

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 re-state 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, the Rose, the Thistle, and the 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.

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 sequentially 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 specific areas of its limited 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. The 2005 edition includes all amendments since the 1993 edition.

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 Dr Paul Logan
Convener, Code Committee

February 2006

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 remains 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.

ARTICLES OF AGREEMENT

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1. General Assembly
2. Powers of the General Assembly
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10. Powers of State Assemblies
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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 bounds¹. 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

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

- 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 (B.B. 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 (B.B. 1988 Min. 136; B.B. 1991 Mins. 63, 170).

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.

Orders of the Day varied:

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. (a) 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.
- (b) Reports concerned with
- (i) doctrinal matters that do not require Barrier Act procedures, or
 - (ii) changes to regulations,
- shall be submitted to presbyteries and state assemblies for consideration and report at least nine months before the next meeting of the General Assembly of Australia. Matters that fall within this Standing Order, and for which nine months notice has not been given, may be considered by the Assembly by Leave of a majority of the House.

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:

23. Relevant questions may be put by any member through the Moderator to the Convener of a Committee when the report is before the Assembly, and also after the deliverance as a whole has been moved and seconded.

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 to 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.

Notions 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 wish 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 purposes:
- (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 negating of the "Previous Question" shall not preclude its being moved again during the same debate.

Adjournments, etc.:

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 anytime and without notice.
63. Such a motion shall be put to the vote without debate.
64. The negating 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 made, seconded and put to the vote without debate; but cases or questions which have been discussed with closed doors in a lower court shall be so discussed in the higher court unless a motion to the contrary, duly made and seconded and put to the vote without debate, is carried.
69. The negating 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

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 negating 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 judgment 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.

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 form 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 mater 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.

CHAPTER 4

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 in 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 Administration of the Sacraments by Home Missionaries.

1. 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 1916 Min. 71, 1916, Minute 70) 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).

2. **Administration of the Sacraments by Home Missionaries:**

That the Assembly in view of the fact that in some parts of the Commonwealth it is not meantime possible to obtain the services of an ordained Minister of the Word, hereby authorise as a temporary administrative arrangement, to meet such need, and until such need be supplied, that Home Missionaries who have completed the first year of the Course of Training for the Ministry, or other such training, as is

accepted by the College Committee as equivalent thereto, or have completed five years in the Home Mission or Aboriginal Mission Service or one year in the service of the Presbyterian Inland Mission, and have been specially recommended by the presbytery of the bounds, this recommendation having been specifically confirmed by the Executive of the State Theological Education Committee and Home Mission Committee or Australian Presbyterian World Mission Committee or the Queensland World Evangelisation Committee or the Committee of the Presbyterian Inland Mission as the case may be, and who have further passed an examination arranged by the College Committee on the Doctrines of Baptism and the Lord's Supper, shall be empowered to administer the Sacraments of Baptism and the Lord's Supper according to the rules of the Church, under the conditions set forth in the Rules hereunder.

(a) General:

- (i) That the Presbytery of the bounds shall, before granting such power to the Home Missionary in charge of any district, satisfy itself that no ordained Minister of the Word is ordinarily available for such purpose.
- (ii) That those exercising such function shall straight way report the details of each case to the Moderator of the Home Mission Station, or if there be no Moderator, to the Clerk of the Presbytery, or in the case of a Presbyterian Inland Mission Padre, to the Convener of the Presbyterian Inland Mission Committee.
- (iii) That the power be exercised only in the district for which it is given, and only so long as those authorised are acting on behalf of the Church in such station.
- (iv) That every Home Missionary administering these Sacraments shall use the forms in the Book of Common Order of the Presbyterian Church of Australia or the Book of Common Order of the Church of Scotland.

(b) Lord's Supper:

- (i) That the Kirk Session responsible, shall fix in advance the date or dates of each such special administration of the Sacrament of the Lord's Supper.
- (ii) That the Moderator of the district shall be responsible for each special administration of the Sacrament of the Lord's Supper and shall authorise and direct the Home Missionary to associate with him, wherever possible, one or more elders of the Church, to act on behalf of the Kirk Session in the

administration of the Sacrament.

