into an arrangement, such as a behavioural agreement or a similar covenant, which is intended to give effect to the purposes of

the child protection policies, there is no necessity for any (or any further) steps under the Code of Discipline to be taken and in particular Rules 3.01 to 3.05 will have been satisfied.

(f) If a member of the Church in respect of whom child protection policies are invoked:

(i) either disputes the application of those policies or alleges that those policies were not implemented with procedural fairness, and

(ii) denies any conduct or activity which if proven comes within Rule 1.03,

then that member is entitled to require, by written notice given to the relevant court at the time of the denial in (ii) that procedures be commenced in the relevant court of the Church under this Code of Discipline.

(g) Rule 1.04 does not apply to procedures commenced in accordance with paragraph (f). As with any process under this Code of Discipline, procedures commenced in accordance with paragraph (f) must, in accordance with applicable secular State and federal law, not prejudice investigation and prosecution procedures under State law.

(h) Procedures commenced in accordance with paragraph (f) must observe any mandatory specific requirements of secular State and federal law even if the alleged offence is not proven or guilt is not established.

(i) If the alleged offence is confessed at any point in the procedures under this Code of Discipline, or is proven, then any mandatory specific requirements of secular State and federal law must be observed in the imposition of a consequence or the imposition of a censure and the range of available consequences includes entry into an arrangement, such as a behavioural agreement or a similar covenant, which is intended to give

effect to the purposes of child protection policies. Entry into such an agreement or covenant may be accepted in place of or as a condition of other consequences or censures or as a condition of relief from other consequences or censures.

(j) If the alleged offence is not proven or the alleged offender is found not guilty, the court may still determine, despite anything in Parts 4 to 9, that it is appropriate in accordance with the child protection policies to require the alleged offender to enter into or to continue in (in existing or in amended form) an arrangement, such as a behavioural agreement or a similar covenant, which is intended to give effect to the purposes of the child protection policies and to put in place a procedure for periodic review by the court of such an arrangement. Such review is to take into account the state of any investigation or other action by secular State authorities and the conduct of the alleged offender since the determination of the alleged offence or since the last review, and is to include a fresh assessment by the court of any continuing risk relating to children from the alleged offender. Such review is not a procedure under this Code of Discipline (and thus is a decision of the court that is subject to the usual appeal processes of the State church) unless a new allegation of conduct or activity which if proven comes within Rule 1.03 is raised in respect of or in the course of the review.

(k) A session or other authority of the Church to whom an application for membership of the Church is made may in accordance with child protection policies and as a pre-requisite for and condition of granting membership put, or leave, in place (in existing or in amended form) an arrangement, such as a

behavioural agreement or a similar covenant, which is intended to give effect to the purposes of the child protection policies and to put in place a procedure for periodic review by the court of such an arrangement. Such review is to take into account the state of any investigation or other action by secular State authorities and the conduct of the alleged offender since the entry into membership or since the last review. The session or other authority is required to exercise procedural fairness in exercising its power of admission to membership under this paragraph, but there are no rights under the Code of Discipline for the person seeking admission to membership in respect of the decision on admission to membership (refer paragraph (c))."

PART 2 - COURTS OF DISCIPLINE

Rules to be observed	2.01	In cases of discipline the various Courts of the Church shall conduct the business before them in accordance with these Rules and in harmony with the Articles of Agreement.
Standing orders	2.02	General rules or standing orders of the State Assembly shall apply when a case is before a Session, Presbytery or State Assembly to the extent that such rules or standing orders are not inconsistent with these Rules.
Church Courts Concerned	2.03	Parties involved in an offence or allegation are subject to the Court ordinarily having jurisdiction over such alleged offender.
Jurisdiction	2.04	A court of the Church in considering the report of a committee dealing with a matter of discipline may remit the report to the committee for further con-

sideration and report but must, in all matters, follow the procedures of the Code of Discipline.

SESSION

If no discipline, no minute

2.05 If a Session receives information of alleged acts on the part of a member of the Church which appear inconsistent with a Christian profession and resolves, after due consideration, that there are no justifiable grounds to take any disciplinary action, no minute shall be made of the matter. Anonymous communications are to be disregarded.

Private dealing

2.06 If a Session resolves that the purposes of discipline may be attained by dealing with the member of the Church privately, it appoints the Moderator and/or others of its members to confer with the member and deal with the case. If this private action proves satisfactory no further steps are taken.

Flagrant case

2.07 If an alleged offence is of a flagrant character and is denied, the Session proceeds according to these Rules.

Special cases

2.08 In cases:

(a) of special difficulty or importance,

(b) involving the highest censures of the Church, or

(c) involving heresy

the Session, before proceeding to trial, shall report the circumstances to the Presbytery, and may

(i) request advice or instructions as to further proceedings, and/or

(ii) ask the Presbytery to appoint assessors to sit with it in dealing with the case.

No disjunction while case pending

2.09 A certificate of disjunction is not granted to a member of a congregation in regard to whom formal proceedings have commenced. If, during the course of the case, the alleged offender leaves the

parish or district of which the Session has oversight the Session shall continue the inquiry and dispose of the case. If the congregation where the alleged offender is attending is known the Session conducting the case shall inform the Session of that congregation of the case and the result when the case has been completed.

PRESBYTERY

Presbytery Jurisdiction

2.10 (1) A Presbytery has jurisdiction over its own ministerial members and over licentiates and ministers without charge whose certificates of status it holds or is entitled to hold.

Transfer of Presbytery

(2) If it is more convenient by reason of residence or the place where the alleged offence is said to have been committed the Presbytery having jurisdiction may, without considering the case, remit the whole matter to such Presbytery as it deems convenient to hear and determine the matter, if such Presbytery consents so to do. In such a case and in respect of the alleged offence the jurisdiction shall pass to and be exercised by such Presbytery.

Minister

2.11 A minister whose demission or resignation has been accepted by a Presbytery remains under the jurisdiction of that Presbytery until the minister has been transferred to another Presbytery.

Licentiate

2.12 A licentiate is under the jurisdiction of the Presbytery which granted the license until the licentiate is regularly transferred to another Presbytery.

Cases from Session

2.13 The exercise of discipline of a Presbytery over members of the Church is, in ordinary practice, limited to cases brought before it from Sessions by reference or appeal, when the usual procedure in references and appeals is followed.

Direction to Session

2.14 A Presbytery may direct a Session to originate a process of discipline on a member of the Church under its jurisdiction.

Report to another Presbytery

2.15 If an offence alleged against a minister without charge or a licentiate which is stated to have been committed within the bounds of a Presbytery other than that which holds jurisdiction over the alleged offender is brought under the notice of the Presbytery within whose bounds the offence is stated to have been committed, it is the duty of that Presbytery to report the information which it has received to the Presbytery which has jurisdiction over the alleged offender.

Special Visitation

2.16 If the accusation against a minister consists of a number of small matters taken together, such as acts of negligence or unsuitable actions, the Presbytery may hold a special Presbyterial visitation.

Conference

2.17 When the matters charged are:

(a) practices which, in the opinion of the Presbytery, do not subvert the order, unity and peace of the Church, or

(b) errors in doctrine which are not:

(i) seriously affecting vital points of religion, or

(ii) stubbornly adhered to or intentionally spread

conference should first be held in the hope that a warning or admonition may be sufficient.

Suspension during trial

2.18 If in accordance with these Rules the Presbytery suspends a minister in a charge from office until the minister's case is determined, the Presbytery notifies the suspension to the congregation and appoints an interim moderator of Session.

Request for Inquiry

2.19 If a minister feels aggrieved by the circulation of charges seriously affecting the minister's teaching

or conduct the minister may request the Presbytery to inquire into them.

Investigation by Committee; judgement by Court

2.20 A presbytery may remit a case of discipline to a committee for investigation and report to a future meeting of the presbytery but the judgement on the matter must be that of the presbytery.

Assessors

2.21 The Presbytery, after:

(a) making a preliminary inquiry, and

(b) resolving to proceed further with the case

may request the assistance of assessors in accordance with Articles of Agreement 13. Such assessors shall exercise the rights of members of the Presbytery for the time being, but without power of moving or seconding a motion or voting upon any motion moved.

Reference to Higher Court

2.22 After serving a charge on an accused party and taking the necessary evidence the Presbytery may, before coming to a judicial finding, refer the whole case to the higher Court for verdict and consequent action.

STATE ASSEMBLY

Jurisdiction, General

2.23 A State Assembly has jurisdiction co-extensive with its bounds, subject to the laws of the Church.

Original Jurisdiction

2.24 A State Assembly has original jurisdiction in every case of discipline, and may either remit the case to a lower Court, or, if the matter seems urgent, deal with it by the direct exercise of its own authority.

Practice

2.25 In ordinary practice a State Assembly exercises its power of discipline only in cases brought before it from Presbyteries by reference or appeal.

Investigation by Committee;

2.26 A State Assembly may remit a case of discipline to a committee for investigation and report to a fu-

judgement by Court

ture sitting of the same Assembly, but the judgement on the matter must be that of the Assembly.

Missionary

2.27 In the case of a foreign missionary who is a minister but who is not a member of a Presbytery within the State, or who is a licentiate, the State Assembly shall remit the case to the Presbytery having jurisdiction. In the case of a foreign missionary who is neither a minister nor licentiate, the State Assembly shall remit the case to the Presbytery from which the missionary originally offered for missionary service.

GENERAL ASSEMBLY

Jurisdiction, General Assembly

2.28 The jurisdiction of the General Assembly is co-extensive with the Church.

Original Jurisdiction

2.29 The General Assembly has original jurisdiction in every case of discipline and may either remit the case to a lower Court or, if the matter seems urgent, deal with it and dispose of it by the direct exercise of its own authority.

Investigation by Committee; judgement by Court

2.30 The General Assembly may remit a case of discipline to a committee for investigation and report to a future meeting of the Assembly but the judgement on the matter must be that of the Assembly.

Practice of G.A.

2.31 In ordinary practice the General Assembly exercises its powers of discipline only in cases brought before it from State Assemblies by reference or appeal.

Nobile Officium

2.32 The General Assembly, as the supreme judicial Court of the Church in those matters which have been or may hereafter be assigned to its jurisdiction, claims and possesses the extraordinary (equitable) jurisdiction inherent in every supreme governing authority, commonly known as the nobile officium.

PART 3 - PRELIMINARY STEPS

Private wrong

3.01 In a case of alleged private wrong, the accuser should first follow the course of private conversation with the alleged offender prescribed by our Lord in Matthew Chapter 18 verses 15-17 except where the allegation relates to abuse including abuse of authority. Where a private conversation has not been held, the Court holding jurisdiction over the alleged offender may, upon being approached by the complainant, appoint one or more persons to facilitate that conversation if possible.

Abuse of authority

3.02 However, it would be inconsistent with Scripture that activity seen to be required by it should create or heighten the risk of further trauma or suffering to one or more individuals. Therefore, in cases of alleged abuse including abuse of authority, the occurrence, timing and manner of any private conversation in accordance with Matthew 18:15-17 (see also Proverbs 25:9-12 and Luke 6:31-37) shall be determined by the Court to whom the complaint has been brought and that Court shall act so as not to create or unreasonably heighten the risk of further trauma or suffering to the parties from such private conversation.

Christian Mediation

3.03 A Court may appoint one or more of its members to confer in private with both parties with a view to disposing of the case through Christian mediation. Equally, a Court may engage competent Christian mediators beyond its own membership to effect such mediation.

Private dealing

3.04 Ordinarily a matter appearing to call for the exercise of discipline shall not be proceeded with formally until the Court, or a committee appointed by the Court, has in private conferred in a loving way with the alleged offender with a view to avoiding

the necessity of formal process if possible. The result of this conference shall be reported to the Court in general terms bearing in mind the nature and purpose of the conference and that report shall be confidential to the Court and be kept in a record apart.

Prosecuting Charges

3.05 A Court cannot undertake a preliminary enquiry or enter upon a judicial process against an alleged offender unless:

(a) some person or persons undertake to make and maintain the charge, or

(b) the Court itself find it necessary for the ends of discipline to investigate the alleged offence.

Allegations

3.06 Since an offence alleged against a minister or licentiate or other member of the Church, even though groundless, is not easily extinguished, a Presbytery shall consider carefully at whose instance and by whose information and complaint it comes before them. The Presbytery shall not begin process unless:

(a) some reliable person, either by a signed statement or orally and in presence of the Presbytery, makes a complaint with some account of its probability, and undertakes, by sufficient evidence, to prove such complaint, or

(b) there is public rumour of an offence ("fama clamosa") so serious that the Presbytery, for its own vindication and the purity of the Church, resolves that it is necessary to begin proceedings without an accuser.

Notice of Charge

3.07 Anyone bringing an accusation before a Court must:

(a) give seven days notice thereof in writing to the person charged, either personally or to the person's last known address by confirmed delivery letter, and

(b) submit the charge to the Court in writing with a statement of the grounds on which the accuser makes it.

Light or malicious Charges

3.08 A member of the Church bringing a charge against a fellow-member lightly or maliciously is guilty of a serious offence, and is liable to censure.

Fama clamosa

3.09 On the basis of a public rumour of an offence a Court by itself or a Committee appointed by the Court may proceed to confer privately with the alleged offender and inquire into the nature of the alleged offence and the evidence available with such conference and the report thereof being confidential to the Court and being kept in a record apart.

Action on report

3.10 If:

(a) the complaint, accusation or public rumour appears to be ill-founded, or

(b) the offence alleged in any complaint, accusation or public rumour is not flagrant and the accused acknowledges the error and submits to such admonition as the Court may deem needful,

no further proceedings are taken.

Institution of inquiry

3.11 If the Court decides that the matter complained of (whether under Rule 3.06(a) or Rule 3.06(b)) ought to be more fully inquired into it shall institute a preliminary inquiry and thereafter determine whether a formal process should be entered upon or permitted. If, after such preliminary inquiry, it decides for a formal process the case should be proceeded with as speedily as practicable. Proceedings of the Court and the decision made by it shall be confidential to the Court and be kept in a record apart.

Suspension

3.12 If an allegation is made against a person who holds office in the Church, including a minister of a parish, which concerns inappropriate behaviour with

young people, including child molestation, then having regard to the need to protect children the Court may at any time suspend the accused person from office even though the Court has not at the time resolved to proceed, or been required under Rule 1.13(f) to proceed, to judicial process as referred to in Part 5. In the case of any such suspension the provisions of Rule 5.01(a) shall apply as though the suspension had occurred after the decision to proceed by judicial process. If the Court subsequently resolves to proceed, or has been required under Rule 1.13(f) to proceed, by judicial process it may either continue or discontinue the suspension and may in any event discontinue the suspension at any time.

3.12A If an allegation is made against a member (office bearer, other communicant or adherent) of the Church, which concerns inappropriate behaviour with young people (which term includes a child or children as defined in legislation relating to child protection that has force of secular law in the relevant State), including but not limited to child molestation, then having regard to the need to protect children the Court may at any time suspend the accused person from all or some privileges or rights of membership, or place conditions on the enjoyment or exercise of such privileges or rights of membership, including conditions concerning attendance at services and/or other activities of the Church or of a congregation or of a Church organisation, even though the Court has not at the time resolved to proceed, or been required under Rule 1.13(f) to proceed, to judicial process as referred to in Part 5. If the Court subsequently resolves to proceed, or has been required under Rule 1.13(f) to proceed, by judicial process it may either continue or discontinue the suspension and may in any event discontinue the suspension at any time with or without conditions. Such suspension is not gov-

erned by and operates independently of and in addition to any suspension under Rule 3.12 and/or Rule 5.01(a).

PART 4 - PRELIMINARY INQUIRY

Preliminary Inquiry

4.01 If, after the conference provided for in Rule 3.01 and pursuant to Rule 3.11, a Court resolves to institute a preliminary inquiry, the Court shall prepare and adopt a formal statement of the matter to be investigated. The alleged offender is then served with a copy of a formal statement certified by the Clerk of the Court. The alleged offender should submit to the Court any statement in reply within 14 days of receipt of the formal statement or such longer period as the Court may permit.

Minutes

4.02 The minutes of the preliminary inquiry are kept in a separate record.

By committee

4.03 A Court may appoint a committee to conduct the preliminary inquiry but the recommendations of the committee shall be submitted to the Court for its decision as to whether and what further proceedings may be necessary.

Absence of accused

4.04 While the Court or committee shall allow the alleged offender reasonable opportunity of being present at the preliminary inquiry, the Court or committee may proceed with the inquiry in the alleged offender's absence.

Effect of objections

4.05 Any objection taken by the alleged offender during the preliminary inquiry does not stay the proceedings of the committee, but it must be disposed of by the Court before coming to any finding on the report of the committee.

Confession and contrition

4.06 If the committee reports that:

(a) the alleged offender is prepared to confess and express contrition for the alleged offence or major portion thereof, and

(b) the offence calls for no more than admonition or rebuke

the Court, if it approves of such report, may proceed at once or may cite the alleged offender to appear at another meeting and, on such confession, admonish or rebuke the offender.

Serious cases

4.07 If:

(a) the committee reports that the charge is too serious to be dealt with in the manner provided for in the preceding Rule, and

(b) the Court approves of the report,

steps are then taken to proceed by judicial process.

Charges frivolous or unsupported

4.08 If the alleged offence is found to be of a frivolous nature or unsupported by trustworthy evidence the case shall be discharged by the Court and the alleged offender be so informed. The party or parties making the charge are liable for such costs as the court may determine.

Access to Documents

4.09 In the preliminary inquiry, subject to Rules 4.04, 4.10 and 4.11:

(a) the Court and any committee may inform itself of the matter being inquired into in such ways as it thinks fit and may inspect such documents as it thinks fit,

(b) the alleged offender does not have a right to be told what documents or information the Court or committee has gathered or has been given or has heard or has inspected, and

(c) the alleged offender has no right to seek access to such information or documents.

Evidence at inquiry

4.10 In the preliminary inquiry no statements by parties appearing before the Court or committee are taken on oath, nor can the parties be cross-examined on

a statement, but any statement made is there and then, or at a later stage, read over to the party making it and signed by the party whose signature is witnessed by a member of the Court or committee. The party may then amend or correct any particular statement made, and such amendment or correction shall then be added to the original document and signed and witnessed as above.

Treatment of same

4.11 No statements made at the preliminary inquiry shall be regarded as formal evidence should the Court decide to proceed further with the case, but such statements, being documents in the case may, when such witnesses are being examined in judicial process, be received in evidence for the purpose of contradicting the present testimony of the witness.

Charge insubstantial

4.12 If the Court finds that the alleged offence is apparently well substantiated, yet is of a nature not calling for censure, the Court may thereupon decide to admonish the alleged offender, but the alleged offender shall have the right to object and to claim a formal process of trial.

Judicial Process

4.13 If the Court finds that the alleged offence is apparently well substantiated and the action proposed in the preceding Rule will not in its judgement meet the case, it shall then proceed by judicial process.

PART 5 - JUDICIAL PROCESS

Suspension

5.01 If the Court resolves to proceed by judicial process:

(a) The accused person may be suspended from office by the Court until the case is finally disposed of if the Court considers this to be advisable in the general interest of the Church, and having regard to the nature of the alleged offence. In the case of a minister or professor, or other salaried officer of

the Assembly, such suspension shall not affect the right to stipend or salary, except in the case and in the proportion hereinafter provided for. (*see* under Church censures).