(c) Discipline:

- (i) That in no case shall discipline be exercised by those authorised to act, but any cases of discipline shall be reported to the Moderator of the station, to be dealt with according to the law of the Church.
- (ii) That a list of members, and of those desiring to communicate for the first time, shall be submitted before each occasion to the Moderator and Kirk Session, who shall be responsible for the admission of members on profession of faith, and receiving and granting certificates of membership.
- (iii) That no Home Missionary shall administer the Sacrament of the Lord's Supper on any occasion except those fixed under conditions as above.

A Presbytery is not to authorise a Home Missionary to administer the Sacraments until he has passed an examination, arranged by the College Committee, on the Doctrines of Baptism and the Lord's Supper.

3. The subjects shall be:

- (1) The Confession of Faith, Chapters XXV and XXVIII-XXIX.
- (2) The Shorter Catechism, Questions 88, 91 and 97.
- (3) The Book of Common Order of the Presbyterian Church of Australia.

In administering the Sacraments, Home Missionaries are required to consult and to use the Forms in "The Book of Common Order of the Presbyterian Church of Australia" or the Book of Common Order of the Church of Scotland.

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.

4.4 Administration of the Sacraments by elders.

Elders set apart by a presbytery to perform special pastoral work in either a home mission station, vacant charge, or an area requiring missionary activity to commence and develop a church, may be authorised by the ordained minister or interim moderator of the bounds to celebrate the sacraments.

The minister or interim moderator of the bounds shall be responsible to presbytery for the manner in which these sacraments are celebrated and all such cases are to be duly reported to the presbytery.

Presbyteries are counseled to exercise care so that only elders proven by service to be suitable to take special responsibilities are appointed and given the right to celebrate the sacraments.

In administering the sacraments the elders shall consult and use the forms in the most recently approved book of common order of the Presbyterian Church of Australia.

The elders shall not celebrate the sacraments except in their sphere of work and on occasions fixed by the Kirk Session.

CHAPTER 5

DETERMINATIONS ON 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 General Assembly of Australia (B.B. 1967 Min. 107(3)(a) made the following declaration:

5.2 Guiding Principles concerning the Remarriage of Divorced Persons.

The Assembly considers that it is undesirable and dangerous to the public welfare that divorce should be too easily obtained on any ground and is concerned that the divorce laws now applicable throughout Australia may in some cases lead to an easy dissolution of marriage that could have detrimental effects upon the stability of society. It does welcome the present law's

provision that a court shall explore any possibility of reconciliation which appears to exist before proceeding to grant a divorce.

The Assembly calls ministers to do all in their power as pastors and counsellors to preserve the enduring basis of marriage and to affirm the Gospel to this end, which calls all people to repentance and confession of sins, forgiveness, reconciliation and renewal of life. At the same time, the Assembly declares that no bar should or can be put in the way of ministers accepting any divorce recognised by Australian law as having effectively dissolved the marriage concerned.

Before a minister decides that he should remarry a person who has been divorced, it is important for him to consider, in addition to all other relevant circumstances, whether the person concerned is aware and repents of any part he or she may have played in the breakdown or unwarranted dissolution of the former marriage, is willing to accept and exercise forgiveness and is prepared to begin a new marriage trusting in the grace and power of God in Jesus Christ.

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 Word of God which is contained in the Scriptures of the Old and New Testaments, to be 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 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. (B.B. 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 Word of God which is contained in the Scriptures of the Old and New Testaments to be 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

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

- (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

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.

CHAPTER 7

DECLARATION ON THE SPIRITUAL FREEDOM OF THE CHURCH

1. 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.

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

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.

3. 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.
4. 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.

DECLARATION ON THE NOBILE OFFICIUM OF THE GENERAL ASSEMBLY

5. 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:

6. 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.
7. 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.
8. That this inherent power shall be exercised by the General Assembly alone, in those matters which belong to its jurisdiction.
9. 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

10. 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.

11. 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.
12. 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.
13. 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.
14. 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.

15. 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.
16. 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.

CHAPTER 8

CODE OF DISCIPLINE

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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	An offence, the proper object of judicial process, 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 judgments independently of proceedings in other courts but the judgment of a civil court may be taken into consideration.
Time limit	1.05	If an alleged offence has subsided and lain dormant for a period of five years it shall not be revived or form the subject of discussion unless the party concerned is accused of later and grave wrongdoing.
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 decisions of the Church Courts and recourse to a civil court against: <ul style="list-style-type: none"> (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.

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 it 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.

Session

Jurisdiction	2.04	A Session has power of discipline over members of the Church who belong to the congregation under its jurisdiction. A Session has no jurisdiction over a licentiate or a minister.
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.

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| 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 other 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 | <p>In cases:</p> <ul style="list-style-type: none">(a) of special difficulty or importance,(b) involving the highest censures of the Church, or(c) involving heresy <p>the Session, before proceeding to trial, shall report the circumstances to the Presbytery, and may</p> <ul style="list-style-type: none">(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

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| Jurisdiction | 2.10 | (1) A Presbytery has jurisdiction over its own ministerial members and over licentiates and ministers without charge whose certificates |
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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	<p>When the matters charged are:</p> <p>(a) practices which, in the opinion of the Presbytery, do not subvert the order, unity and peace of the Church, or</p> <p>(b) errors in doctrine which are not:</p> <p style="padding-left: 40px;">(i) seriously affecting vital points of religion, or</p> <p style="padding-left: 40px;">(ii) stubbornly adhered to or intentionally spread</p> <p>conference should first be held in the hope that a warning or admonition may be sufficient.</p>
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.
Assessors	2.20	<p>The Presbytery, after:</p> <p>(a) making a preliminary inquiry, and</p> <p>(b) resolving to proceed further with the case</p> <p>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.</p>
Reference to Assembly	2.21	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	2.22	A State Assembly has jurisdiction co-extensive with its bounds, subject to the laws of the Church.
"Original" Jurisdiction	2.23	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	2.24	In ordinary practice a State Assembly exercises its power of discipline only in cases brought before it from Presbyteries by reference or appeal.
Remittance to Committee	2.25	A State Assembly may remit a case of discipline to a committee for investigation and report to a future sitting of the same Assembly, but the judgment on the matter must be that of the Assembly.
Missionary	2.26	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	2.27	The jurisdiction of the General Assembly is co-extensive with the Church.
Original Jurisdiction	2.28	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.
Practice of G.A.	2.29	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 2.30 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
dealing 3.01 Ordinarily a matter appearing to call for the exercise of discipline shall not be formally proceeded with 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 avoid, if possible, the necessity of formal process. The result of such conference shall be reported in general terms, bearing in mind the nature and purpose of the conference.

Private
wrong 3.02 In a case of alleged private wrong:
(a) the accuser should first follow the course of private conversation with the alleged offender as prescribed by our Lord in Matthew Chapter 18 verses 15-17, and
(b) the Court may appoint one or more of its members to confer with both parties with a view of disposing of the case.

Prosecuting
Charges 3.03 A Court cannot enter on 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 3.04 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	3.05	Anyone bringing an accusation before a Court must: <ul style="list-style-type: none"> (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	3.06	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	3.07	On the basis of a public rumour of an offence a Court may proceed to confer privately with the alleged offender and inquire into the nature of the alleged offence and the evidence available.
Action on report	3.08	If: <ul style="list-style-type: none"> (a) the report appears to be ill-founded, or (b) the alleged offence 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	3.09	If the Court decides that the matter complained of 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.