Prosecutors

(b) If the charge is at the instance of the Court itself, or by direction of a higher Court, one or more members (not being complainants) are appointed to act as prosecutor or prosecutors. Such prosecutors shall not thereafter deliberate or vote in the case. It is the duty of prosecutors to prosecute the charge conscientiously and fairly.

Copy of Evidence

(c) The Court shall furnish the accused with the names of the witnesses who are to give evidence against the accused, and the titles of books or articles or reports of speeches to be produced in evidence by the prosecutors.

Witnesses

(d) If the case deals in whole or in part with moral character, or in other cases if appropriate, a list of the names and addresses of witnesses who are to give evidence against the accused shall be supplied by the prosecutors to the accused, and the accused shall supply to the Clerk of the Court for the prosecutors a list of the names and addresses of witnesses whom the accused intends to call. In each instance such information shall be supplied at least seven days before being dealt with by the Court.

Incapacity to Plead

5.02 An allegation of incapacity to plead on the ground of insanity or otherwise must be disposed of before any further proceedings in a case.

Confession

5.03 If the accused person at any stage admits the offence or offences and the Court is satisfied with the confession, this fact is recorded in the minutes and the Court may proceed to a judgement forthwith of such a nature as the offence seems to require.

Church Adviser

5.04 An accused person may with the approval of the Court have the assistance of a minister or communicant member of the Presbyterian Church as adviser of the accused. (Such a person, if appointed will be known as a 'Church adviser').

Presence of Church Adviser

5.05 The Church adviser counsels and assists the accused in the conduct of the case (including any appeal), and, as well as the accused, is entitled:

(a) to put questions to witnesses,

(b) to answer questions put by the Court,

(c) to speak with or in lieu of the accused when the case of the accused is presented.

At the request of the accused the Church adviser may be heard at the close of the evidence prior to the Court considering its finding.

Accused to be present

5.06 When an accused has the assistance of a Church adviser the accused must be present during the hearing of the case unless the Court sanctions the absence of the accused.

Church Adviser has no vote

5.07 A Church adviser may not deliberate or vote in the case and is subject to the authority of the Court before which the Church adviser appears.

Recall of Authority

5.08 The Court may at any time during the case recall its approval for the Church adviser to act as such, should the Church adviser's conduct give occasion for it, in which event the Church adviser shall not be entitled to take any further part in the case. In such circumstances the accused may appoint another Church adviser approved by the Court.

Form of charge

5.09 A charge (previously known as a libel) consists of three parts as follows:

(a) the first part, known as the major premise or proposition, sets forth the nature of the offence charged, and declares it to be punishable according to the Word of God and the laws of the Church,

(b) the second part, known as the minor premise, asserts that the accused is guilty of that offence and narrates the facts involving the accused's guilt, specifying time, place, and circumstances, in one or more distinct counts, and

(c) the third part, known as the conclusion, states the necessity for punishment, if the accusation be found proven or confessed.

Abbreviation

5.10 A charge is (except in the case of heresy) usually abbreviated by omitting the major premise and only sets forth the alleged facts which constitute a censurable offence if established.

Heresy

5.11 A charge of heresy must state the doctrine which the accused is alleged to have impugned, or the false doctrine which the accused is alleged to have taught contrary to the Word of God and the subordinate standard of the Church read in the light of the Declaratory Statement. The charge must set forth the statements from the teachings of the accused, or the quotations from the accused's writings, which are relied upon to establish the charge.

Private Wrong

5.12 In a case of alleged personal and private wrong the charge must be accompanied by a written declaration that the course prescribed by our Lord in Matthew 18:15-17 has been followed (see also Proverbs 25:8-12 and Luke 6:31-37) except where the allegation relates to abuse including abuse of authority, in which situation the occurrence, timing and manner of any private conversation shall be determined by the Court.

Preparation and costs

5.13 The charge is prepared by the prosecutors, or on their instructions and at their cost, by the Law Agent (or equivalent) of the State in which the case has arisen.

The Court concerned may in all cases determine whether or not the prosecutors shall have the costs reimbursed by the Court.

Settlement by Procurator

5.14 The proposed charge must be submitted by the prosecutors through the Law Agent of the General Assembly to the Procurator of the General Assembly for settlement. In settling the charge the Procurator considers whether the charge is in form and substance one which may properly be proceeded with in accordance with the laws and rules of the Church.

The Procurator:

(a) settles the charge and in particular settles it so that it conforms with the said laws and rules; or

(b) advises the prosecutors that he is not able to settle the proposed charge (whether due to deficiency or otherwise), in which case the charge proceeds no further unless the Court resolves that the charge shall be proceeded with notwithstanding such advice.

A Court cannot consider the relevancy of a charge unless and until the form of charge has been settled by the Procurator or the Procurator has advised the prosecutors in terms of paragraph (b) above.

Settled charge

5.15 The prosecutor must seek to prepare the charge and have it submitted to the Procurator for settlement as soon as practicable after the resolution to proceed with the charge by judicial process has been carried. The Procurator shall settle the charge, or advise the Prosecutors as specified in Rule 5.14, as soon as practicable. Once settled the charge must be submitted promptly to the Court.

Copy of charge for accused

5.16 When the charge is submitted to the Court and approved by it, the Court instructs that a copy attested by the Clerk is delivered to the accused either personally by someone authorised by the

Court, or by confirmed delivery letter addressed to the accused at the accused's last known place of residence. A preliminary list of witnesses and a list of the documents in the case shall be attached to the charge.

Citation of accused

5.17 When delivering the charge the Court cites the accused if present, or orders that the accused be cited, to appear at a meeting to be held 10 or more days later for the purpose of:

(a) receiving any statement the accused may desire to make, and

(b) considering the relevancy of the charge.

Relevancy of charge

5.18 At the meeting held on the day appointed by the Court under Rule 5.17 the Court calls for the parties, hears any statement the accused may desire to make, and then proceeds to consider the relevancy of the charge. The prosecutors are entitled to be heard in support of the relevancy and the accused against it.

Details of Relevancy

5.19 The relevancy of a charge includes two questions:

(a) whether the offence alleged against the accused is truly punishable according to the Word of God and the laws of the Church, and

(b) whether, if so, the allegations, if proved or admitted, would be sufficient to convict the accused of the offence and render the accused liable to punishment.

Amendment of Charge

5.20 Before deciding the question of relevancy the Court may, if it see cause, give leave to amend the charge.

Finding of irrelevancy

5.21 If the charge is found by the Court to be irrelevant it is dismissed. If the Court finds the charge partly relevant and partly irrelevant, it may proceed on the relevant portion.

Effect of objection or appeal

5.22 A formal objection or an appeal by the accused against the relevancy of the charge shall not stay procedure but it is to be noted and shall be included as part of any appeal by the accused at a later stage.

Procedure on relevancy

5.23 When a Court has found a charge relevant it formally asks the accused whether the accused acknowledges the truth of the charge. If the accused then confesses, the fact of the confession is recorded in the minutes and the Court pronounces sentence.

If charge denied

5.24 If the accused denies the truth of the charge the Court fixes a date not less than 14 days thereafter for hearing the case and resolves that parties and witnesses be cited.

Procedure on hearing

5.25 When the Court meets to deal with the merits of the case the procedure is as follows:

(a) The Moderator of the Court shall solemnly announce from the chair that the Court is about to pass to the consideration of the case, and invite members of the Court to recollect and regard their high character as judges of a court of Christ's Church and to consider the solemn duty in which they are about to engage.

(b) The Clerk announces the charge and by whom and against whom it is made.

(c) The Court enters in its records that the accused has been duly cited and has appeared or has failed to appear.

(d) Parties are called.

(e) The opening statement by one of the prosecutors is heard.

(f) Witnesses for the prosecution are examined, cross-examined, and, if necessary, re-examined.

(g) The opening statement for the defence is heard.

(h) Witnesses for the defence are examined, cross examined, and, if necessary, re-examined.

(i) Parties or any member of the Court who may desire fuller information on any point may ask for it.

(j) The record is then closed.

(k) Parties are heard in the following order:

(1) the prosecutors;

(2) the accused and/or the accused's adviser;

(3) one of the prosecutors in reply.

No statements of fact outside the record are admissible, either for or against the accused.

(l) Parties are removed from the bar and the Court proceeds to consider and reach its decision.

(m) Parties are recalled to the bar and informed of the decision of the Court. This decision is final and given effect to forthwith unless notice of appeal to a higher Court is then given. The Moderator of a lower Court shall inform the parties that they have such right of appeal to a higher Court.

(n) An appeal by the accused or the prosecutor, or by a member of the Court, stays the execution of the judgement, but the suspension of the accused from office, if already determined on by the Court, remains in force until such appeal is disposed of. If, however, the Court acquits the accused on all charges, it may remove such suspension, even if an appeal is taken against such acquittal.

(o) If the Court decides that the charge has not been proven, or that the accused is not guilty, this finding is duly intimated to the parties. If no appeal is taken by the prosecutor or a member of the Court, the case is

discharged and the suspension, if any, is removed.

Additions to finding

5.26 A Court may accompany its finding on a case with such expression of opinion or advice as may seem to it to be suitable.

Reference on censure

5.27 Prior to coming to a decision as to what admonition or censure shall be imposed the Court may, at that stage, refer the case to a higher Court.

PART 6 - APPEALS

Appeal, when made

6.01 Notice of appeal must be made immediately after the finding of the Court is intimated. The appellant shall then have 21 days (or such further period as the said Court may allow) to submit the written appeal with the reasons thereof, otherwise the appeal is held to be fallen from. The Clerk of the Court gives written acknowledgement of the receipt of the written appeal.

Amendment of appeal

6.02 The appellant may with the leave of the Court to which appeal is made, amend or add to the reasons of appeal provided that the Court is satisfied that due notice of such amendment or addition has been given to the respondents.

Answers

6.03 Written answers to reasons for appeal may be lodged with the Court but are not obligatory.

Charge found proven

6.04 If the charge, in whole or in part, is found proven by the appellate Court, whose judgement finally disposes of the case, the Court may either confirm any censure appealed against or pronounce any other censure as it deems sufficient.

Other appeals, effect of

6.05 Notwithstanding other appeals a case may be continued up to and including the finding as to the committal or non-committal of the alleged offence.

If no appeal is taken against that finding all previous appeals taken during the proceedings are held to be fallen from.

Appeal against censure

6.06 An appeal may be taken against the proposed censure even if no appeal has been taken against the finding on which the proposed censure is based.

Alternative appeal from Presbytery

6.07 An appeal from a Presbytery shall pass direct to the General Assembly if the latter should meet earlier than the State Assembly unless the General Assembly resolves that the appeal should be dealt with at the next meeting of the State Assembly.

Documents in an appeal

6.08 In an appeal case no document shall be read or shall appear among the papers of the Court as part of the appeal unless it was before the lower Court or was tendered in evidence and rejected by it. But if in the prosecution of an appeal new evidence is tendered which in the judgement of the higher Court has an important bearing on the case it may either refer the whole case back to the lower originating Court, or, with the consent of parties, receive such evidence and determine the case.

Certification of evidence

6.09 The evidence in a case, properly attested by the Clerk of the Court by which it has been taken, is held as valid evidence by a higher Court to which the case may be appealed.

Questions on evidence

6.10 In dealing with questions of evidence the higher Court forms its judgement from the full record of the evidence transmitted from the lower Court with due attention to the pleading of the parties at its own bar.

Corrections by higher Court

6.11 If in an appeal any irregularity or defect is found in the proceedings of the lower Court or in the record thereof the higher Court may correct it.

PART 7 - RULES CONCERNING EVIDENCE, DOCUMENTS AND OTHER PROCEDURES IN JUDICIAL PROCESS

Rules a guide

7.01 These rules in Part 7 are intended to be a guide after the preliminary inquiry should the case go on to trial.

Affirmation

7.02 Witnesses before being examined make the following solemn affirmation (repeating the words after the Moderator or chairman of a commission): I, ..., do solemnly declare, in the presence of Almighty God to whom all must account, that I will speak the truth, the whole truth, and nothing but the truth, and that in doing so I am free from malice.

Evidence on Commission

7.03 If a witness is, by reason of distance or other cause, unable personally to attend, the Court may appoint a commission to take the evidence of such witness. The accused is entitled to be present at such examination and to put questions.

Presence of Witnesses

7.04 Witnesses shall not be allowed in the Court except when under examination.

Examination

7.05 Witnesses are:

(a) first examined by the party calling them,
(b) then cross-examined by the opposite party,
(c) if so requested, then re-examined by the party calling them.

Witness recalled

7.06 A witness may be re-called at the request of either party or by the Court.

Rules of evidence

7.07 In respect of the receiving of evidence the Court shall be guided as follows:

(a) the Court may admit any evidence, including hearsay evidence, which appears to be relevant and possess probative value,

(b) the Court should bear in mind that the weight to be attached to any particular evidence calls for due consideration of the nature of that evidence and of the circumstances relating to its admission by the Court and its credibility, and

(c) the evidence of one witness is not sufficient to establish a charge unless it is supported by other evidence.

Questions from Court

7.08 A member of the Court may put questions at any time. Questions raising collateral issues or entering into irrelevant inquiry are not allowed.

Parties as Witnesses

7.09 The prosecutor and accused may give evidence, and in such case shall be subject to cross-examination. Any other member of the Court who gives evidence in a case is thereby disqualified from further participation.

Objections

7.10 Any member of the Court or party concerned may object, for reasons stated, to:

(a) any person brought forward for examination,

(b) any question that may be put, or

(c) any document or other productions that may be proposed to be used.

Such objections shall be disposed of by the Court. A complaint or an appeal against the decision of the Court disposing of such objections does not stay procedure but is to be noted and shall be included as part of any complaint or appeal.

Method of Recording

7.11 In general, evidence should be taken down in narrative form, and not in the form of question and answer. Important questions and answers should be recorded at length. Recording may be effected by any means approved by the Court including electronic recording for subsequent transcription. Care should be taken that subsequent proceedings

are not jeopardised by incomplete or inaccurate recording of evidence. Consideration should be given to recording evidence through two modes or through duplication of one mode.

When taken in Shorthand

7.12 If the evidence is taken in shorthand, the writer makes the declaration de fideli, and furnishes a transcript, which is accompanied by a declaration as to its accuracy.

Evidence to be signed

7.13 The evidence is read over to the witness, and, after correction, if necessary, is signed by the witness in the presence of the Clerk or of a member of the Court appointed for the purpose.

Recorded evidence

7.14 If the evidence be taken in shorthand the transcript is read over to and signed by the witness. If evidence is recorded by electronic recording or other device the Court may then or, if necessary, at a subsequent meeting direct that the transcript from the recording is read over to and signed by the witness.

Witness not found

7.15 The inability of either party to find any witness shall be no reason for delay unless the Court, in the particular circumstances, determines otherwise.

Voting

7.16 No member of a Court may vote as a judge in a case unless the member has heard or read all the evidence and the pleadings of the parties.

Documents

7.17 A member of a Court who is called solely for the purpose of producing documents is not thereby disqualified from voting in a case.

Evidence indecisive

7.18 When the evidence is so conflicting that the Court cannot form an opinion either for or against the charge it proceeds to no verdict and dismisses the case, subject to the right to re-open the case if new evidence emerges.

New evidence

7.19 If new evidence is subsequently produced the

Court may re-open the case provided that, after careful consideration, it deems the re-opening of it to be necessary in the interests of discipline or justice.

Record Apart

7.20 The evidence taken in a case is kept in a record apart. A general statement of the terms or nature of the accusation and of the judgement arrived at is inserted in the permanent records of the Court. The record apart is kept as a permanent record.

Access to documents

7.21 (a) Subject to Rules 7.10 and 7.21(d) to (f), the prosecutors on the one hand and an accused and his or her professional advisers on the other hand have the right, at all reasonable times prior to and during hearings, to inspect statements and documents which are to be tendered or relied upon by the other party as evidence in the hearing.

(b) Either the prosecutors or the accused may seek an adjournment of a hearing on the grounds that the party is prejudiced from having insufficient time to review and answer evidence (oral or documentary) which has been provided to that party. The Court will, after hearing the parties on that application, determine it immediately. Any objection or appeal against such determination shall not stay procedure but is to be noted and shall be included as part of any appeal.

(c) This Rule is in addition to Rules 5.01(c) and (d) and 7.10.

(d) In relation to any documents produced under citation or request (see Rule 7.17 and Part 8 generally), and in relation to any evidence, the Court will uphold any objection taken on grounds which would support a successful claim of privilege or immunity in a court of law, including client legal privilege and privilege against self-incrimination.

Such objection may be taken by the prosecutors, the accused or any other person with a legitimate interest in upholding the privilege or immunity. For the purpose of determining the objection the Court may, in the absence of the prosecutors and the accused as appropriate, by itself or by a committee appointed by the Court inspect the documents and hear the evidence. If the objection is upheld by the Court or its committee, the court shall disregard that document or evidence in its consideration and determination of the matter.

(e) In relation to any documents produced under citation or request (see Rules 7.27 and Part 8 generally), and in relation to any evidence, the Court on application by the prosecutors, the accused or any other person with a legitimate interest in the confidentiality of the documents or evidence may determine that the documents or evidence is or are confidential and take such action as it considers just in order to protect such confidentiality, balancing the confidentiality of the documents or evidence against the interests of the parties in fairly presenting the case. Such action may include restricting access to the documents or evidence to the members of the Court and to professional advisers who are experts in the field to which the documents or evidence relate and/or seeking a signed non-disclosure and confidentiality undertaking from persons to whom the documents or evidence are disclosed prior to such disclosure. For the purpose of determining the confidentiality claim the Court by itself or by a committee appointed by the Court may, in the absence of prosecutors and the accused as appropriate, inspect the documents and hear the evidence.

(f) For the purposes of Rule 7.21(d) and (e), a person with a legitimate interest includes the director or other chief executive of a child protection unit of a church organisation and a director or other chief executive of a church organisation which deals with complaints of abuse of authority by church members or similar matters (whatever the age of the person allegedly abused), or in either case a person authorised by that director or chief executive to make such an application or applications of that type.

PART 8 - CITATIONS AND CONTUMACY

Oral citation of parties and Witnesses

8.01 Parties and witnesses, if present in the Court, may be cited orally, and the fact of such citation must be recorded in the minutes. Parties and witnesses, not present in the Court, are cited in due form, and the fact of such citation having been ordered is recorded in the minutes.

Citation of Court

8.02 A lower Court is cited through its Moderator or Clerk.

Dispensing with citation

8.03 Formal citation may at times be (and in the Session generally is) dispensed with but no one can be called to account for disregarding any other than a regular citation.

Service of Citation

8.04 A written citation is duly served on a party or witness when delivered to the person personally by the hand of someone authorised by the Court, or sent by confirmed delivery letter to the person's last known place of residence.

Obedience Imperative

8.05 A member of the Church when duly cited by a Court to appear as a party or as a witness is bound to obey the citation. If after a second citation the member does not appear or furnish satisfactory

reason for non-appearance the member may be dealt with as contumacious.

Disregarding citation

8.06 Disregard of citation to its bar given by a State Assembly or the General Assembly is regarded in all circumstances as contumacious.

Witnesses refusing

8.07 Witnesses refusing to submit to examination may be dealt with as contumacious.

Person under another Court

8.08 A person who is subject to the jurisdiction of another Court cannot be dealt with as contumacious except:

(a) by the Court exercising jurisdiction over that person, and

(b) if the person has been cited through that Court.