- Suspension 3.10 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 to judicial process as referred to in Rule 5.01. In the case of any such suspension the provisions of Rule 5.01(a) shall apply as through the suspension had occurred after the decision to proceed by judicial process. If the Court subsequently resolves to proceed by judicial process it may either continue or discontinue the suspension and may in any event discontinue the suspension at any time.

PART 4 - PRELIMINARY INQUIRY

- Preliminary Inquiry 4.01 If, after the conference provided for in Rule 3.01 and pursuant to Rule 3.09, 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	<p>If the committee reports that:</p> <ul style="list-style-type: none">(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 <p>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.</p>
Serious cases	4.07	<p>If:</p> <ul style="list-style-type: none">(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, <p>steps are then taken to proceed by judicial process.</p>
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	At any stage of the inquiry or trial the alleged offender shall have reasonable access to all documents received or proposed to be received by or on behalf of the Court.
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.

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| 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 judgment meet the case, it shall then proceed by judicial process. |

PART 5 - JUDICIAL PROCESS

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| 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 |
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hereinafter provided for. (*see* under Church censures)

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| 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 name and address 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 judgment forthwith of such a nature as the offence seems to require. |
| 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.

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| Presence of adviser | 5.05 | <p>The adviser counsels and assists the accused in the conduct of the case (including any appeal), and, as well as the accused, is entitled:</p> <ul style="list-style-type: none">(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. <p>At the request of the accused the adviser may be heard at the close of the evidence prior to the Court considering its finding.</p> |
| Accused to be present | 5.06 | <p>When an accused has the assistance of an adviser the accused must be present during the hearing of the case unless the Court sanctions the absence of the accused.</p> |
| Adviser no vote | 5.07 | <p>An adviser may not deliberate or vote in the case and is subject to the authority of the Court before which the adviser appears.</p> |
| Recall of Authority | 5.08 | <p>The Court may at any time during the case recall its approval for the adviser to act as such, should the adviser's conduct give occasion for it, in which event the adviser shall not be entitled to take any further part in the case. In such circumstances the accused may appoint another adviser approved by the Court.</p> |
| Form of charge | 5.09 | <p>A charge (previously known as a libel) consists of three parts as follows:</p> <ul style="list-style-type: none">(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).
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 judgment, 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 or 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 judgment 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 judgment 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 judgment 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 OF EVIDENCE

Rules a guide	7.01	These rules of evidence 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.
Recall	7.06	A witness may be re-called at the request of either party or by the Court.

Rules of evidence	7.07	<p>In respect of the receiving of evidence the Court shall be guided as follows:</p> <ul style="list-style-type: none"> (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	<p>A member of the Court may put questions at any time. Questions raising collateral issues or entering into irrelevant inquiry are not allowed.</p>
Parties as Witnesses	7.09	<p>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.</p>
Objections	7.10	<p>Any member of the Court or party concerned may object, for reasons stated, to:</p> <ul style="list-style-type: none"> (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. <p>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.</p>
Method of Recording	7.11	<p>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 tape recording for subsequent transcription. Care should</p>

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 tape 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.

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| Separate record | 7.20 | The evidence taken in a case is kept in a separate record. A general statement of the terms or nature of the accusation and of the judgment arrived at is inserted in the permanent records of the Court. The separate record is kept as a permanent record. |
| Access to documents | 7.21 | An accused has the right of access at reasonable times to any documents in the case which are in the possession of the Court. |

PART 8 - CITATIONS AND CONTUMACY

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| 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: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (i) summarily suspend that person from office, or (ii) declare the that 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

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| Essentials to
censure | 9.01 | A Court may impose a judicial censure only where a charge has been confessed to the Court or regularly proven. |
| 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 | <p>When:</p> <ul style="list-style-type: none">(a) a charge has been confessed, or(b) a Court has found a charge proven, and<ul style="list-style-type: none">(i) no appeal has been taken against its of sentence decision, or(ii) any appeal has been dismissed by a higher Court and the higher Court has not itself determined censure, <p>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.</p> |
| 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.
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 judgment. 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.
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 during the investigation of a case (Rule 3.10, 5.01) which is not of 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.