Non-members

8.09 Witnesses who are not members of the Church may be requested to appear and give evidence.

Suspension or deprivation of ministers or office-bearers

8.10 When a minister or other office-bearer:

(a) is persistently absent from the discharge of that person's duties, or

(b) disowns the authority of the Church Courts to which the person has promised to submit, or

(c) is found guilty of following divisive courses or is contumacious,

the Court which after due process finds the minister or office-bearer guilty of such conduct may:

(i) summarily suspend that person from office, or

(ii) declare the person to be no longer a Minister or office-bearer of the Church.

Contumacy in a party

8.11 If after one oral citation of a person who is a party in a case who is present in the Court or two written citations duly served on such a person the person does not appear or furnish satisfactory reason for

the person's non-appearance, the Court may declare the party contumacious and deal with the person as such.

Contumacy in others

8.12 Other persons found guilty of contumacy, either in neglecting a citation or in any other respect, in the course of any proceedings, may be dealt with summarily by the Court after first giving the person the opportunity of being heard.

PART 9 - CHURCH CENSURES

Essentials to censure

9.01 A Court may impose a censure where a charge has been confessed or regularly proven in the course of judicial process.

Contempt of Court

9.02 Contempt of court committed in the presence of the Court may be summarily dealt with.

Consideration of sentence

9.03 When:

(a) a charge has been confessed, or

(b) a Court has found a charge proven, and

(i) no appeal has been taken against its decision, or

(ii) any appeal has been dismissed by a higher Court and the higher Court has not itself determined censure,

the Court, after hearing addresses from the prosecutors (if they so wish) and from the accused and/or the accused's advisor (if they so wish), considers what sentence should be pronounced upon the offender. The sentences of the Court are called censures.

Sentence

9.04 When a Court has determined what censure is due in a case of discipline it calls upon the offender to appear and, on the offender's appearance, the Moderator in the name and presence of the Court informs the offender of the finding of the Court. If the offender does not appeal the Moderator then

pronounces sentence and addresses the offender in terms befitting the nature and circumstances of the case.

Sentence in absence

9.05 If, when duly cited once, the offender does not appear to receive the censure the offender is called at the door three times. If the offender fails to appear the Moderator pronounces sentence in the offender's absence and intimation thereof is forwarded to the offender by confirmed delivery letter to the offender's last known address.

Church censures

9.06 Church censures are: rebuke, suspension, deposition, and excommunication. Rebuke may be also used in the circumstances described in Rule 4.06 as an alternative to admonition.

Admonition

9.07 Admonition is not a Church censure. If a person is censured, the person cannot be proceeded against in respect of the same charge again. Admonition is a solemn address to an offender which sets out the offence before the offender and exhorts the offender to watchfulness. This is usually the mode of dealing with offences which have arisen from error of judgement. In resolving to admonish it is desirable that the resolution contain the following words: "Without prejudice to adjudicating upon the offence in question in the future if it should assume a different aspect or faults of a similar character should be alleged."

Rebuke

9.08 Rebuke is a solemn reproof and is administered to persons guilty of serious offences as proven in judicial process or, if confessed, in the circumstances stated in Rule 4.06 as an alternative to admonition.

Suspension

9.09 Suspension is a form of censure more severe than a rebuke, and prohibits the offender from exercising the functions of office or the rights and privileges of membership in the Church. This is to be distinguished from suspension under Rule 3.12,

3.12A or 5.01, which is not in the nature of a censure.

When resorted to

9.10 Suspension is resorted to when the offence has been repeated after rebuke or when the continued exercise of office or of privileges by the offender would be injurious to religion.

Period of suspension

9.11 Suspension may be for a specified period or indefinitely according to the gravity of the offence and the circumstances of the case.

Effect of

9.12 If an offender suspended from the rights and privileges of Church membership is also an office-bearer, the offender is thereby suspended also from the offender's office. If the offender's suspension is the act of a higher Court notice thereof must be given to the lower Court of which the offender is a member.

Limitation in effect

9.13 Suspension from office does not of itself imply suspension from the rights and privileges of Church membership.

Suspension of minister

9.14 Suspension of a minister from office for indefinite duration involves the dissolution of the pastoral tie or, for other officer of the Church, the person ceasing to hold such office. If the suspension is for a limited period exceeding six months it shall also involve the dissolution of the pastoral tie or ceasing to hold such office unless the Court otherwise direct.

Stipends and salaries

9.15 In the case of a settled minister, professor or other officer of the Church, when the final sentence is suspension for six months or under, the Presbytery may set apart stipend or salary monies, not exceeding one-half of the total available, for the supply of ordinances or the maintenance of such office. Such sentence shall be equivalent to a legal assignment by the minister, professor or other officer of the

Church of the proportion of the stipend or salary specified.

Deposition

9.16 Deposition takes place only in the case of a minister or other office-bearer. It consists of depriving the offender of office and of every right enjoyed by the offender as an office-bearer and is inflicted on account of some very grave offence or of heresy. It is pronounced by the Moderator, after prayer, in the name of the Lord Jesus Christ.

When sentence pronounced

9.17 Sentence of deposition is not pronounced until after judicial process unless the offence has been confessed or committed in presence of the Court or has been an act of contumacy.

By lower Court

9.18 Sentence of deposition passed by a lower Court is reported to the State Assembly.

Deposition, Effect on eldership

9.19 A minister or other officer deposed from office or suspended indefinitely is not eligible for election to the office of elder.

Excommunication

9.20 Excommunication - In cases of:

(a) contumacious resistance to the authority of the Courts of the Church,
(b) flight from discipline, or
(c) peculiar aggravation where the offence, although fully proved, is obstinately denied, or if acknowledged is justified, and the offender continues unrepentant

the offender may be declared no longer a member or office-bearer of the Church and the offender's name is removed from the roll or rolls accordingly.

Deprivation of licence

9.21 A licentiate who is found guilty of a very grave offence or of heresy is deprived of the licentiate's licence.

PART 10 - SUPERVISION AND RESTORATION OF PERSONS UNDER CENSURE

Supervision by Sessions	10.01	Sessions should exercise kindly and helpful supervision over members of the Church under censure.
Supervision by Presbyteries	10.02	Presbyteries have the supervision of ministers and licentiates under censure.
Transference of supervision	10.03	If anyone under Church censure by a Session or Presbytery is transferred so as to be under the jurisdiction of another Session or Presbytery the person is placed under the supervision of the Court under whose jurisdiction the person has transferred.
Restoration by whom and when	10.04	The removal of a censure is effected only by the Court by which it is inflicted or, in cases where an appeal is taken against the finding in regard to the offence or against the consequent censure, by the Appellate Court and takes place only after satisfactory evidence of the repentance of the offender.
Removal of suspension	10.05	Suspension for a specified time ceases at the expiry of that time. In the case of an office-bearer the restoration to the exercise of the person's office should be recorded in the minutes.
When indefinite suspension	10.06	Suspension of indefinite duration may be removed when the Court is satisfied that the ends of discipline have been attained.
Removal of deposition	10.07	Deposition from office may be removed upon profession of repentance followed by a course of consistent conduct. But in the case of a minister, this may only occur with the authority of the General Assembly or State Assembly. In the case of an elder the authority of the General Assembly, a State Assembly or Presbytery is required.

Restoration to Office	10.08	Restoration to office, after removal of deposition, is dependent in the case of an elder or deacon on due election by a congregation, and in the case of a minister on a call carried out according to the rules of the Church.
Restoration of licence	10.09	On profession of repentance followed by a course of consistent conduct, a licentiate who has been deprived of a licence may be restored by the Presbytery which so deprived the licentiate with the consent of the General Assembly or State Assembly.
Reception of those restored	10.10	Offenders who have been subjected to discipline and who have been duly restored ought to be received in their respective positions in the Church with tender and loving regard.

PART 11 - FORMS

Sample forms	11.01	The forms set out below, or forms to the like effect, may be used for the purposes and in the cases to which they refer with such variations as circumstances require.
Deviation	11.02	A form shall not be invalidated by any deviation which does not materially affect the substance and is not misleading.

(1) Specimen Form of CHARGES (Rule 5.09)

The Presbyterian Church of (name of State) .....
The Presbytery of .....

To A.B. (name of accused) ..... of ..... (address) being a person under the jurisdiction of the Session/Presbytery of .....

I, C.D. of ..... (address) being:

(a) a person under the jurisdiction of the Session/Presbytery of ..... or

(b) a person directed by the Session/Presbytery of ..... (as the case may be) hereby charge you, a member of the Presbyterian Church of Australia in the State of ..... with the offence of ..... contrary to the laws and constitution of the Presbyterian Church of Australia in the State of ..... and I specify the following information in support of the said charge:

(i) On the ..... day of ..... at or near ..... you publicly stated matters detrimental to the Christian character of ..... namely, [here give the words used or the substance of them].

(ii) On or about the ..... day of ..... at or near ..... you acted improperly and immorally by (here narrate the actions in question).

(Where charge is brought by an injured party) And I solemnly and truthfully declare that before bringing these charges I have followed, [although without success] the course prescribed by our Lord in Matthew chapter 18 verses 15-17.

The following witnesses will be called in support of the charge:

.....
.....
.....

Signed at . . . . . this . . . . . day of . . . . . 20 . . . .

Attested by . . . . . .

[Clerk of said (Session, Presbytery, Assembly)]
Minister appointed by the Clerk of said
(Session or Presbytery) to attest this charge.

(2) Specimen Form of CHARGE OF HERESY (Rule 5.11)

As in Form 1, but describing the offence as the offence of heresy and specifying the offence in such manner as this:

(i) That on ..... and on other days you have by your actions and written or spoken words impugned the doctrine that ..... (Here state the doctrine impugned.)

(ii) That on ..... at ..... in the State of ..... and on other days you have preached and taught contrary to the said doctrine.

(iii) That in a publication issued or authorised by you entitled ..... you stated on page ..... (here quote as relevant) and on page ..... you stated (again quote).

(iv) That in the course of a discussion [recorded and afterwards] broadcast/shown on television on the ..... day of .....

you used words to the following effect:- (Here state them.)

(3) Specimen Form of CITATION to accused (Rule 5.16)

The Presbyterian Church of (name of State) .....
The Presbytery of .....

To A.B. ..... (name)
..... (address)

You are hereby CITED to appear before the [Session or Presbytery] of ..... meeting in the ..... at ..... on the ..... day of ..... 20 ..... at ..... am/pm and then and there to answer charges brought against you by C.D. ..... as specified in the [Form of Charge] [copy of the Form of Charge] attached hereto.
E.F. Clerk of said [Session or Presbytery]

Served by [recorded delivery service/posting as a confirmed delivery letter] as per annexed certificate, on the ..... day of ..... 20 .....
[Or Served by personal delivery on the said A.B. on the ..... day of ..... by me Y.Z.]

(4) Specimen Form of CITATION to a witness who is a member of the Church (Rule 8.04).

The Presbyterian Church of (name of State) .....
The Presbytery of .....

To A.B. ..... (name)
As a member of the Presbyterian Church of Australia in the State of ..... bound by its laws and constitution you are hereby CITED to appear before the [Sessions or Presbytery] of ..... meeting in the ..... at ..... am/pm on the ..... day of ..... 20..... to give evidence in the charge against C.D. of ..... now pending before the said Presbytery [or Session]

E.F. Clerk of said [Presbytery or Session]
or other person authorised by the Court

Served etc. [as in Form No. 3]

(5) Specimen Form of REQUEST to a witness who is not a member of the Church (Rule 8.09).

The Presbyterian Church of (name of State) .....
The Presbytery of .....

To A.B. ..... (name)
..... (address)
The Presbytery [or Session] would be grateful if you could attend their meeting to be held in the ..... at ..... am/pm on the ..... day of ..... 20..... for the purpose of giving evidence in the charge against C.D. of etc. [continue as in Form No. 4].

(6) Specimen Form of CITATION TO A COMPLAINANT (Rule 8.04)

The Presbyterian Church of (name of State) .....
The Presbytery of .....

To A.B. ..... (name)
..... (address)

You are hereby CITED to appear before the [Session or Presbytery] of ..... meeting in the ..... at ..... on the ..... day of ..... 20.... at ..... am/pm then and there to prosecute the charge brought by you [or, as the case may be, which you were appointed by them to bring] against C.D. ..... of ..... to the end that such charge be duly heard and determined.

[Signed and Served etc. as in No. 3]

(7) Specimen Form of words to be added to No. 3 where the citation is a SECOND CITATION to a PARTY (Rule 8.05)

This being your second citation, you are hereby informed that, under the relevant Rules of the Church, if you fail to appear at the time and place abovenamed or to cause satisfactory reason to be furnished for your non-appearance, the Presbytery [or Session] may proceed in your absence. In addition you may be held liable to censure for contumacy, declared no longer a member of the Church or a holder of any office therein or suspended from the communion of the Church.

(8) Specimen Form of words to be added to No. 4 where the citation is a SECOND CITATION to a WITNESS (Rule 8.07)

This being your second citation, you are hereby informed that, under the relevant Rules of the Church, if you refuse without good cause to give evidence or to submit to examination as a witness, you may be suspended indefinitely from membership or, in grave cases, declared to be no longer a member of the Church.

(9) Specimen Form of SENTENCE of SUSPENSION by SESSION (Rule 9.09)

The sentence of suspension from Church privileges by a Session shall be in the following words:

"In the name and by the authority of the Lord Jesus Christ, we, the Session of ..... having found ..... to be guilty of ..... do hereby suspend him [or her] from Church privileges till he [or she] submit satisfactory evidence of repentance".

(10) Specimen Form of SENTENCE OF SUSPENSION from MINISTERIAL OFFICE (Rule 9.09)

The sentence of suspension from the ministerial office shall be in the following words:

"Whereas ..... has been found, [after trial],

[or on his own confession], guilty of ..... we the Presbytery of ..... in the name and by the authority of the Lord Jesus Christ, do hereby suspend him from exercising the office of the ministry or any part thereof, until he submit satisfactory evidence of repentance".

(11) Specimen Form of SENTENCE of DEPOSITION of a Minister (Rule 9.16)

The sentence of deposition of a minister shall be in the following terms:

"Whereas ..... minister of .....
has been proved before the Presbytery of ..... [or the State Assembly or General Assembly, as the case may be] to be guilty of ..... the said ..... adjudge him disqualified from the office of the ministry. Now they, therefore, in the name and by the authority of the Lord Jesus Christ, depose from the office of the ministry the said ..... and do hereby prohibit him from exercising the functions of the ministry, or any part thereof."

(12) Specimen Forms of RESTORATION (Part 10)

(A) To membership of the Church.

In the name of the Lord Jesus Christ, we the Session/ Presbytery/State Assembly of ..... do hereby restore you ..... to the fellowship of His Church.

(B) To office as minister of a congregation.

In the name of the Lord Jesus Christ, the General Assembly of the Presbyterian Church of Australia in the State of ..... restores you ..... to the office of ...../the Christian ministry in the fellowship of His Church.

(13) Specimen Form of NOTICE OF APPEAL (Rule 6.01)

A.B. ..... of ..... Appellant;
The Session/Presbytery/State Assembly of ..... Respondent.

A.B. hereby appeals to the Presbytery/State Assembly of ...../the General Assembly from the decision made [or sentence imposed] by the Session/Presbytery/State Assembly of ..... on the ..... day of ..... 20.... at ....., whereby the Session/Presbytery/ State Assembly did ..... (here specify the decision and/or sentence being appealed from.)

The reasons for this appeal are as follows: .....
..... (here set out the reasons).

Date .....
.....
Signature of Appellant

(14) Specimen Form of ACKNOWLEDGMENT to be signed by Clerk of the Court Appealed from on receipt of copy of Form 13 (Rule 6.01)

I hereby acknowledge that I received a Notice of Appeal in the form above on the ..... day of ..... 20 .....

(Signed) .....
Clerk of [Session/Presbytery/State Assembly]

Notes

CHAPTER 9
- COMMITTEES OF THE GENERAL ASSEMBLY

1. **Standing Committees:**

1.1 In accordance with Article 4.1, standing committees of the Assembly are:

Australian Presbyterian World Mission
Business
Church and Nation
Code
College
Defence Force Chaplaincy
Finance
Moderator's Nominating
National Journal
Presbyterian Inland Mission
Public Worship and Aids to Devotion
Reception of Ministers
Relations with Other Churches

1.2 These regulations apply having regard to Standing Order 101.

2. **Composition of Committees**

2.1 The following committees shall be elected under their own regulations:

Australian Presbyterian World Mission
Business Committee
Church and Nation
College Committee
Moderator's Nominating Committee
National Journal Committee

2.2 All other standing committees shall consist of:

(a) ten elected members
(b) a convener appointed under 3.1, and
(c) ex-officio members.

2.3 When these regulations refer to members of a committee they include the elected members, the convener and the ex-officio members unless it is clear from the wording that a particular regulation is referring to only the ten elected members, convener and/or ex-officio members.

2.4 The ten elected members shall be elected by the Assembly through the ballot on the following basis and according to the rules of the Ballot Committee:

New South Wales	3 members
Queensland	2 members
Victoria	2 members
South Australia	1 member
Tasmania	1 member
Western Australia	1 member

2.5 The members elected under 2.2(a) shall so far as practicable be comprised ordinarily of an equal number of ministers and elders.

2.6 The Officers of the Assembly as defined in Article 1.7 of the Articles shall be ex-officio members of all Assembly standing and special committees unless expressly excluded.

3. Conveners

3.1 The convener of each committee shall be elected by the Assembly through the ballot except for:

(a) the Code Committee, where the convener shall be the Clerk of Assembly,

(b) the Finance Committee, where the convener shall be the Chairman from time to time of The Presbyterian Church (New South Wales) Property Trust, and

(c) the College Committee, where the convener shall be elected in accordance with the regulations of the Committee.

3.2 As the convener of the Defence Force Chaplaincy Committee is also the Presbyterian Member of the Religious Advisory Committee to the Services, the convener of that committee must be a minister.

3.3 If for any reason a convenership is vacant, or the incumbent convener is unable or unwilling to act as convener, then such incumbent is, from the time the Clerk of Assembly receives the communication of such inability or unwillingness, removed as convener. The Clerk of Assembly will then convene a meeting of the committee as soon as may practically be arranged and the committee, at that meeting, will elect from its membership an acting convener, who on such election will act as convener until the next meeting of the Assembly.

4. State Nominations

4.1 A State Assembly may nominate persons from that State for election to a committee in accordance with regulation 2.4.

4.2 The submission of nominations by a state assembly shall not prevent further nominations being made to the Assembly in accordance with the procedures of the Ballot Committee.

5. Additional members Any committee may appoint one or more persons as additional members of the committee if and when required. Such additional members shall not be entitled to vote.

6. Eligibility for membership Members of state assemblies, ministers without charge, elders and communicants of the Church may be nominated as members and conveners of Assembly committees whether or not they are members of the General Assembly.

7. Casual Vacancies Casual vacancies on any committee arising between meetings of the Assembly shall be filled by the committee, subject to the terms of its own regulations.

8. Special Committees In accordance with Article 4.2 the Assembly may appoint special committees, for which the membership and tasks shall be specified in the minute establishing them. The above regulations do not apply except for those providing for the filling of casual vacancies of the convener or membership, and eligibility for membership.

9. Ballot Committee

9.1 The Ballot Committee shall be a special committee which functions only during a meeting of the Assembly. Its task is to arrange and hold the ballot for elected positions during the Assembly.

9.2 Membership of the Ballot Committee should be as specified in the regulations of the Ballot Committee.

9.3 The Ballot Committee shall be appointed by the Assembly upon a recommendation in the deliverance of the Business Committee.

10. Finance Financial arrangements for committees are made in accordance with the regulations of the Finance Committee.

11. General Rules of Committees

11.1 Standing Order 101 applies to all committees of the Assembly.

11.2 In terms of Standing Order 101(a) three members of a committee shall constitute a quorum.

11.3 A committee shall appoint its own executive and/or sub-committees and shall arrange the work of the committee as it shall see fit.

11.4 Committees are encouraged, where appropriate, to do business other than in face to face meetings with care being taken to preserve the rights of all members.

11.5 The convener of a committee is responsible for ensuring that the committee keeps proper records of its proceedings, including meetings held and/or resolutions adopted pursuant to 11.6 and 11.7.

11.6 A committee is permitted to hold a meeting by means of a telephone or internet audio or video conference whereby all members participating in the meeting are able to hear and be heard by all other participants.

11.7 A committee may without meeting make a resolution by email provided that:

(a) the proposed resolution is notified by email to each committee member in time for each member to make a considered decision, and

(b) every such response is sent to all members by the person making it.

In the determination of a particular matter, no response shall be considered if it has not been sent to all members. Any proposal for a decision to be made by email shall specify a response time which shall not be less than four days and, upon the expiration of that period, the matter will be determined in accordance with those responses received at that time which are able to be considered because they have been circulated to all members. A proposal for a specific resolution to be determined by email may be vetoed by any three members.

Notes

CHAPTER 10
- COMMITTEE REGULATIONS

10.1 AUSTRALIAN PRESBYTERIAN WORLD MISSION COMMITTEE

1. There shall be a Committee of the General Assembly known as the Australian Presbyterian World Mission Committee.

2. The Committee shall consist of:-
   (a) A Convener elected by the General Assembly.
   (b) The National Director
   (c) The Convener of the State committee on world mission from the assemblies in New South Wales, Queensland, South Australia, Tasmania, Victoria and Western Australia.
   (d) An additional representative from the state committee on world mission from the assemblies in New South Wales, Queensland and Victoria.
   (e) Five additional members elected by the General Assembly of Australia of whom at least three shall be from the state in which the national office is located.

3. It shall be the responsibility of the Committee to:
   (a) Publicise and carry through the General Assembly's policy in regard to the missionary service and outreach of the Church to peoples of other cultures and other countries.
   (b) Enter on behalf of the General Assembly into formal relationships and agreements with other churches and mission bodies in respect of missionary activity with such churches and bodies.
   (c) Establish and maintain partnership relationships with approved overseas churches and, where useful and possible, to work through them on behalf of the Assembly.
   (d) Negotiate on behalf of the Assembly with approved mission bodies and members of the Presbyterian Church working with them to establish dual membership agreements and to encourage support for our members so involved.
   (e) Support Presbyterian missionaries who are working directly under the authority of the Church either overseas or in Australia or with accredited mission societies approved in accordance with regulations approved by the General Assembly.

(f) Oversee the mission work of the Presbyterian Church of Australia and ensure that it is consistent with the Church's doctrine and practice.

(g) Formulate mission policy and develop initiatives to which the Lord is calling, especially to un-reached people groups.

(h) Encourage at all levels of the Church's life, especially at the level of the congregation, an enlightened and wholehearted personal commitment to the missionary task of the Church.

(i) Finally accept missionary candidates after interview and recommendation by their state committee and otherwise to implement any other relevant decisions of the General Assembly.

BB 2004 Min. 76(27), 99(5)

Notes

10.2 BALLOT COMMITTEE

1. There shall be a committee called the Ballot Committee.

2. The committee shall consist of four (4) members, including a Convener, elected by the Assembly on the nomination of the Business Committee.

3. The committee shall prepare and conduct all ballots during the Assembly.

4. The committee shall employ the equal value system in counting the ballot.

5. Where two or more candidates receive an equal number of votes the Moderator shall have a casting vote.

6. Election of all committee members shall be through ballot.

7. Nominations by Assembly Committees shall be printed in the Assembly Papers.

8. All other nominations shall be made through the Clerk of Assembly, and shall include the written consent of the nominee, or a proxy signed by two members of the Assembly declaring that the nominee has personally indicated his willingness to serve if elected.

9. All nominations shall be in the hands of the Clerk of Assembly at a date and time to be fixed by a clause in the Business Committee's deliverance to the Assembly.

10. The names of all nominees shall be placed on a notice board by the Convener of the Ballot Committee.

11. The ballot shall take place as an order of the day at a date and time to be fixed by a clause in the Business Committee's deliverance to the Assembly.

12. The Ballot Committee shall report the results of the ballot to the Assembly as soon as the results are known.

BB 1991 Min. 166 (18)

10.3 BUSINESS COMMITTEE

1. There shall be a committee called the Business Committee which shall consist of the Business Convener of the Assembly (who shall be Convener, and who shall be elected by the Assembly and hold office until he resigns or is superseded), the Moderator, the Moderator-Nominate (when known), the Clerk and Deputy Clerk.

2. The Committee shall be responsible:
   (a) receive from the Clerk all business to be brought before the current or next succeeding session of the Assembly;
   (b) ensure that all business to be considered by the Assembly is submitted in proper form;
   (c) ensure that the Moderator is adequately informed of the proposed business;
   (d) consider how the business of the Assembly might be dealt with responsibly;
   (e) recommend to the Assembly:
      (i) the time to be allotted to speeches of various kinds;
      (ii) the order in which business should be considered during the current or next succeeding session of the Assembly and its several sederunts;
      (iii) any other matter which might expedite consideration of the Assembly's business;
      (iv) the date, time and location of the next session of the Assembly.

3. All reports and papers proposed to be submitted to the Assembly must be lodged with the Clerk at least three months before the meeting of the Assembly and be submitted by him to the Business Convener. All appeals, complaints, overtures, petitions and references not presented to the Clerk within the specified time will be barred from consideration by the Assembly unless the relevant parties can show cause to the Assembly why the relevant documentation was not lodged within the specified time.

BB 2016 Min. 16 (14)

10.4 CHURCH AND NATION COMMITTEE

1. **Committee:**
There shall be a committee of the General Assembly known as the Church and Nation Committee dealing with social issues.

2. **Membership:**
2.1 Assembly elected/appointed members:
Ten (10) elected members, a convener, and ex-officio members shall be elected/appointed according to the provisions of 9.2.3-9.2.6 and 9.3.1
2.2 Committee appointed members:
The Committee may add up to three (3) non-elected members to the Committee. Such members should be qualified and gifted to help with the Committee's work and fulfil the eligibility criteria set out in 9.4.6. Members appointed under this provision will be entitled to vote and their term of membership shall expire at the General Assembly subsequent to their appointment. The Committee shall report to the Assembly any additional members appointed.

4. **Meetings:**
The Committee shall meet at least twice a year by the most cost-efficient and expedient means possible.

5. **Responsibilities:**
The Committee's responsibilities are:
(a) To ensure the detailed exchange of information regarding the activities of the corresponding state committees.
(b) To promote the optimum co-ordination of, and co-operation by, the corresponding state committees as they address issues of state, interstate, national, and international concern.
(c) To present reports to the General Assembly outlining the work undertaken, suggesting matters on which the Church take action, and recommending appropriate strategies for the Church to adopt as it addresses issues of significant national and international concern.
(d) To compose and issue statements, both at and between meetings of the General Assembly, containing pastoral advice, denominational policy/positions and/or considered opinion on issues of significant national and international concern.

6. **Statements on behalf of the Assembly:**

(a) Statements may be issued by the General Assembly or, between meetings of the General Assembly, by the Moderator-General and/or the Convener or by their nominated representatives. This may include producing a joint statement with other persons or bodies or endorsing a statement prepared by another person or body.

(b) Such statements may only be issued between meetings of the General Assembly with the authorisation of the Committee. In authorising a statement, the Committee shall ensure that it is consistent with the doctrinal basis of the Church and any relevant statements of the Assembly and is likely to reflect a consensus or clear majority position of the Assembly. All such statements are to be reported to the Assembly.

(c) Any statement by the Moderator-General or the Convener, or any other member of the Church, which is not so authorised must be identified as a personal opinion and not the policy or position of the Church. The Moderator-General, Convener and the Clerk of Assembly shall not issue or sign a statement identifying them by their office without authorisation by the Assembly or, between meetings, by the Committee.

(d) Statements may be issued with the aim of equipping Church members and other Christians to make an informed contribution to the discussion/debate on issues concerning the nation's life from a Christian, biblical, reformed position; or of informing government, other authorities and the public of the Church's position.

BB 2019 Min. 62

Notes

10.5 CODE COMMITTEE

1. There shall be a committee of the Assembly named the Code Committee.

2. *The Composition of the Code Committee is determined at Chapter 9, clause 2 (GAA BB 2016, Min. 18(1).*

3. The Committee shall:
   (a) Assist in drafting rules and regulations for submission to the Assembly;
   (b) Advise courts and Committees of the Church in regard to the procedures and practices of the Church;
   (c) Attend to all matters referred to it by the Assembly;
   (d) Arrange for the publication of *Constitution, Procedure and Practice* and other material relating to the procedures and practices of the Church; and
   (e) Promote understanding within the Church of its procedures or practices.

4. Any committee or organisation of the Church which proposes to submit new constitutions or regulations, or amendments to existing constitutions or regulations to the Assembly, shall first seek the advice and assistance of the Code Committee. A copy of the final proposal shall be submitted to the Committee for its consideration prior to the meeting of the General Assembly.

BB 1994 Min. 19 (2)

Notes

10.6 COLLEGE COMMITTEE

Composition of Committee:

1. The College Committee shall consist of:
   (a) the Convener of the state committee on theological education from the assemblies in New South Wales, Queensland, South Australia, Tasmania, Victoria, and Western Australia.
   (b) The principals of the theological colleges operated by the state assemblies of New South Wales, Queensland and Victoria.
   (c) Two members of the faculty of each of the colleges listed in (c) who shall be elected by the relevant faculty.

2. The convener shall be elected by the committee from among its members.

Admission to the Course of Training:

3. The College Committee shall admit to the course of training for the ministry applicants who
   (a) have been accepted by a presbytery as candidates for the ministry and are recommended by the presbytery and the state committee responsible for theological education for admission to the course of training; and
   (b) submit adequate evidence that they have met the requirements specified in 4.

4. An applicant for candidature for the ministry shall be required to
   (a) have been a member in full communion of a congregation within the Presbyterian Church of Australia for at least six months prior to the date of application; and
   (b) obtain a certificate from the presbytery of the congregation of which the applicant is a member stating that, after careful enquiry, the presbytery is convinced that the applicant's maturity, and personal and spiritual gifts are such as to fit the applicant for the work of the ministry.

5. Prior to admission to the course of training, each candidate
   (a) shall have successfully completed:
      (i) final year secondary school studies at a level that would qualify for admission to tertiary studies; or
      (ii) an assessment set and marked by the College Committee;

(b) shall be encouraged:
    (i) to complete a tertiary degree; and
    (ii) to gain experience in the workforce;
(c) shall demonstrate a basic knowledge of the Bible and of the Westminster Confession of Faith.
(d) shall demonstrate competence in English.

The Course of Training:

6. The theological course shall extend over four academic years. The College Committee shall be empowered on the recommendation of the faculty to give appropriate credit towards the course requirements for previous studies pursued by candidates provided that satisfactory evidence is forthcoming that such studies were of a nature and at a standard consistent with studies at the theological college (or hall).

7. The faculty shall include in the course of training the following subjects: English, History, Philosophy, Hebrew and Old Testament Exegesis, New Testament Greek and Exegesis, Apologetics, Church History, Systematic Theology and Pastoral Theology and Training (including Presbyterian Polity).

   The faculty shall prepare syllabi in these subjects and submit them to the College Committee for approval.

   The faculty shall test candidates in these subjects at appropriate stages in their training by such means as examinations, critical exercises and theses.

   The faculty may exempt candidates from Hebrew after the satisfactory completion of one year's study, reporting such exemption to the College Committee, but shall require such candidates to complete Old Testament Exegesis as an alternative to Old Testament Exegesis from the Hebrew.

   The College Committee is empowered to give approval to extension courses and to distance education courses but not to correspondence courses.

8. (a) The faculty of each theological college (or hall) shall be responsible for assessing the progress of candidates and shall make annual reports to the College Committee on their progress:
   (b) The College Committee

(i) may, on academic grounds, remove a candidate from the course of training on the advice of the state committee responsible for theological education after the state committee has consulted with the presbytery concerned;

(ii) shall, on other than academic grounds, remove a candidate from the course of training on the advice of the presbytery that that presbytery has terminated the candidature of the person concerned;

(iii) shall remove a candidate from the Course of Training if after eight years from first enrolling the candidate has failed to complete the course, unless permission has been given by the relevant Faculty to extend the course; and shall then request the Presbytery having jurisdiction to terminate the candidature of that candidate.

9. The faculty shall direct candidates in their course of training.

Exit Regulations:

10. The College Committee shall issue an exit certificate to a candidate when the candidate has been certified by the faculty as having completed the prescribed studies to the satisfaction of the faculty.

Special Cases:

11. The executive of the College Committee is empowered to deal with special cases, including a reduction in the requirements of the course, as they arise from time to time. If it departs from prescribed procedure in doing so, it shall report to the full committee.

Visitation of Theological Colleges (or Halls):

12. The College Committee shall arrange regular visitation to theological colleges (or halls) by visitors whom it appoints.

BB 1991 Min. 143
BB 1997 Min. 70 (2)
BB 2007 Min. 52 (5)
BB 2013 Min. 35 (2)

10.7 DEFENCE FORCE CHAPLAINCY COMMITTEE

1. *The Composition of the Defence Force Chaplaincy Committee is determined at Chapter 9, clause 2 (GAA BB 2016, Min. 18(1).*

2. Casual vacancies on the Committee arising between meetings of the General Assembly, shall be filled by the Committee.

3. The Committee shall appoint its own Executive.

4. The Convener of the Defence Force Chaplaincy Committee being a minister of the church shall be the Presbyterian Member of the Religious Advisory Committee to the Services RACS.

5. The nomination of the Convener of the Committee as the Presbyterian Member of the (RACS) shall be made to the appropriate Federal Minister by the Moderator-General.

6. The Presbyterian Member of the RACS shall be answerable to the General Assembly and its Committee at all times and shall not have authority to commit the Presbyterian Church to change of policy or practice relating to chaplaincy within the Defence Force without the approval of the General Assembly of Australia or its Defence Force Chaplaincy Committee.

7. As the authorised representative of the Presbyterian Church to the Religious Advisory Committee to the Services, the Presbyterian member shall:
   (a) offer advice to the RACS on matters of denominational policy as it relates to the religious and spiritual well-being of all members of the Defence Force;
   (b) offer advice on the appointment of Principal Chaplains within the three services;
   (c) nominate Ministers of the Word and Sacraments for appointment as Chaplains to the Defence Force subject to the approval of the Committee;
   (d) maintain an interest in and exercise pastoral care and oversight of Chaplains, service personnel and their families;
   (e) assist, wherever possible, Chaplains departing the Defence Force in the process of resettlement.

8. The Presbyterian Member, with the prior approval of the Committee, may

nominate a minister of the Word and Sacraments of a denomination other than the Presbyterian Church of Australia for appointment as a chaplain provided that the minister concerned and, if required by the Committee, the denomination to which he belongs, enters into such declaration of faith or statements or agreements as may be required by the Committee so that the person appointed will be subject to the exercise of appropriate supervision by the Church as referred to in the Memorandum of Arrangements between the Commonwealth of Australia represented by the Chief of Defence Force and the nominated denominations including the Church.

BB 1997 Min. 35 (1)
BB 2004 Min. 78 (1)
BB 2019 Min. 21 (3)

Notes

10.8 FINANCE COMMITTEE

1. Composition

1.1 In accordance with Article 11.1 there shall be a Standing Committee of the General Assembly named the Finance Committee.

The Composition of the Finance Committee is determined at Chapter 9, clause 2 (GAA BB 2016, Min. 18(1).

2. Executive

2.1 The Executive shall comprise the members of the Committee resident in New South Wales.

2.2 The Executive shall exercise the powers of the Committee in dealing with such financial matters as may arise between meetings of the Committee and the General Assembly.

2.3 All members of the Committee will be provided with copies of all minutes of the Executive, and meetings of the Committee.

2.4 The Convener shall determine arrangements for meetings of the Executive.

3. Meetings

3.1 The Committee shall meet at least annually in conjunction with the meetings of other committees of the General Assembly. All meetings shall be determined by the Executive.

3.2 The Committee shall meet, if practicable, immediately prior to each session of the General Assembly at a time and place to be decided by the Executive.

3.3 The Convener shall call a meeting of the Committee at any time when six members of the Committee request the Convener to call such a meeting, the time and place of such meeting to be decided by the Executive.

4. Functions

4.1 The Committee shall manage and supervise the funds of the General Assembly. Pursuant to Article 11.2 the Committee shall establish itself and maintain a fund to pay for:

(a) the working expenses of the General Assembly, and

(b) such travelling and accommodation expenses of its members as the General Assembly may from time to time determine, including expenses incurred in attending committee meetings.

4.2 The working expenses of the General Assembly shall include:

(a) such honoraria for the Assembly Officers as may be approved by the General Assembly,

(b) allowances and honorarium for the Moderator as may be approved by the General Assembly,

(c) audit fees, legal expenses, office service charges and other administrative expenses,

(d) expenses of maintaining the Presbyterian Church of Australia website,

(e) all other expenditure of the General Assembly as approved by the General Assembly.

4.3 The General Assembly or the Committee may authorise other committees of the General Assembly to maintain separate books of account and to conduct banking accounts to provide for the general business of the Committee. No capital expenditure or investment of funds of a committee shall be undertaken by committees other than through, or with the approval of, the Committee and Trustees duly appointed by the General Assembly. Such books of account as may be kept by other committees shall be audited annually by qualified accountants approved by the Committee and by the Official Auditor appointed by the New South Wales State Assembly. Balance sheets and revenue statements duly audited, shall be forwarded to the Convener by 30 April each year, and shall be reported to the General Assembly.

4.4 The Committee shall appoint an acting Procurator or an acting Law Agent should such be necessary.

4.5 The Committee shall undertake any other duties that the General Assembly may from time to time determine.

5. GAA Fund

5.1 The Committee shall manage the GAA Fund and shall report thereon to the General Assembly.

5.2 Each State shall contribute to the GAA Fund for each Budget period according to the following proportions:-

- 4.5% of the GAA Fund - in equal shares of 1.5% each by Western Australia, South Australia and Tasmania,
- 95.5% of the GAA Fund – by New South Wales, Queensland and Victoria in proportion to the membership of the General Assembly coming from each of these States as recorded on the Roll of Assembly for the General Assembly which approved the relevant Budget.

6. Budget

6.1 The Committee shall at least six months prior to each meeting of the General Assembly prepare a budget which shall take into account all expected expenditure to be incurred by the GAA Fund for the period of 3 calendar years immediately following the calendar year in which the General Assembly meets.

6.2 All committees seeking an allocation of funds from the GAA Fund shall by 1 January of the year in which the General Assembly meets notify the Committee of the monies it would like to receive from the GAA Fund for each of the three years of the Budget. Taking into account, but not being bound to accept, all submissions, the Committee shall frame a Budget showing estimated expenditure for each of the three years of the Budget period. Once a draft Budget has been prepared by the Committee it shall be circulated with papers for the General Assembly.