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| 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.
Excommunic ation	9.20	<p>Excommunication - In cases of:</p> <p>(a) contumacious resistance to the authority of the Courts of the Church,</p> <p>(b) flight from discipline, or</p> <p>(c) peculiar aggravation where the offence, although fully proved, is obstinately denied, or if acknowledged is justified, and the offender continues unrepentant</p> <p>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.</p>
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 on the day of 20.... am/pm 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 for 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 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]

CHAPTER 9

REGULATIONS

Election of Standing Committees

1. **Committees:** The committees of the Assembly shall be:
 - (a) Standing Committees:
 - Australian Presbyterian World Mission
 - Christian Education
 - College
 - Defence Force Chaplaincy
 - Finance
 - National Journal
 - Presbyterian Inland Mission
 - Public Worship and Aids to Devotion
 - Reception of Ministers
 - (b) Special Committees:
 - Church and Nation
 - Code
 - Relations with Other Churches
 - (c) The Ballot Committee, Business Committee and Moderator's Nominating Committee are elected under their own regulations.
 - (d) Committees in (a) and (b) shall be elected in accordance with the following regulations:
2. **Principle of Election:** The committees of the Assembly shall consist of a convener and members elected by the General Assembly or appointed by State Assemblies as provided for in the Regulations of individual committees. Each committee must have at least one member from each State. The Officers of the Assembly shall be ex officio members of all Assembly committees, boards and councils, except where expressly excluded.
3. **Election by General Assembly:** The members and convener of each committee, other than the members ex officio, shall be elected by the Assembly and shall be comprised wherever possible of an equal number of ministers and elders.

The Convener and members of the Committee are elected by ballot under the rules of the Ballot Committee and in accordance with the regulations of individual committees.

4. **Acting Convener:** Should the Assembly fail to appoint a Convener, or 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 for the purpose of electing a Convener.
5. **Casual Vacancies:** Casual vacancies on any Committee arising between meetings of the General Assembly shall be filled by the Committee, subject to the terms of its own Regulations.
6. **General Rules of Committees:**
 - (a) All members of Committees shall have full standing and equal rights.
 - (b) A Committee shall appoint its own Executive and/or sub-committees and shall arrange the work of the Committee as it shall see fit.
 - (c) 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.
 - (d) Committees shall present a budget to the Finance Committee, for consideration by the General Assembly, to cover their expected expenses until the next meeting of the General Assembly.
7. **Finance:** Each Standing Committee of the General Assembly, and other such Committee whose work requires meetings which involve state representatives in travelling expenses for which no other financial arrangements are made, and Committees responsible for the Assembly's involvement in work and interests beyond the Assembly's jurisdiction (e.g. World Alliance of Reformed Churches) shall submit to the Convener of the Finance Committee, one month prior to the date dead-line for the material for the White Book, an estimate, with detailed statement, of expenses or commitments per annum in the period before the next Assembly.
8. **Financial Estimates:** The Finance Committee shall consider these estimates and shall report with any recommendations to the General Assembly.
9. **Determination of financial allocations:** Any Committee not provided for, or of the opinion that its needs are not adequately met, by the provisions of the Finance Committee may seek, by notice of motion, to amend the proposed deliverance of the Finance Committee

to make such provision.

10. **Times of Returns:** The returns from State Assemblies nominating members of Committees are required to be in the hands of the respective Committees at least three (3) months before the meeting of the General Assembly.
11. **Eligibility for membership:** Members of State Assemblies, ministers without charge, elders and communicants of the Church, not being members of the General Assembly, may be nominated as members and Conveners of the General Assembly's Standing Committees.
12. **Ad hoc Committees:** The Assembly may also appoint ad hoc Committees, for which the membership shall be specified in the Minute establishing them, and to which the above regulations do not apply.
13. **Quorum:** A quorum for meetings of Standing Committees shall be four representing at least three States.