6.3 Any other court or committee of the Church or member of the General Assembly who intends to seek approval by the General Assembly for the expenditure of funds from the GAA Fund shall notify the Committee of the amount sought and the purpose of the proposed expenditure by 1 January of the year in which the General Assembly is to meet. The Committee shall consider the requested allocation of funds and may make a recommendation to the General Assembly as to whether or not the proposed expenditure should be approved and included within the Budget.

6.4 The Committee shall seek the approval of the General Assembly for the Budget. Once a Budget is approved by the General Assembly no expenditure may be incurred which is payable from the GAA Fund and which is not allowed for in the Budget except with the approval of the Committee.

6.5 The Committee may propose in any Budget a contingency sum which will be set aside and managed by the Committee to meet any unforseen expenditures of the GAA Fund which may arise during the term of the Budget. The Committee shall determine what expenditures, if any, are paid for from this contingency sum.

6.6 Once the Budget is approved by the General Assembly the Committee shall notify the State Assemblies of the amounts required to be contributed to the GAA Fund to meet the Budget by each

State, including the dates required for payment of those contributions. The proportion of contributions from each State are as listed in regulation 5.2.

6.7 If during the term of any Budget the Committee resolves that there should be expenditure from the GAA Fund which:

(a) is not included in the Budget, and

(b) should not (or cannot due to insufficiency) be paid from any contingency funds within the GAA Fund set aside in the Budget

then the Committee shall notify the State Assemblies of the additional contributions required and the dates by which those contributions should be paid. The Committee should not approve any expenditure from the GAA Fund not covered by the Budget unless there are in the opinion of the Committee special circumstances which warrant the additional expenditure.

6.8 The General Assembly shall not approve any proposal by a committee which involves expenditure of funds not covered by the Budget without first obtaining a report from the Committee.

7. Fundraising Appeals

7.1 In ordinary circumstances, any proposals to the General Assembly for financial appeals in connection with national or international needs should be approved by the General Assembly before implementation.

7.2 In urgent or emergency circumstances a proposal for a financial appeal may be approved by the Committee in accordance with any protocols for such appeals as may be adopted by the General Assembly from time to time.

7.3 In each case the committee seeking approval for a fundraising appeal must prepare and present to the Committee a full submission including details of the purpose, method and timing of the proposed appeal.

8. Other Duties

8.1 The Committee may from time to time:

(a) consider any matter placed before it by a State committee if that State committee considers it would be in the best interests of the Church in the realm of ministry, including uniformity of stipends and allowances, and

(b) examine and approve terms of appointment of all full-

time ministerial appointments made by the General Assembly.

9. Audit

9.1 The Committee shall cause the books of account for the GAA Fund to be audited annually by the Official Auditor appointed by the New South Wales Assembly. The Committee shall provide to the General Assembly full financial statements for the GAA Fund including any written audit report.

10. Indemnity for Officers of the Church

(a) Notwithstanding any insurance that may be in place the General Assembly by the enactment of this regulation hereby indemnifies all Officers of the Church and the Trustees against any Liability where such Liability does not arise out of conduct attributable to a lack of good faith on behalf of the Officer.

(b) For the purposes of paragraph (a) "Liability" extends to any liability, costs, damages, fees, expenses, demands, suits, actions, proceedings or claims incurred by the Officer in or arising out of being an Officer for the Church or the Trustees including legal costs incurred by the Officer in connection with claims or threatened proceedings, whether or not the Officer is receiving any remuneration of any kind or is acting in an honorary capacity. Such indemnity:

- is limited to property and assets of the Church only and not the personal property and assets of any person
- does not extend to any Officer or person for a Liability arising from their personal provision of any legal, financial or professional advice, goods and services
- does not extend to any claim or circumstance where to do so would involve a breach of law or defending or resisting criminal proceedings in which the Officer is found guilty.

(c) For the purposes of this regulation, an Officer shall mean any person appointed to an office, or to membership of an Assembly committee, by resolution of the Assembly or by a body authorised by the Assembly to make such an appointment.

(d) The Committee and the Trustees in respect of any claim against an Officer may reserve and exercise:

- the right to give directions and take over conduct of the claim;

- the right of subrogation.

(e) If an Officer becomes aware of a claim which could result in a Liability or circumstances that could give rise to such a claim, then that Officer must notify, or procure that the committee of which the Officer is a member notifies, the Committee of the relevant circumstances as soon as is reasonably practicable.

(f) An Officer must not make any admissions or seek to settle a claim without written consent from the Committee or the Trustees.

11. Definition

11.1 In these regulations:

"General Assembly" means the General Assembly of the Church.

"Budget" means the proposed budget, usually a triennial budget, prepared by the Committee pursuant to regulation 6.1 and, where applicable, means the budget as approved by the General Assembly.

"Church" means Presbyterian Church of Australia.

"GAA Fund" means the fund which pays for all expenses of the General Assembly as provided for in regulation 4.1.

"Convener" means the convener of the Committee.

"Committee" means the Finance Committee.

"Executive" means the executive of the Committee referred to in regulation 2.1.

"Trustees" means the Trustees of the Church as established by the deed of trust dated 3 February 1986.

BB 2007 Min. 59(12)
BB 2023 Min. 29 (8)

10.9 MISSION TO AUSTRALIA SPECIAL COMMITTEE

1. **Establishment**: There shall be a special committee of the General Assembly of Australia entitled the Mission to Australia Special Committee ("the Committee").

2. **Composition**: Notwithstanding any regulation which may be approved by the General Assembly for the composition of other committees, the Mission to Australia Special Committee shall be comprised as follows:
   (a) The Conveners of the committees on home missions and church planting from each State Assembly and the Presbyterian Inland Mission Committee (PIM)
   (b) The full-time Superintendents (however titled) of the committees on home missions and church planting in New South Wales, Queensland and Victoria
   (c) The Superintendent of the PIM
   (d) The officers of the Assembly

3. **Quorum**: The quorum of the Committee shall be four persons (of whom at least two must be ministers) drawn from at least two states.

4. **Convener**: The Convener of the Mission to Australia Special Committee shall be appointed by the Committee from among its own members immediately after each meeting of the General Assembly. Should the appointed Convener be unable or unwilling to act, the Clerk of Assembly shall appoint, from among the members of the Committee, an Acting Convener who shall convene a meeting of the Committee by telephone or internet conference for the purpose of electing a Convener.

5. **Function**: Whilst acknowledging the powers of state assemblies set forth in Article 10 of the Articles of Agreement, it shall be the function of the Committee to:-
   (a) Cultivate prayer for the development of healthy, multiplying Presbyterian congregations in Australia;
   (b) Promote mutually supportive interaction between the state committees on home missions and church planting;
   (c) Harmonise, as far as possible, the classification of congregations into pastoral charges and home mission stations or such other names as might be used;

(d) Harmonise, as far as possible, the qualifications required of home missionaries, the engagement of men as home missionaries and the terms used to refer to them;

(e) Harmonise the terms of employment of home missionaries (by whatever title they might be known);

(f) Receive, at least annually, from each state committee on home missions and church planting or from each state assembly, reports on issues pertaining to the work and welfare of the Church within the jurisdiction of that state assembly;

(g) Prepare a digest of reports from state committees or state assemblies for each meeting of the General Assembly;

(h) Make recommendations to the General Assembly for co-operative actions between the state committees to promote the work and welfare of the Church across Australia;

(i) Monitor the implementation of such recommendations and report thereon to the General Assembly; and

(j) Maintain close relations with the PIM so that gospel ministries can be developed and advanced in urban areas through the home mission and church planting committees and in remote areas through the PIM.

Notes

10.10 MODERATOR-GENERAL'S CHURCH PLANTING TASK FORCE

1. **Establishment**: There shall be a special committee of the General Assembly of Australia entitled the Moderator-General's Church Planting Taskforce ("the Taskforce").

2. **Composition**: Notwithstanding any regulation which may be approved by the General Assembly for the composition of other committees, the Moderator-General's Church Planting Taskforce shall be comprised of the following members: the Moderator-General as Patron, the Very Rev. D.N. Jones (Convener), the Rev. P.E. Barson and B. Meller with power to co-opt.

3. **Function**: Whilst acknowledging the powers of state assemblies set forth in Article 10 of the Articles of Agreement, it shall be the function of the Taskforce to:-
   (a) raise awareness, across the Church, of the urgent need for new churches to be planted;
   (b) communicate with relevant presbyteries to maintain awareness of church planting opportunities that might arise across Australia but especially in South Australia, Tasmania and Western Australia, and stimulate action to take advantage of appropriate opportunities;
   (c) solicit funds for church planting;
   (d) maintain relations with other denominations and with inter-denominational agencies involved in the challenge of church planting; and
   (e) encourage networking among church planters within the Church across Australia.

4. **Patron**: As Patron of the Taskforce, the Moderator-General shall actively publicise the need for church planting and strive to encourage that work as fully as possible, particularly through prayer.

10.11 MODERATOR'S NOMINATING COMMITTEE

1. The General Assembly shall appoint a Committee to be called the Moderator's Nominating Committee which shall comprise the Moderator, the Clerk of the Assembly, and three (3) ministers and three (3) elders of each state assembly. The Clerk is the Convener of the Committee. The Convener shall circulate to state assemblies no later than the 31st of December two (2) years prior to the Assembly, a request for a nomination from each for the office of Moderator, and request nominations from each of three (3) ministers and three (3) elders to serve on the Moderator's Nominating Committee; such nominations shall be in the hands of the Convener no later than the 31st December next following. All nominations by state assemblies shall have the written consent of the nominee which should accompany the nomination. The Convener then circulates to members of the Committee, the nominations of state assemblies no later than 31st January preceding the Assembly for members to vote thereupon: such votes to be returned to the Convener no later than the 28th February preceding the Assembly. The person receiving the majority of votes shall be declared to be the nominee of the Committee. Should no person receive a majority of votes, the Convener shall submit the (2) names having the highest number of votes to members no later than the 31st March; such votes to be returned no later than the 30th April.

2. Should this procedure fail to provide a single nominee, the Convener shall call a meeting of the members of the Committee to decide the matter no later than the 31st May.

3. The Finance Committee shall make adequate provision to meet the costs of such travel and where necessary accommodation of members.

4. The Convener shall immediately intimate to the nominee advice of his nomination as Moderator.

BB 1988 Min. 11 (3)

10.12 NATIONAL JOURNAL COMMITTEE

Establishment:

1. There shall be a Committee of the General Assembly of Australia entitled the National Journal Committee.

Composition:

2. The Committee shall consist of a Convener and ten members appointed by the General Assembly. No more than three persons from any one State shall be elected to the Committee.

3. The Committee shall be elected at each General Assembly of Australia on the nomination of the Committee. Should any other nominations be made by any member of the Assembly the Committee shall be elected by Ballot.

Function:

4. The Committee shall:
   (a) be responsible for the publishing and management of Australian Presbyterian Life.
   (b) nominate an Editor for appointment by the General Assembly.
   (c) report to the General Assembly.

Editor:

5. The Editor shall:
   (a) be appointed by the General Assembly for a period of six years and be eligible for re-appointment subject normally to the termination of the appointment by either party after six month's notice.
   (b) confer with the Committee on questions relevant to the format and content of "Australian Presbyterian" but he shall be responsible finally to the General Assembly of Australia on these matters.

BB 1967 Min. 26

10.13 OVERSEAS AID AND DEVELOPMENT COMMITTTEE

Establishment:

1. There shall be a Committee of the General Assembly known as the Overseas Aid and Development Committee.

Composition:

2. The Committee shall consist of:
   - A Convener elected by the Assembly
   - One minister, elder or communicant from each state
   - The Convener and the National Director of the APWM Committee
   - The Convener of the Relations With Other Churches Committee

Function:

3. The Committee shall be the instrument through which the Presbyterian Church of Australia directs funds for aid and development to like-minded Presbyterian and Reformed denominations in developing countries throughout the world.

Liaison:

4. The Committee through its Convener will liaise on the one hand with the relevant departments and officers of these denominations, and on the other hand with the National Director of APWM in order to determine and prioritise projects to be assisted by the Committee.

PresAid:

5. The Committee shall establish and administer a fund known as "PRES-AID (Presbyterians Assisting In Development)" to receive and distribute funds raised for overseas aid and development.

Appeals:

6. The Committee is authorised to appeal to congregations throughout the church to devote their Christmas Day and Good Friday offerings to the ongoing work of "PRES-AID, and shall take such steps as are necessary for the advertising and promotion of its various projects.

Moderator-General:

7. The Moderator-General shall be the Patron of PRES-AID, with whom the Committee shall liaise in its appeals to the church from time to time.

BB 2007 Min. 88(2)

10.14 PRESBYTERIAN INLAND MISSION COMMITTEE

1. **Name:** There shall be a Standing Committee of the General Assembly of Australia called the Presbyterian Inland Mission, successor in the Presbyterian Church of Australia to the Australian Inland Mission founded in 1912, which is responsible to the General Assembly for its work.

2. **Object:** The function of the Committee is to provide for the advancement of the Gospel through the establishment of patrol ministries and Christian mission in the remote and sparsely populated areas of Australia (generally known as the Inland).

3. **Social Mission:** The Committee shall endeavour to create, maintain, and improve religious, educational and philanthropic charitable agencies and institutions - including the provision of relief from suffering and hardship, conducive to the advancement of religion.

4. **Responsibilities:** The Committee's responsibilities shall include:-
   (a) Recruiting and appointing patrol padres;
   (b) Promoting the physical and spiritual well-being of all patrol teams;
   (c) Promoting the work of the PIM throughout Australia;
   (d) Encouraging all Presbyteries to support the work of the PIM;
   (e) Financial responsibility for the various patrols throughout Australia; and
   (f) Reporting to each General Assembly.

5. **Membership:** *The Composition of the Presbyterian Inland Mission Committee is determined at Chapter 9, clause 2 (GAA BB 2016, Min. 18(1).*

   The Committee shall meet at least annually as determined by the Executive or by requisition from a majority of the members of the Committee.

6. **Superintendent (Executive Officer):** The Committee shall appoint a Superintendent (Executive Officer) with title, terms and conditions as agreed upon by the Committee; such appointment to be reported to the General Assembly of Australia following the appointment.

   A vacancy occurring between meetings of the General Assembly may be filled in accordance with the regulations.

7. **Funds:** The Committee shall administer the funds of the Presbyterian Inland Mission, and those funds together with the assets of the Presbyterian Inland Mission are to be held under the authority of the Trustees of the Presbyterian Church of Australia.

8. **Appointments:** The Committee shall determine the terms and conditions of employment of those appointed to patrol ministries and other positions within the Presbyterian Inland Mission.

9. **Co-operation with State Assemblies:** The work of the Committee shall be carried out with the concurrence of the relevant State Assembly authorities and/or Presbytery. Once such concurrence has been given, the work may be conducted under the sole administration of the Committee, jointly with the relevant State Assembly authority and/or Presbytery, or by subsidising such work already undertaken by the State Assembly.

BB 2004 Min. 80 (11)

Notes

10.15 PUBLIC WORSHIP AND AIDS TO DEVOTION COMMITTEE

Establishment:

1. The name of the Committee shall be "The Committee on Public Worship and Aids to Devotion".

Composition:

2. *The Composition of the Public Worship and Aids to Devotion Committee is determined at Chapter 9, clause 2 (GAA BB 2016, Min. 18(1).*

Function:

3. It shall be the function of the committee to:
   (a) advise the Assembly on trends in worship within and outside Australia;
   (b) prepare and publish orders of service as guidelines for use in public worship (always under the authority of the Assembly);
   (c) bring recommendations to the Assembly regarding all aspects of worship (both public and private) and implement such as are approved by the Assembly from time to time.

BB 1985 Min. 50 (3)
BB 1991 Min. 49 (9)
BB 2004 Min. 53 (5)

Notes

10.16 RECEPTION OF MINISTERS COMMITTEE

1. **Establishment:** There shall be a Committee of the General Assembly of Australia entitled the Reception of Ministers Committee ("the Committee") which is established under the powers of the General Assembly contained in Articles 4 and 8 in respect of the reception of ministers from other churches.

2. **Composition:** *The Composition of the Reception of Ministers Committee is determined at Chapter 9, clause 2 (GAA BB 2016, Min. 18(1).*

The Committee may appoint up to two further members as needed. These members may be ministers, elders or communicant members of the Presbyterian Church of Australia.

3. **Function:** The Committee shall be responsible for considering applications for admission to the ministry of the Presbyterian Church of Australia ("the Church") from ministers and licentiates of other denominations and applications for reinstatement from people who have previously resigned from the ministry of the Church ("applicants").

4. **Application Form:** The Committee shall prepare and make available an application form ("the form") which shall require an applicant to provide information on the following matters:

(a) personal particulars of the applicant (age, place of birth, marital status, nationality, etc.);
(b) evidence of the applicant's status as a minister;
(c) details of the applicant's past employment with particular stress on the recent past;
(d) the applicant's reasons for desiring to enter the ministry of the Church;
(e) the applicant's reasons for leaving the church with which he had been connected;
(f) a testimony of the applicant's Christian experience;
(g) a statement regarding the applicant's attitude to the Scriptures, the Westminster Confession of Faith with Declaratory Statement and the Formula;
(h) evidence of completion of a course of theological studies including details of the subjects studied, the standard obtained and any degrees received;
(i) the names and addresses of at least two referees engaged in a

recognised Christian ministry; and

(j) such other matters as the Committee may from time to time determine.

5. **Application Procedure:** An applicant shall make application to the General Assembly through a presbytery. For this purpose, an applicant shall:

(a) already be committed to an appointment or to a call in the Presbyterian Church of Australia;

(b) obtain a form from the Committee;

(c) complete the form and provide all the information required by the form;

(d) lodge the completed form with the presbytery within whose bounds he resides, or, if the applicant is not resident in Australia, with such presbytery as the Committee directs; and

(e) Pay a standardised non-refundable application fee to the committee, at a level determined by the committee, as a contribution to the cost of processing the application.

Applications received by the Committee within two months of the next meeting of the General Assembly may be deferred by the Committee for consideration by the succeeding Assembly.

6. **Presbytery Responsibility:**

(a) The presbytery to which the applicant has applied shall interview the applicant and consider the applicant's suitability to be a minister of the Church.

(b) The Presbytery will examine the applicant regarding his statements on the Form, particularly the applicant's Christian experience, his views on the Scriptures, his understanding of the Westminster Confession of Faith and Declaratory Statement and his understanding of the Formula.

(c) The presbytery should satisfy itself that the applicant at the time of his quitting the church with which he had previously been connected was not under any censure or liability to censure on any moral or doctrinal grounds.

(d) If it is impracticable for the presbytery or a committee thereof to meet with the applicant, the requirements of this regulation may be carried out by correspondence.

7. **Presbytery Recommendation:** The presbytery shall forward the Form as completed by the applicant to the Committee together with its recom-

mendation (favourable or otherwise) and any comments. Once a presbytery has forwarded the application to the Committee, the presbytery may (if its recommendation is favourable) recommend to a State Home Missions Committee (or its equivalent) that the applicant be given temporary employment. The granting of any such temporary employment shall have no bearing on the consideration of the application by the Committee and the General Assembly.

8. **Psychological testing:**
Prior to their first interview, all applicants to the Committee shall undertake a psychological test similar to that used for candidates for the ministry. The Convener will inform each applicant of the test to be undertaken, and the Committee will meet the cost of that test.

9. **Committee Interview:**
(a) The Committee shall interview (or arrange for members of the Committee to interview) the applicant. Interview panels will normally include a suitable woman who is a communicant member of the Presbyterian Church of Australia and who will be a non-voting member of the interview panel.
(b) For an overseas applicant, such interview may be carried out by correspondence and/or by a person appointed by the Committee.
(c) The Committee shall consider the recommendation and any comments of the presbytery and if it disagrees with the recommendation of the presbytery the Committee shall say so in reporting to the General Assembly.
(d) The Committee shall conduct a final interview with applicants after the completion of studies and shall obtain references from the applicant's present ministry overseers to assist the committee in its consideration of the application.

10. **Theological Training:** After the first interview, the Committee shall submit each application to the Grading sub-committee of the College Committee for advice concerning any additional study that might be necessary to maintain consistency with the course of training for candidates for the ministry. Upon receipt of that advice, the ROMC shall determine the study requirements for the relevant applicant on the basis of applying a uniform standard across the church and giving due recognition to the applicant's ministry experience. Unless already completed, each applicant will study:

the Declaratory Statement, the Westminster Confession of Faith, the history of the Presbyterian Church of Australia, and PCA polity and undertake related assessments to the satisfaction of the appropriate faculty. The course of study prescribed by the Reception of Minister's Committee shall be undertaken through one of the theological colleges of the Church in a manner prescribed by the faculty of the relevant theological college.

11. **Competence in English:** The Committee is empowered to set a minimum standard of English for applicants applying through the Committee.

12. **Applicant Formerly PCA Minister:** If an applicant has previously been a minister of the Presbyterian Church of Australia, the Committee shall obtain a reference from all previous presbyteries, including details of any disciplinary matters commenced or completed.

13. **Report to Assembly:** The Committee shall report to the General Assembly on each applicant for admission to the ministry for the decision of the General Assembly. Such report shall include its recommendation, the recommendation of the presbytery which should obtain a report from the Home Mission Committee of the State, provided the applicant was employed by such a Committee and (so far as is applicable) that of the College Committee. The Clerk shall have the report printed as a confidential paper to be placed in the hands of members of the Assembly at least twenty-four hours before the Assembly shall deal with it. The General Assembly shall consider an application in closed court and may approve or refuse the application, and if approved may impose conditions.

14. **Minister (or Licentiate) under Call:** If an applicant;

(a) is a minister (or licentiate) of another presbyterian church; or

(b) is a minister who has resigned from the ministry of the Presbyterian Church of Australia and who is seeking readmission to the ministry of the Church; and

(c) is under call to a congregation of the Church, or under an appointment made to a congregation or an institution of the Church, or made by the General Assembly a State Assembly, or a committee or board thereof;

then pursuant to Article 8.3 the decision to approve the application may be made by the Committee, which approval may be subject to condition for further study if prescribed by the College Committee. The Committee shall report any such approvals to the General Assembly.

15. **Former Missionary:** If an applicant:

(a) was formally a minister or licentiate of the Church, and

(b) has placed himself under the jurisdiction of another church whilst undertaking missionary service approved by the Australian Presbyterian World Mission Committee, the Committee may approve such application in accordance with Article 8.4. The Committee shall report any such approvals to the General Assembly.

16. **Completion of Studies:** When an application is approved and the applicant is required to undertake further study the applicant shall be taken under care by the presbytery to which he made application. The College Committee shall supervise the study and shall issue an exit certificate when the study is completed satisfactorily. If an applicant has not completed the study requirements within 3 years of being advised of them, the Committee shall review the continuance of his application and a recommendation shall be made to the General Assembly.

17. **Exit Arrangements:** A minister or licentiate (or equivalent) who has more then one year's pastoral experience shall be permitted to accept a call once the requirements of these regulations have been fulfilled. A minister or licentiate (or equivalent) with one year or less of pastoral experience will come under the jurisdiction of the relevant State committee for an exit appointment in the same way as candidates for the ministry.

18. **Conditions required before signing the Formula:** Before an applicant may sign the Formula, the following conditions must be met:

(a) the Committee must receive, from the College Committee, confirmation that all requirements for additional study have been met to that committee's satisfaction;

(b) the applicant must satisfy the Committee that he:

(i) is entitled to live and work in Australia, by supplying acceptable evidence to the Committee;

(ii) has relinquished his connection with his previous church; and

(iii) has been invited to accept a call to a congregation of the Church or to accept an appointment to a congregation or an institution of the Church made by the General Assembly, a State Assembly, or a committee or board thereof.

19. **Signing the Formula.** An applicant remains under the care of the Presbytery which originally received his application unless he is transferred to

the care of another presbytery in which he might work or reside. Once the application is approved by the General Assembly (or the Committee acting under regulations 12 and 13) and all pre-conditions have been met, the Committee shall notify the Presbytery that it may allow the applicant to sign the Formula and thus become a minister of the Church.

20. **Distance Education:** If an applicant receives and accepts either:

(a) a call from a congregation of the Church, or

(b) a full-time appointment made to a congregation or an institution of the Church or by the General Assembly, a State Assembly, or a committee or board thereof the Committee may approve that any studies required of the applicant be completed in whole or in part by distance education methods.

BB 1994 Min. 96 (20)
BB 1997 Min. 89 (17)
BB 2001 Min. 100 (3)
BB 2004 Min. 70 (12)
BB 2007 Min. 85 (11)
BB 2013 Min. 77(17)-(20)
BB 2019 Min. 10(3) of 6/9/18
BB 2023 Min. 63 (4)

Notes

10.17 RELATIONS WITH OTHER CHURCHES COMMITTEE

Establishment:

1. There shall be a committee of the General Assembly known as the Committee on Relations with other Churches.

Composition:

2. The Composition of the Relations with Other Churches Committee is as determined by Regulation 9.2.2, and shall include the National Director of Australian Presbyterian World Mission as an additional ex-officio member.

Function:

3. The functions of the Committee shall be to:
   (a) initiate and maintain relationships with appropriate ecumenical bodies and recommend to the Assembly membership in such bodies;
   (b) arrange for appropriate representation at conferences and councils of such bodies within the restraints applied by the Assembly;
   (c) transmit study documents and resolutions of such bodies to relevant Assembly and State Committees and to make submissions thereon to such bodies;
   (d) foster relationships with other Presbyterian and Reformed Churches throughout the world;
   (e) advise the Assembly on relations with other Churches within Australia on a national level; and
   (f) deal with other matters referred to the Committee by the Assembly.

Relationship with APWM:

4. (a) When the Australian Presbyterian World Mission Committee desires to enter into reciprocal arrangements for mission with a Church overseas, it should do so after consultation with the Committee on Relations with Other Churches;
   (b) Where the Australian Presbyterian World Mission Committee has entered into a reciprocal arrangement for mission with a Church overseas, liaison with that Church shall be the responsibility of that Committee.

BB 2004 Min. 92 (6)
BB 2023, Min. 101(7)

10.18 TRAINING AND DISCIPLESHIP

1. **Establishment**: There shall be a special committee of the General Assembly of Australia entitled the Training and Discipleship Committee ("the Committee").

2. **Composition**: Notwithstanding any regulation which may be approved by the General Assembly for the composition of other committees, the Training and Discipleship Committee shall be comprised as follows:
   (a) The Directors of Youth Ministry from those states where a Director or equivalent is appointed
   (b) The Directors of Christian Education from those states where a Director or equivalent is appointed
   (c) The Convener of the state Christian Education committee or a deputy therefor from states where no person is appointed as the Director of Youth Ministry or of Christian Education

3. **Quorum**: The quorum of the Committee shall be four persons (of whom at least one shall be a Minister) drawn from at least two states.

4. **Convener**: The Convener of the Training and Discipleship Committee shall be appointed by the Committee from among its own members as soon as possible after each ordinary meeting of the General Assembly. Should the appointed Convener be unable or unwilling to act, the Clerk of Assembly shall appoint, from among the members of the Committee, an Acting Convener who shall convene a meeting of the Committee by telephone or internet conference for the purpose of electing a Convener.

5. **Function**: Whilst acknowledging the powers of state assemblies set forth in Article 10 of the Articles of Agreement, it shall be the function of the Committee to bring together those working at the state church level in Youth Ministry, Christian Education or equivalent who shall meet for the purpose of:
   (a) mutual encouragement
   (b) sharing of ideas and resources
   (c) looking for strategic opportunities for the represented State-based ministries to assist one another
   (d) administering a youth leadership resourcing scheme
   (e) bringing the financial needs of state-based ministries to the GAA.

Notes

CHAPTER 11
- LAW OFFICERS' REGULATIONS

1. THE PROCURATOR

(a) The Procurator shall be a barrister-at-law of one of the States of the Commonwealth or of the High Court of Australia, and a communicant or adherent of the Presbyterian Church of Australia.

(b) In the event of a vacancy by death or otherwise, or in the event of the Procurator becoming incapacitated by mental or bodily infirmity, until the Assembly shall otherwise provide by rule regulation or resolution pursuant to notice, the Finance Committee shall, if necessary, make an appointment of an Acting Procurator which shall be valid until the meeting of Assembly.

(c) In the event of the Procurator being absent from the Commonwealth, the Finance Committee shall have power to appoint an acting Procurator, and during such absence the Acting Procurator shall have all the power and authority of the Procurator.

(d) On the occurrence of a vacancy by death or otherwise, the Procurator shall be appointed by the Assembly, by a resolution of which notice has been given at at least two Sederunts.

(e) The Procurator may be removed from office by the Assembly, on an Overture from a State Assembly, a Presbytery, or a Standing Committee of the Assembly.

(f) Further, the Procurator shall advise the Assembly, when in Session, with regard to all matters concerning which the Assembly, by motion duly made and carried, may request him to give advice; and he shall consider and report upon all matters submitted to him by the Assembly.

(g) The Procurator shall advise all Presbyteries and Standing or Special Committees of the Assembly on any matter on which they desire his opinion, or on a case being submitted to him by the Law Agent of the Church.

(h) The Procurator shall settle all charges in accordance with the provisions of the Code of Discipline as enacted by the Assembly from time to time.

(i) The Procurator shall hold a general retainer for the Church and shall act as Counsel for the Church in all cases in which any question affecting the rights and interests of the Church shall come before Parliament or the Law Courts, and when so acting shall be entitled to the ordinary professional fees.

(j) Except as aforesaid, no remuneration shall attach to the office of Procurator.

2. THE LAW AGENT:

(a) The Law Agent of the Church shall be a solicitor of one of the States of the Commonwealth of Australia or of the High Court of Australia and a communicant or adherent of the Presbyterian Church of Australia.

(b) In the event of a vacancy by death or otherwise, or in the event of the Law Agent becoming incapacitated by mental or bodily infirmity until the Assembly shall otherwise provide by rule regulation or resolution pursuant to notice, the Finance Committee shall, if necessary, make an appointment of an Acting Law Agent which shall be valid until the meeting of Assembly.

(c) In the event of the Law Agent being absent from the Commonwealth, the Finance Committee shall have power to appoint an acting Law Agent, and during such absence the Acting Law Agent shall have all the power and authority of the Law Agent.

(d) On the occurrence of a vacancy by death or otherwise, the Law Agent shall be appointed by the Assembly, by a resolution of which notice has been given at at least two Sederunts.

(e) The Law Agent may be removed from office by the Assembly, on an overture from a State Assembly, a Presbytery, or a Standing Committee of the Assembly.

(f) The Law Agent shall advise all Presbyteries and Standing or Special Committees of the Assembly on any matter on which they may desire his opinion; and he shall when requested to do so, submit a case for the opinion of the Procurator. The Law Agent may, at any time he shall deem it advisable, consult and obtain the opinion of the Procurator on any matter on which the former is or shall be acting as Law Agent of the Church.

(g) The Law Agent shall act as Solicitor for the Church generally. For preparing all deeds and documents (other than written opinions, and other than cases for the opinion of the Procurator), for investigating titles, and for conducting, prosecuting and defending all petitions, actions and suits, the Law Agent shall be entitled to charge the usual professional fees.

(h) Except as hereinbefore provided, no fees shall be charged by the Law Agent.

CHAPTER 12
- TRUSTEES OF THE PRESBYTERIAN CHURCH OF AUSTRALIA

TRUST DEED

TO ALL WHOM THESE PRESENTS SHALL COME we, Kenneth Charles Auld, Derrick Rae Brierley, Paul David Kahl, Wilfred Malcolm McGilvray, James Edmund Sticpewich, and Jack Hayward Watson and the Rev. Peter Edwin Boase, Robert Anderson Caldwell, William Greenwood Camden, Harold Gilbert Durbin, Angus Robertson Ewin and Douglas Fraser Murray, all of 44 Margaret Street, Sydney in the State of New South Wales, send greetings

WHEREAS the General Assembly of the Presbyterian Church of Australia has by resolution declared that in order to ensure the effective ownership of and management and control by the Presbyterian Church of Australia of the property and funds of the said Church and of the agencies, activities, services, committees, institutions, schemes and interests thereof, it is expedient that trustees be appointed for the holding of the property and funds held or to be held in trust for or belonging to the said Presbyterian Church of Australia as such, or of any agency, activity, service, committee, institution, scheme or interest thereof (except so far as it may not be competent for the said General Assembly of the Presbyterian Church of Australia so to appoint in reference to the trusts application to any particular property or funds or so far as the said General Assembly may in its absolute discretion elect or decide not so to appoint), and that provision be made by or under the direction of the said General Assembly for the appointment from time to time of such trustees, the filling of vacancies in the office of such trustees, the holding and disposal of such property and funds, the investment thereof, the conduct of the business and proceedings of the said trustees, the keeping and audit of their accounts, the performance of the trusts committed to them and all other matters incidental to the proper performance of the purposes aforesaid.

AND WHEREAS we are the persons who for the time being hold office as the trustees of The Presbyterian Church (New South Wales) Property Trust being the body corporate of that name established by The Presbyterian Church (New South Wales) Property

Trust Act 1936 of the State of New South Wales AND WHEREAS we have been appointed by the said General Assembly of the Presbyterian Church of Australia to act whilst we continue to hold office as trustees of the said The Presbyterian Church (New South Wales) Property Trust as Trustees aforesaid of the property and funds of the said General Assembly and of all other the property and funds now or hereafter belonging to the said The Presbyterian Church of Australia and of any agency, activity, service, committee, institution, scheme or interest thereof, except so far as it may not be competent for the said General Assembly of Australia to appoint trustees thereof, or so far as the said General Assembly of Australia may specifically except or decide not to appoint us or our successors in office as Trustees hereunder, Trustees of any particular property or funds. AND WHEREAS this trust deed and the contents thereof have been approved of, ratified and endorsed by resolution of the said General Assembly of the Presbyterian Church of Australia. NOW THEREFORE know ye and these presents witness as follows:

1. The official name of the trustees of the Presbyterian Church of Australia and of our successors from time to time in office is the "Trustees for the Presbyterian Church of Australia."

2. In this Deed unless inconsistent with the context, words importing the singular shall include the plural and vice versa, and the masculine the feminine, and words importing persons shall include bodies corporate, and the following words and expressions shall have the meanings hereby assigned to them respectively unless there is something in the subject or context repugnant to such construction:

"the church" means the Presbyterian Church of Australia.

"the church Assembly" means the General Assembly of the Church.

"Moderator" means the Moderator of the General Assembly and includes the interim or acting Moderator thereof.

"committee" means committee (including

Standing Committee) of the General Assembly, whether consisting exclusively of members of the General Assembly or not, and includes any commission or committee appointed by the General Assembly.

"instrument creating the trust" includes Act of Parliament, ordinance, deed, will, testamentary disposition, settlement, agreement for a settlement or other agreement or instrument.

"property" means real and personal property, and includes lands, tenements and hereditaments, houses, buildings, chattels real, money or securities for money, bonds, stocks, funds, debentures, and investments and property of every description.

"transfer" includes convey or conveyance.

"the Trustees" means the persons from time to time holding office as Trustees of The Presbyterian Church of Australia.

"auxiliary service" when used herein in conjunction with or in reference to the said the Presbyterian Church of Australia shall include any agency, activity, service, committee, institution, scheme or interest of the Church.

3. The purposes for which the Trustees are constituted and their principal powers are as follows:-

(a) To acquire, take over and hold any property in trust for the Presbyterian Church of Australia or any auxiliary service of the Church and to receive any money which has been or shall be given, contributed, or bequeathed, by any person or persons to be applied to any of the purposes or enterprises of the Church or of any auxiliary service of the Church and to take over any securities for money or investment held by any person or persons on behalf of the Church or of any auxiliary service thereof and to take in the name or under the control of the Trustees any securities for money belonging to the Church or any such

auxiliary service of the Church which shall be lent or advanced on account thereof. All property, moneys, securities for money, and investments hereinbefore referred to shall be held and dealt with by the Trustees for the uses and purposes, and effect given to the trusts to which they shall be specially subject where expressed or defined, and failing such expression or definition as the General Assembly shall from time to time direct and subject thereto as this Deed defines.

(b) To invest any money acquired, taken and held, or lent or advanced by the Trustees as aforesaid (and also any moneys of the Trustees not immediately required for any of their purposes or in the exercise of any of their powers) as follows namely:

(i) Upon or in investments on which Trustees are, or shall be, authorised to invest trust funds according to the law of the Commonwealth of Australia or any of the States thereof, or any of the Territories or Mandated Territories or Dependencies of the said Commonwealth.

(ii) On deposit with any incorporated bank or banks carrying on business in the said Commonwealth or any of the Territories or Mandated Territories or Dependencies thereof or under special circumstances approved by the Trustees, in the United Kingdom, the Dominion of New Zealand, or in any other country.

(iii) Upon or in any investment or security of any kind whatever not included in the foregoing lists, provided always that the General Assembly shall have approved or shall approve thereof by resolution, rule or regulation, either generally or

specially in the matter.

(iv) Provided always that save so far as the General Assembly shall otherwise resolve or direct the Trustees may retain and hold any property, investment or security, which has been or may hereafter be transferred to or vested in the Trustees or otherwise placed under the control of the Trustees in the same form as the same exists at the time of such transfer to or vesting in the Trustees, even though such form be not included in the foregoing lists. Any such property investment or security shall be included in the next succeeding report of the Trustees to the General Assembly and shall be held by the Trustees subject to the trusts thereof and the lawful directions of the General Assembly.

(v) Provided also that where the direction regarding the modes of investment applicable to any particular trust are not identical with or shall be wider or narrower as regards authorisation than those hereinbefore specified, the trust premises affected thereby shall be held in accordance with the directions applicable thereto. Any such cases shall be included in the next report of the Trustees to the General Assembly, and the trust premises shall be held by the Trustees subject to such directions and to the further lawful directions of the General Assembly, or shall be disclaimed by the Trustees if the General Assembly shall so resolve.

(c) To manage all and every part of the property, funds, moneys, securities, and investments vested in or under the control of the Trustees.

(d) Save so far as a contrary intention is expressed in the instrument creating the trust, and subject to the rules, regulations and decisions (if any) of the General Assembly, to sell, let, mortgage, exchange, dispose of or otherwise deal with all or any of the property transferred to or vested in the Trustees and without restricting the generality of the foregoing the Trustees:

(i) may grant leases or sub-leases on any land or premises held by them for such period, at such rents and subject to such terms and conditions as they think fit.

(ii) may act in relation to all cases of exchange, surrender, dedication and compulsory acquisition of any property vested in the Trustees including the power to make claims for compensation, and to agree to and settle upon such terms and conditions as they think fit any such claims.

(iii) may from time to time mortgage to any person any land vested in the Trustees in pursuance of this Deed for the purposes of securing the repayment of such sum or sums of money with or without interest as the Trustees consider necessary for the purposes of the Church generally or any auxiliary service of the Church; and the Trustees may guarantee advances with or without security made for any of the purposes herein set out.

(iv) may from time to time sell any property vested in them by public auction or private contract as they think fit at such price as can be reasonably obtained for that property.

(v) may guarantee or undertake to indemnify any person for any loss arising out of the performance of any obligation undertaken by persons administering property used for any purpose, activity or institution of the Church or its auxiliary service and whether solely so used or not.

(e) Save so far as a contrary intention is expressed in the instrument creating the trust, and subject to the rules, regulations and decisions (if any), of the General Assembly, to purchase, take on lease, or otherwise acquire any property which may be deemed necessary or convenient for any of the purposes of the Church or any auxiliary services thereof, and to surrender, and accept surrenders of leases and tenancies.

(f) In taking over the property, held by any trustees or other persons pursuant to the provisions of this Deed on behalf of the Church or any auxiliary service thereof, the Trustees may so far as they may lawfully do so out of the property or funds under their control indemnify such trustees or persons against all or any actions, suits, claims and demands in respect of all debts, liabilities, or other obligations they may have properly incurred in connection with such property.

(g) Save so far as a contrary intention is expressed in the instrument creating the trust and subject to the rules, regulations and decisions (if any), of the General Assembly, to manage, construct, maintain and alter any houses, buildings, improvements or works, necessary or convenient for the purposes of

the Church or any auxiliary service thereof or of any trust administered by the Trustees.

(h) To take any gift of property, whether subject to any special trust or not for the Church or any auxiliary service thereof, or for any purpose which the Trustees are authorised to perform, and to give full receipts, releases and discharges in respect thereof.

(i) As such Trustees to sue and to be sued on behalf of the Church or any auxiliary service thereof, as regards any matter within the scope of this Deed or otherwise authorised by the Assembly or any committee thereof, with power to act on its behalf.

(j) To procure the Trustees to be registered or recognised in any State or Territory or Mandated Territory of the Commonwealth or elsewhere.

(k) To do all such other things which may be lawfully done by the Trustees, as are incidental to the proper performance of the purposes and powers aforesaid.

4. Provided always that notwithstanding anything contained in clause (3) hereof, property and funds of the Church or any auxiliary service thereof are excepted from the operation of that clause in particular cases where it is not competent for the General Assembly to appoint Trustees in reference thereto, or where for any reason in its absolute discretion, the General Assembly by Rule Regulation or resolution pursuant to notice, elects or decides not to place any particular property or funds under the control of the Trustees. Provided further that the Trustees shall take over the administration of such trusts and the control of such property or funds as the General Assembly or some commission, committee, officer or officers of the General Assembly empowered so to do either generally or specially in the matters by Rule, Regulation or resolution pursuant to notice of the General Assembly, may lawfully direct or appoint.

5. The Trustees shall be bound by such Model Trust Deeds as the General Assembly may by Rule, Regulation or resolution pursuant to notice prescribe under which any property or class of property is to be held by the Trustees.

6. The Trustees shall consist of persons who for the time being hold office as the Trustees of The Presbyterian Church (New South Wales) Property Trust being a body corporate of that name established by The Presbyterian Church (New South Wales) Property Trust Act 1936 of the State of New South Wales.

7. Until the General Assembly shall by Rule or Regulation otherwise provide each Trustee shall hold office as Trustee so long as he shall remain a trustee of the said The Presbyterian Church (New South Wales) Property Trust and any casual vacancy occurring at any time in the office of Trustee shall be filled by the person appointed to fill the corresponding vacancy in the said The Presbyterian Church (New South Wales) Property Trust.

8.
(a) There shall be a chairman of Trustees who shall be elected by the Trustees from among their own number.
(b) The chairman shall hold office for a period of twelve months but is eligible for re-election.
(c) The chairman shall preside at all meetings of the Trustees at which he is present.
(d) In the absence of the chairman from a meeting of the Trustees, the Trustees present shall elect one of their number to preside at that meeting.
(e) At a meeting of the Trustees four of the trustees constitute a quorum.
(f) The Trustees shall meet at least once every year and shall keep or cause to be kept minutes of their proceedings and a record of their resolutions.

(g) The minutes of proceedings of the Trustees and the record of their resolutions shall be made available for inspection when required by the official auditor of the Church, being the person appointed to that office by the General Assembly.

(h) The method of calling meetings of the Trustees, the places at which those meetings are held and the procedure to be followed at those meetings shall be as determined from time to time by the Trustees.

9. Reports shall be made to each meeting of the General Assembly by the Trustees on matters pertaining to the work of the Trustees occurring since the last preceding General Assembly.

10. A certificate under the hand of the person for the time being holding the office, or performing the duties, of Clerk of the General Assembly certifying:

(a) That the trustees consist of the persons specified in the certificate,

(b) That on a day specified in the certificate, the Trustees consisted of the persons specified in the certificate, or

(c) That any declarations, determinations, resolutions or rules specified in the certificate have been made or passed by the General Assembly;

is evidence of the matters so certified.

11. Every person becoming a Trustee shall signify in writing by an endorsement on or in an annexure to this Deed his acceptance of office as such and his agreement to be bound by and subject to the provisions of this Deed with such alterations and amendments therein as the General Assembly may make from time to time.

12. The titles, certificates and all other documents of title to all lands and investments transferred to, or which

may hereafter be transferred to or which may be acquired or held by the Trustees under this Deed as well as the titles, certificates and all other documents of title to all property and investments in which the Trustees may lawfully invest the funds, shall be taken in the name of the Trustees unless in cases where in the opinion of the Trustees it is expedient or where it shall be necessary in accordance with the laws of the Commonwealth or any of the States hereof, or any Territory, Mandated Territory, or Dependency thereof, or of any of the laws of any other country having lawfully authority in the matter, to take such titles, certificates or documents in another form.

13. Any deed or instrument executed or signed by and any other act, matter or thing done by a majority of the Trustees, and in pursuance of a resolution of Trustees shall be as effectual as if the same had been executed, signed or done by all the Trustees.

14. No Trustee shall be under any obligation to execute a mortgage or accept a transfer of property subject to a mortgage, in either of which cases he would be under any responsibility to be personally liable for the payment of any moneys out of his own estate.

15. Every Trustee shall be answerable only for losses arising from his own defaults and not for involuntary acts nor for the acts or defaults of his co-Trustees or co-Trustee and in particular any Trustee who shall pay over any money to his co-Trustees or co-Trustee or do any act or make any omission enabling him or them to receive any money for the purposes of any of the trusts under this Deed shall not be bound to see to the due application thereof nor be subsequently rendered liable by any express notice of the misapplication of such moneys, nor shall any Trustee be liable for the neglect or default of any officer of the Church, or of any agency, activity, service, committee, institutions, scheme or interest thereon, or of any banker, broker,

contractor, solicitor, valuer, factor or agent of any description reasonably employed by the Trustees.

16. Save where the instrument creating the trust otherwise provides the General Assembly or any such Commission, committee or officer duly authorised by it may from time to time, remove any trusts from under the control or authority of the Trustees.

17. Where under this Deed or the Rules, Regulations or decisions (if any) of the General Assembly application to the matter, the consent of the General Assembly or of any Commission, committee or officer thereof, or the Moderator or other person is expressed to be required in connection with the performance of any act, deed, matter or thing by the Trustees or any officer thereof, all persons (including any Registrar General, Registrar of Titles or other public authority) dealing in good faith with the Trustees or any officer or officers thereof, shall not be concerned to inquire whether any such consent has been obtained.

18. Any defect in the appointment of a Trustee or in any resolution or decision of the Trustees, or in any matter of procedure under this Deed may be absolutely cured by the authority of the General Assembly or by the Trustees.

19. (a) The Secretary of the Trustees shall be the person who for the time being holds office as Secretary of The Presbyterian Church (New South Wales) Property Trust.

(b) The Treasurer or Treasurers of the Trustees shall be such person or persons as the General Assembly shall, from time to time, appoint (or authorise the appointment of) to the office or offices concerned.

The tenure, remuneration and duties attached to the said offices shall be subject to the Rules, Regulations and resolutions, pursuant to notice of the General Assembly applicable thereto.

(c) Until the General Assembly shall otherwise provide by Rule, Regulation or resolution, pursuant to notice, the Law Agent or Acting Law Agent of the Church shall be the solicitor of the Trustees, but provision may be made by the Trustees, in consultation with the solicitor of the Trustees, to arrange for the representation of the Trustees in different States or parts of the Commonwealth, or in any other country where the interests of the Trustees so require, or where, for any other sufficient reason it is in the opinion of the Trustees expedient so to do.

20. It is admitted and acknowledged that the General Assembly has full power and authority by any resolution or resolutions at any time hereafter passed, pursuant to notice, to alter or amend the trusts, power or provisions of this Deed in any particular, with the approval of a majority of State Assemblies and, in the event of a corporate body of Trustees being created by or under any statute or statutes or otherwise, to exercise all or any of the functions of the Trustees the General Assembly may require all or such parts as it thinks fit of the property or funds of the Church, or any auxiliary service thereof, held by the Trustees, to be transferred to or vested in such corporate body, subject to the trusts affecting the property or funds concerned and in such case the Trustees shall join in executing and signing all documents necessary to give full force and effect to such transfer and vesting in such corporate body as aforesaid.

AND THESE PRESENTS FURTHER WITNESS that we do, and each of us doth, hereby declare that we and the survivors and survivor of us and our successors in office as such Trustees, shall hold and stand possessed of all the property and funds of the Church or of any auxiliary service of the Church upon the trusts and for the purposes of the Church or of any auxiliary

service of the Church and shall also stand possessed of all other property or funds which may at any time or times hereafter, be transferred to or vested in the Trustees for the time being under the provisions of this Deed or any amendment thereof lawfully made upon the trusts affecting the same.

IN WITNESS whereof the several parties hereto have hereunto subscribed their respective hands and seals the third day of February One thousand nine hundred and eighty six.

BB 1985 Min. 21(2)

Notes

CHAPTER 13
NATIONAL SAFE MINISTRY FRAMEWORK

(Pursuant to GAA 2019, Min. 43(4), this text has been enumerated to "simplify navigation, reference and communication.")

Preamble

This document is a national Statement of approach – in principles, policies, practices and procedures – that seeks to achieve so far as possible the uniform protection against abuse of children by or within the Church's organisations. It is to be read as working within, subject to, interpreted by, and administered in accordance with, the laws of the relevant State or Territory of the Commonwealth and the laws of the Church. It is not itself a law of the Church and does not of its own force override or modify the laws of the Church or laws of the relevant State or Territory in which it is being administered. Church organisations must be familiar with and act in accordance with those relevant secular and Church laws including the Church's national Code of Discipline (which itself is subject to secular laws). Church organisations in each State and Territory undertake to conform so far as possible to this statement in their particular principles, policies and practices and procedures, taking into account differences in secular and Church law in different States and Territories.

Some State churches cover in their jurisdiction one or more of the Territories of the Commonwealth. Although a reference to Territory is not specifically mentioned each time secular law of a State is referred to, those State churches will need to be careful in the appropriate presbyteries or charges of the Church to abide by Territory law if it differs from that of the State. There may in due course be Commonwealth secular law that needs to be followed as well.

Introduction

The Presbyterian Church of Australia (PCA) is a national church formed by the federation of six formerly colonial churches in 1901. The national church was given powers legislative, administrative and judicial. These were supreme in relation to specified matters including doctrine, worship and discipline. Otherwise, they were concurrent with the State assemblies' powers.

The maintenance of safe ministry practices rests, generally, with the State churches but behaviour that is contrary to the Standards of the Church or an obligation imposed on a minister or member of the Church by the word of God or a law of the Church is also subject to consideration under the Code of Discipline.

Careful management of these overlapping domains is as necessary as it is challenging. It is expressly recognised in rule 1.13(b) of the Code of Discipline that child protection policies are congruent with the ends of discipline expressed in rule 1.02. This is because putting in place proper measures to protect children and to forestall an alleged offender against his or her alleged propensity is for "the glory of God, the purity of the Church and the spiritual good of the alleged offender".

Additionally, Commonwealth and State governments are entitled to, and do, enact legislation that impacts on the Church in various ways, including in the area of child protection. It is therefore necessary for the State churches to be cognisant of legislation and regulations applicable in their State, and to determine particular procedures to ensure compliance with their State-specific obligations.

To assist the Church in its attention to these matters, it is both desirable and necessary that a uniform and consistent approach to the protection of children be adopted within the PCA and across all of the State churches. At the request of the GAA, the persons appointed to manage these matters by the State Assemblies in New South Wales, Queensland and Victoria have worked with Assembly Officers to prepare this Framework which is offered to the Church with the prayer that it might advance God's glory, protect children from harm, help the Church to maintain a good reputation with outsiders, and guide potential offenders away from the destructive paths of sin.

This Safe Ministry Framework is presented in three parts: principles, policy and procedures. The Safe Ministry Principles are the high-level ideals to which the PCA is committed. The Safe Ministry Policy particularises the Church's commitments and sets out the mechanism by which the Church's pursuit of its principles is governed. The Safe Ministry Procedures then set out specific steps and actions to be taken in the implementation of the Safe Ministry Policy. All three parts belong together and none can be separated from the others.

Part I: National Safe Ministry Principles

1.1 Fundamental Conviction

We remember at all times that we are representing the Lord Jesus Christ in all our conduct and we will, accordingly, strive to refrain from any action that is contrary to Scripture or a law of the land consistent with Scripture or which violates the requirements of biblical ethics, striving to ensure that all our conduct is motivated by love for God and a desire to commend him and to promote his glory.

1.2 Statement of Commitment

The Presbyterian Church of Australia (PCA) is committed to ensuring that a safe environment is established and maintained for all persons associated with the Church and for those accessing its services, especially children. The Church requires all paid employees and all volunteers serving within it to create an environment that will help people flourish and cause no harm particularly harm arising from emotional, physical, or sexual abuse; or neglect.

The Presbyterian Church of Australia recognises its obligation to

1. Ensure the safety and wellbeing of all children (being persons under the age of 18) involved in its activities.
2. Implement policies and procedures to safeguard children from child abuse or harm including emotional, physical, or sexual abuse, or neglect.
3. Refuse to tolerate any behaviour that might result in child abuse or harm.

1.3 Values

1.3.1 Love and compassion The Presbyterian Church of Australia, and its State Churches, is bound by the example of the love and compassion of Jesus Christ in his ministry.

1.3.2 Service to others The unique nature of servanthood, which Jesus Christ demonstrated to his disciples and which they then encouraged Christians to display, is the foundation of the Safe Ministry Principles.

1.3.3 Humility Jesus spoke of himself as being a servant of others and not one who came to be served. Paul, in his letter to the Philippians, encourages us not to live with a selfish purpose, but with humility, thinking of others as better than ourselves. As people chosen by God to serve him in obedience, we are to live as those who watch out for what is good for others rather than watching out for our own good.

1.3.4 Gentleness Paul urges the early Church to let their gentleness show in their treatment of all people.

1.3.5 Nurture and protection As a Church we are to nurture and protect children. This responsibility rests on everyone involved in church life.

1.3.6 Respect The Safe Ministry Principles seek to inform the Church and create a culture which promotes respectful relationships and maintains an ongoing safe environment free of abuse of children. Whilst this responsibility rests immediately with leaders and those involved in ministry to children, it is also a shared responsibility of the whole Church.

1.3.7 Christian faith and practice Those serving in leadership and working directly with children and young people, accept a position of trust which places on them a commitment to carry out their role in accord with the Doctrine and Christian values of the Church.

1.3.8 Consistency and integrity Breaches of the Safe Ministry Protocols by any person, regardless of position, are taken seriously and may result in the questioning of that persons' capacity to continue to serve, as well as the implementation of boundaries deemed necessary to protect children.

1.3.9 Accountability The Church can be one of the few places where an Offender or Person of Concern, as a recipient of God's love and grace, can find a Christian welcome, Scriptural teaching and encouragement to grow in Christ. However, participation in the life of a Christian church or organisation is not a guarantee of Christlike behaviour nor a guarantee against repeating past sinful behaviour that has been abusive and caused harm. Therefore, the Church must communicate clear expectations and firm boundaries with transparency and accountability in relation to an Offender or Person of Concern who participates in the life of the Church. This helps to ensure that the Church is safe for children.

1.3.10 Foundational Principles

In our aim to create a safe environment and in our quest to ensure that children are protected from abuse and harm, the following principles must guide the behaviour expected of all persons involved in ministry-related activities:

- Become familiar with and act in accordance with the National Safe Ministry Framework (including its Principles, Policy, and Procedures) and any Code of Conduct and specific Procedures established by the relevant State Church
- Understand that perpetration of any physical, psychological or emotional harm or neglect, or sexual abuse or exploitation is unacceptable, that it will be treated seriously and sensitively, and that it must be reported in accordance with the Church's Mandatory Reporting Policy and Procedures

- In all aspects of personal life and relationships and at all times, strive to act according to the highest standards, demonstrating courtesy, consideration and good judgement
- Treat all people with respect and dignity regardless of age, culture, gender, religious affiliation, personal circumstances or any other point of differentiation
- Accept and exercise the duty of care appropriate for each and all participants
- In accord with Scripture, engage only in lawful activity and never assist persons engaged in illegal activities
- Strive to carry out all relevant roles in accordance with the doctrines and values of the Presbyterian Church of Australia
- Respect the authority of leaders and act in accordance with reasonable directions
- Only engage in actions and activities that are appropriate for children where ministry-related activities involve children
- Complete any and all training required by the Church in relation to ministry roles; and
- Create and maintain appropriate resources for use and training in ministry.

As the application of these National Principles in specific situations requires interpretation, those involved in ministry must seek advice if placed in a position of uncertainty.

Part II: National Safe Ministry Policy

2.1 Governance: Roles and Responsibilities

The General Assembly of the Presbyterian Church of Australia (GAA) has supreme authority within all parts of the Church in matters covered by Article 2.1 of the Articles of Agreement. Its responsibility in relation to discipline (Article 2.1((c)) obligates it to seek the fullest possible uniformity between Church-based policies and procedures in the several States, and secular laws applying in the relevant State.
The GAA approves and adopts this Framework and encourages State Assemblies to adopt this statement of Principles, Policy and Procedures, and put in place safe ministry practices that are in line with this statement and with legislative requirements of the relevant State.

The GAA affirms the adoption across the PCA of the Child Safe Standards identified by the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) as follows:

1. Child safety is embedded in institutional leadership, governance and culture
2. Children participate in decisions affecting them and are taken seriously
3. Families and communities are informed and involved
4. Equity is upheld and diverse needs are taken into account
5. People working with children are suitable and supported
6. Processes to respond to complaints of child sexual abuse are child-focused
7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training
8. Physical and online environments minimise the opportunity for abuse to occur
9. Implementation of the Child Safe Standards is continuously reviewed and improved
10. Policies and procedures document how the institution is child safe.

The Clerk of the GAA is responsible to oversee and co-ordinate the maintenance of a National Register which contains limited but sufficient information to assist affiliated institutions to identify and respond to any risks to children that may be posed by people in ministry. The Clerk of the GAA is also responsible to ensure effective liaison between the State churches so that any risks that may be posed by people in ministry are identified and receive an appropriate response.

Within its area of jurisdiction, each State Assembly is responsible for:

- Governing the implementation of this Policy and associated procedures and Code of Conduct for interacting with children;
- Initiating, developing and amending child protection procedures under their State structures which must accord with any mandatory specific requirements of secular State legislation and any associated requirements applicable in their State.
- Ensuring that appropriate information, training, instruction, supervision, monitoring, auditing and resourcing is available to maintain an environment that is safe for all persons, particularly children;
- Ensuring that an appropriate person or body is appointed to oversee the implementation of this Policy and associated procedures including the Code of Conduct (if any) enacted by the State Assembly; and procedures mandated within secular law applicable within its area of jurisdiction;

- Ensuring that all ministers, licentiates, deaconesses and other ministry workers remain compliant with State-based Working with Children Check or equivalent legislation;
- Establishing a mechanism by which the State church ensures that it is reliably informed on issues of child sexual abuse and child safety including prevention, policies and procedures and complaint handling; and
- Providing mechanisms whereby all allegations of child sexual abuse will be referred to the person or body appointed by the State Assembly to provide oversight of any such allegation and any perceived or real conflicts of interest that may arise from individuals responding to complaints of child sexual abuse in the investigative, judicial or pastoral processes.

Within their bounds, Presbyteries have oversight of Sessions and must strive to ensure that each and every Session is compliant with the Safe Ministry Framework, relevant secular legislation, and the Code of Conduct (if any) and statement of procedures established by the relevant State church.

Sessions have oversight of all ministries operated within their congregations and must annually review all ministries conducted within the Charge and, without limiting their responsibility, minute:

- Approval of proposed programs, activities, and the people authorised to lead them; and
- Their commitment to the Safe Ministry Framework, relevant secular legislation, and the Code of Conduct (if any) and statement of procedures established by the relevant State church.

Assembly Committees with oversight of children's ministry and activities are considered to have the same responsibilities as Sessions.

2.2 All instructions of the Church to be faithfully observed

Any body or person within the Church with responsibility for the employment or appointment of another person (the appointee) to a role that includes oversight or interaction with children is responsible to ensure that all instructions of the Church are observed faithfully, regardless of whether the appointee's role is performed on a paid or voluntary basis.

2.3 Liberty to report

Any person has the liberty to report directly to external agencies and supervising bodies within the Church any allegations or matters of suspicion of risk of sexual

abuse or harm, noting that the purpose of reporting to the Church is to ensure that the Church can take action promptly to protect children.

An adult who claims to have been a victim of child sexual abuse but who does not want to press charges or to be involved in a criminal complaint will be advised that the person or body appointed by the relevant State Church to receive such allegations will report the matter to State Police for information without disclosing that adult's name. If the State Police advise that the matter will not proceed, the person or body appointed by the relevant State Church to receive such allegations will initiate action to determine the plausibility of the allegation always in accordance with procedural fairness and to take such action as may be necessary to protect children from harm.

2.4 Obligations of State Churches

Within its area of jurisdiction, and in the provision of children's ministry, each State church will demonstrate commitment to, capability for, and consistency in:

- Adhering to this Policy governing the interaction of adults with children;
- Implementing State-based procedures in accordance with this Policy in pursuit of the highest levels of safety and care;
- Educating and training all those involved in ministry in their duties and responsibilities in a determined endeavour to ensure that all persons involved in children's ministry are familiar with this Policy and any State-based procedures made in accordance with this Policy, whether those persons are engaged on a paid or voluntary basis;
- Selecting, recruiting, training and managing persons engaged or to be engaged in children's ministry within the Church;
- Supporting those involved in ministry as they carry out their roles;
- Providing management systems to ensure compliance with:
- the relevant State's laws and its Working with Children Check or equivalent,
- this Policy and
- any State-based procedures established in accordance with this Policy;
- Requiring all Ministers, Elders, Managers, employees and children's ministry volunteers to hold a current Working with Children Check or equivalent clearance and to agree to adhere to this Policy and any State-based procedures established in accordance with this Policy, and to undertake Safe Ministry training before working with children within the Church and at such other times as may be required by the responsible body.

- Overseeing risk management of activities and implementing management plans for high-risk activities and special events to ensure the safety of children;
- Implementing appropriate steps to manage persons known to pose a risk to children, in order to create an abuse-prevention and response framework which prioritizes the safety of children;
- Offering pastoral care and support to victims of sexual abuse and those impacted by that abuse;
- Offering pastoral care and support to any member of the Church known or alleged to have offended against a child; and
- Adequately insuring approved programs, events and activities to the extent such insurance is reasonably available.

2.5 Disclosure, investigation and responsible action

To ensure effective disclosure and investigation of suspicions of abuse and harm, and consistency in the management of breaches of this Policy, the following obligations are established throughout the Church:

- Any allegation, or reasonable suspicion of risk of harm of a child, is to be referred to the person or body appointed by the relevant State church to receive such allegations or suspicions in order to facilitate consultation with the State Police Service or Child Protection Agency without delay and to take appropriate steps to manage the risk to children.
- Any allegation of sexual abuse made against a person involved in ministry or leadership within the Church (being ministers, elders, managers, or other roles whether paid or unpaid), is to be reported immediately to the person or body appointed by the relevant State church to receive such allegations in order to facilitate consultation with the State Police Service or Child Protection Agency without delay and to obtain guidance therefrom concerning investigative needs, and (in accordance with the Code of Discipline), the appropriate Court of the Church will promptly consider and determine whether the person concerned should be suspended from working with children and any other ministry or leadership function until the matter has been investigated by Police.
- If, in respect of an inducted minister, a positive Working with Children Check or equivalent is withdrawn, suspended, barred or revoked, the fact must be reported without delay to the relevant Presbytery and the Presbytery will urgently consider the need to sever the pastoral tie as an administrative action separate from the Code of Discipline or to take other action to remove the minister from

child-related activities and will monitor whether such action remains sufficient and take further administrative action as required. Subsequent action may be taken under the Code of Discipline.

- If, in respect of an employee of the Church, a positive Working with Children Check or equivalent is withdrawn, suspended, barred or revoked, the fact must be reported without delay to the relevant employer and the employer will urgently consider the need to terminate that person's employment as an administrative action separate from the Code of Discipline or to take other action (if possible) such as removal from child-related activities and will monitor whether such action remains sufficient and take further administrative action as required. Subsequent action may be taken under the Code of Discipline.
- If a minister is the subject of a substantiated complaint of child sexual abuse or is convicted of child sexual abuse, the censure to be applied by the Presbytery in accordance with the Code of Discipline will be deposition from the ministry or the censure under the Code of Discipline appropriate to the nature of the offence found.
- If an elder is the subject of a substantiated complaint of child sexual abuse or is convicted of child sexual abuse, the censure to be applied by the Session in accordance with the Code of Discipline will be deposition from the eldership or the censure under the Code of Discipline appropriate to the nature of the offence found.
- If any other person is the subject of a substantiated complaint of child sexual abuse, or is convicted of child sexual abuse, or their Working with Children Check or equivalent is withdrawn, suspended, barred or revoked, the fact must be reported without delay to the body holding jurisdiction within the Church and that body will urgently consider the need to remove that person forthwith from the exercise of all or some ministry functions and from participation in any leadership roles within the Church including membership of any committee at any level of the Church's operation .
- Although the appropriate Court of the Church may instigate Disciplinary proceedings against a member under the provisions of the Code of Discipline at any time, rule 1.13(g) of the Code of Discipline requires that disciplinary proceedings must "not prejudice investigations and prosecution procedures under State law".
- Where a Court of the Church becomes aware that any person attending any of its services or activities:
    - is the subject of a substantiated complaint of child sexual abuse,

- has been convicted of an offence relating to child sexual abuse,
- has been denied a positive *Working with Children Check* or equivalent, or whose *Positive Working with Children Check* or equivalent has been withdrawn, suspended, barred or revoked, or
- poses a reasonably-known risk to children,

the Court will assess the level of risk posed to children by that person's ongoing involvement in church activities and take appropriate steps to manage that risk, which may include the implementation of a behavioural agreement.

2.6 Managing Breaches of the Safe Ministry Framework

Overview All people are sinners and breaches of the Safe Ministry Framework, secular and Church law and procedures will occur, whether by mistake or deliberate intent. Managing breaches requires a high level of judgement and discernment in order to maintain the safety of children and restore the person committing the breach to the expected standard of behaviour, if possible. The overriding consideration must always be the safety of children and the risk to them of an ongoing or repeated breach.

Types of Breaches Breaches might be non-criminal behaviours which do not meet the standards to be maintained by people working with children. Breaches may also be criminal behaviours. As breaches may differ, so do their consequences. Some may require no more than guidance on correct procedure. Some may require immediate removal from ministry (paid or unpaid).

Action Action in response to a perceived breach is taken in accord with secular and Church law including the Code of Discipline if applicable and will involve the following steps:

1. **Recognise** the perceived breach
2. **Report** the perceived breach
3. **Record** the perceived breach
4. **Remedy** the perceived breach

Options for responding to a person who is perceived to have breached the Safe Ministry Framework include (without limitation):

- Immediate removal from Children's ministry (and, potentially, other ministries);
- Advice from a leader on the correct procedures;
- Further training;

- Working with a more experienced person;
- Restoration to a position of responsibility when the Session is satisfied that the person comprehends and demonstrates the standard of behaviour expected of people in ministry.

Seek the advice of the person or body appointed by the relevant State Church.

Reporting Breaches Any breach by a paid or volunteer employee is to be reported to the leader or coordinator of the relevant ministry or the Moderator of the relevant supervising body as soon as possible and to the person or body appointed by the relevant State church. The person or body appointed by the relevant State church will ensure that the breach is documented.

Part III: National Safe Ministry Procedures

3.1 Contents

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National Register
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Training
Handling disclosures or suspicions of harm
Confidentiality
Child Focussed Complaints Handling
Family Violence
Offenders and Persons of Concern
Retention and Disposal of Records and Privacy
Support

3.2 Purpose

The purpose of these national procedures is to guide decision makers and those involved in ministry as they provide and develop a safe environment and ensure compliance with legislation protecting children from harm and abuse.
These Procedures apply throughout the PCA.

3.3 Application of the National Procedures within State churches

To allow for differences between legislative frameworks within the several States of Australia, State churches may establish Codes of Conduct and additional procedures to prevent the abuse of children. State-based decisions and provisions must respect and adhere to all relevant State legislation or other enactments as also to the procedures set forth in this document as augmented or amended from time to time by the GAA or the relevant State Assembly. In the event that there is any inconsistency between procedures determined within the Church and particular State legislation, then State legislation prevails and must be followed.

3.4 State churches to define additional procedures for Safe Ministry with Children

State-based procedures will include procedure for conducting Safe Ministry with Children including but not limited to, the following ministry practices:

- Recruitment and management of paid and volunteer employees working with children
- Transport
- Food safety and allergies
- Camps and off-site activities
- Consent to take and use images of people in church
- Toileting children
- Physical contact in ministry
- Child-leader ratios
- Electronic communications including via smart phone and online – particularly in relation to children

3.5 Delegation of Authority

Each state Assembly will delegate authority for implementation of the Safe Ministry Framework and any Code of Conduct and statement of procedures established by the relevant State church to the person or body appointed by the relevant State church.

3.6 Recruitment and Management of Paid and Volunteer Employees working with children

Due to the variance in State legislative requirements, State-based procedures apply to the recruitment of paid and volunteer employees working with children in the church. The following elements must be implemented in State-based procedure and every applicant must:

- Hold a Positive Working with Children Check (or equivalent)
- Undertake an interview

- Answer screening questions relating to past behaviour via completion of a form
- Supply referees as required
- Sign their agreement to adhere to the Safe Ministry with Children Policy, National Principles and Procedures and State-based legislation and procedures (including the applicable State-based Code of Conduct, if any).
- Be provided with a role description
- Complete Safe ministry with Children training within the State-based training procedure.

3.7 Interview Process

All persons desirous of undertaking Children's ministry must undergo an interview to determine their suitability. The most appropriate time for this to occur is during the verification of details at the time of completing a Working with Children Check (or equivalent) Application when warnings are required under legislation. The interview or conversation should be structured to focus on behaviour traits and values. A suggested approach is to explore:

- The person's reason for wishing to be engaged in Children's ministry;
- Their experience in working with children;
- Value based/behaviour questions (e.g. what they consider to be inappropriate actions or conduct with a child);
- Their willingness to comply with the expectations, reasonable directions and decisions of the Session or Committee or higher Court of the Church in regards to their ongoing suitability to work with children in the Church.

3.8 National Register

The PCA National Register records information that assists the Church to identify and respond to any risks posed to children by people in ministry. Information is provided for the register by the person or body appointed by the relevant State church.

The names of all persons who:

- apply for a Working with Children Check (or equivalent),
- are Ministers,
- are missionaries endorsed by APWM, or
- are paid employees or volunteer ministry workers of the Church,

require a clearance via a check of the Church National Register by the relevant State-based Safe Ministry with Children Unit before they may be admitted to any new role or ministry.

The National Register includes information about persons who have been involved in the life of the Church, and are or have been:

- Charged with or convicted of an offence or offences against the person – including sexual offences;
- Had a Working with Children Check (or equivalent) clearance withdrawn, suspended, barred or revoked;
- The subject of a substantiated complaint of child sexual abuse;
- Listed on the Sex Offenders Register; and
- Subject to a risk management plan or party to a relevant behavioural agreement under the authority of a relevant Court of the Church.

3.9 The Working with Children Check (or equivalent)

Ministers and elders (and, in some States, managers) are required by secular legislation and/or Church decisions to hold a positive Working with Children Check (or equivalent) to qualify for their role within the congregation.

No minister, elder or (where required) manager may commence work in a new role until they hold a positive Working with Children Check (or equivalent) according to the requirements of the State in which they work or seek to work.

State-based procedure enabling compliance with the relevant Working with Children (or equivalent) legislation must be adhered to by each Court of the Church and all Committees at all levels of the Church's operation.

3.10 Training

All people involved in ministry must undergo State-based Safe Ministry with Children training. As a minimum, state-based training must educate participants to:

- Champion a culture that prioritises the safety of children from abuse and harm in the Church;
- Understand their responsibilities and obligations under Commonwealth, State or Territory legislation, the Church's laws including the Code of Discipline, the State or Territory Code of Conduct, and this Safe Ministry Framework;
- Recognise physical and behavioural indicators of child sexual abuse and harm;
- Identify, assess and minimise risks of harm to children;
- Manage disclosures or suspicions of child sexual abuse, harm, and inappropriate behaviour in relation to both children;
- Follow reporting procedure;

- Conduct ministry with children that is safe for leaders and participants;
- Understand the necessity to undertake risk management in relation to both ministry and people;
- Understand and conform to the behaviour expected of team members;
- Understand and protect their personal safety.

3.11 Handling disclosures or suspicions of harm

The Church requires the immediate reporting of all disclosures of child sexual abuse or suspicions of harm of children and is intentionally victim-focused.
A suspicion of harm exists when someone has a reasonable suspicion that a child has suffered, is suffering, or is at an unacceptable risk of suffering significant harm.
A suspicion of harm can arise from:

- A child telling a person they have been have harmed;
- Someone else, for example another child, a parent, employee or volunteer telling a person that harm has or is likely to occur;
- A child telling a person that they know someone who has been harmed;
- A person is concerned about significant changes in the behaviour of a child, or the presence of unexplained injuries; or
- A person sees harm happening.

If a disclosure of child sexual abuse or suspicion of harm relates to a person whom the concerned person would normally report the matter to, the matter is to be reported according to state-based reporting procedure.

In all instances involving disclosures of child sexual abuse or suspicion of harm to a child the parent is to be advised, unless the parent is the person to whom the disclosure relates. This advice is to occur according to the relevant State-based procedures.

The relevant sections of the Safe Ministry Framework must be adhered to in regards to reporting, in addition to any State-based procedures.

The person or body appointed by the relevant State church will ensure that the matter is documented.

3.12 Confidentiality

All disclosures of child sexual abuse or suspicions of harm are to remain confidential between the parties required under State-based procedures for reporting the matter.

3.13 Child-Focussed Complaints Handling

The Church does not inform the person against whom an allegation of child sexual abuse or suspicion of harm has been made until advised to do so by Police and/or the responding governmental agency or as required by secular law. The manner and content of such advice and the taking of steps such as suspension from ministry involving contact with children will be governed by State or Territory-based procedures and where applicable the Code of Discipline and other Church law and in consultation with Police and/or the responding governmental agency.

3.14 Family Violence

Family violence involves violent, abusive or intimidating behaviour carried out by a partner, carer or family member to control, dominate or instil fear. This includes physical, emotional, psychological, sexual, financial or other types of abuse.

If a person has an immediate concern that a child is exposed to or subject to family violence, an urgent report must be made to the Police and the State or Territory child protection agency and State/Territory-based reporting procedure must then be followed.

In the case of family violence against an adult where there are no children in the home, any mandatory reporting requirements in State/Territory legislation must be followed and the victim should be asked if he or she wants the Police notified (unless notification is already mandatory). Appropriate pastoral care and support should be offered including encouragement to contact, and assistance if required to contact, welfare and support agencies such as shelters.

3.15 Offenders and Persons of Concern

When dealing with an Offender or a person who has been properly designated as a Person of Concern, the Session (having due regard to the Code of Discipline 1.13(f)) will implement a management plan which must incorporate the following elements:

- Pastoral support for the Offender or Person of Concern;
- Accountability for the Offender or Person of Concern via regular, consistent and direct supervision;
- Clear boundaries for the participation of the Person of Concern;
- Prioritization of the safety of children in the church.

The boundaries may include, without limitation, that the person must not:

- be alone with children;
- engage with children by electronic, digital or social media platforms;
- be offered any leadership role involving contact with children;
- participate in any activity or groups directed mainly toward children.

In accordance with the obligation of the Session (and all other courts of the Church) to prioritise the safety of children in the Church, the Session may enact a management plan via means including but not limited to:

- Requiring the person to sign a behavioural agreement as a condition of their ongoing participation in the life and activities of the church;
- Allowing a person who refuses to sign a behavioural agreement to still participate in specific aspects of the church's life provided that they observe the conditions set out in the proposed agreement. The Session, with assistance from the person or body appointed by the relevant State church, will develop a management plan to monitor the person's conduct, with any unsatisfactory deviation from the plan result in the person being barred from participation in the life of the church, regardless of their membership status. Where a person who refuses to sign a behavioural agreement is a communicant or adherent member of the congregation, they will be informed of their rights under the Code of Discipline;
- Instructing a person who is neither a communicant nor an adherent member of the Church and who refuses to enter into a behavioural agreement to leave the Church and to stay away from it until they can credibly demonstrate their willingness to submit to the authority of the Session;
- Providing spiritual and pastoral care via direct ministry to the person, outside of church services and activities.

3.16 Retention and Disposal of Records and Privacy

Each State Church has an approved Privacy Policy which is to be followed by those involved in ministry.

The Royal Commission into Institutional Responses to Child Sexual Abuse found that the average age of abuse was ten years for males and nine years for females and that victims took an average of 22 years to disclose the abuse to which they were subjected. For this reason, it is imperative that records are maintained of all leaders and participants in children's ministry.

All records pertaining to children's ministry are to be retained, including parental permissions, children's information and the names of those involved in children's ministry programs, activities and events. Records may be maintained in paper or digital format. Records must be maintained for a period of 50 years or as otherwise determined by State-based procedure regarding location and retention of records.

3.17 Support

The person or body appointed by the relevant State church resources the State church in Safe Ministry with children and offers support and assistance to those involved in ministry on child protection concerns and disclosures, behaviour management issues, breaches of the Safe Ministry Framework, secular legislation and procedures established by that State church, risk management and safe standards when conducting ministry.

Notes