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 Associate Director
 - (d) The Convener of each of the APWM State Committees of Tasmania, South Australia and Western Australia.
 - (e) Two representatives appointed by the APWM State Committees of Queensland, Victoria and New South Wales, one of whom in each case shall be the Convener of the State Committee.
 - (f) Seven additional members elected by the General Assembly of Australia.
 - (g) Such members appointed by the Executive as required to make up the seven for that body from the State in which the National Office is located, as specified under (e) of the Executive.
 - (h) Ex-officio appointments from the General Assembly.
3. The Executive shall consist of:
 - (a) The Convener.
 - (b) The National Director.
 - (c) The Associate Director
 - (d) One representative appointed by each of the State Committees of Victoria, Queensland and New South Wales.
 - (e) Seven additional members from the State in which the National Office is located, being the members from that State elected to the Committee by the General Assembly of Australia, with such other members appointed by the Executive if necessary to make up the seven required. Any such members, being appointed to the Executive, would also become members of the Federal Committee.

4. 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.

B.B. 2004 Min. 76(27), 99(5)

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.

B.B. 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 immediate Past Moderator, the Moderator-Nominate, the Clerks, and the Business Committee of the State in which the General Assembly is appointed to meet. The Executive to act during the Assembly to be Business Convener, the Moderator, the Immediate Past Moderator, the Moderator-Nominate, the Clerks, and those members of the Committee who are also members of the General Assembly of Australia.
2. The Committee shall be responsible:
 - (a) for all matters falling within the jurisdiction of the Business Committee from the close of one ordinary Assembly to the close of the next ordinary Assembly.
 - (b) to report to the first Sederunt of each Assembly the recommendations of the Committee anent -
 - (i) the times and places of Assembly meetings and general recommendations concerning the business to be brought before the session of Assembly:
 - (ii) the time to be allotted to speeches:
 - (iii) any other general recommendations for the conduct of Assembly business.
 - (c) through the Convener to move the reception of each report as it comes before the House for debate.
 - (d) to ensure that all business is submitted to the Assembly in proper form, and that the Moderator is advised of he proposed business.
3. All Reports and Papers proposed to be submitted to the Assembly are laid before the Business Committee and shall be forwarded to the Convener at least three months before the meeting of the Assembly. Parties having cases to submit to the Assembly may attend the meeting of the Committee when their matter is under consideration. All Appeals, Complaints or References not presented by Appellants or Complainants within the specified time are liable to be held as fallen from; but Appeals, Complaints, References or Overtures may be presented afterwards provided sufficient cause can be shown why they were not lodged at the specified time. Parties whose Appeals,

Complaints, References or Overtures are rejected are notified thereof and have the right to appeal to the Assembly.

B.B. 1988 Min. 9(7)

10.4 CHRISTIAN EDUCATION COMMITTEE

1. The Committee shall consist of twelve members, ministers and elders, five of whom shall come from N.S.W., two each from Victoria and Queensland, and one each from Tasmania, South Australia and Western Australia and the Convener of Christian Education (or a representative) from each state.
2. The members from New South Wales shall constitute the executive.
3. The Convener shall be appointed by the General Assembly from among the members of the executive and, in the absence of an executive officer, shall be responsible for giving effect to the decisions of the Committee.
4. The Christian Education Committee or its equivalent of each State Assembly shall stimulate interest in and supervise Christian Education activity within the State and shall forward copies of the minutes of their meetings to the Christian Education Committee, together with information of new developments and items of interest in the work of Christian Education.
5. The Committee shall take into consideration the views of the State Committees and shall co-operate with them in every possible way in seeking to further the work of Christian Education throughout the Commonwealth.
6. The Committee shall particularly be responsible for issuing materials and publications, but without prejudice to State Assemblies, Presbyteries and Sessions issuing publications within their jurisdiction.
7. The Finance Committee of the General Assembly is authorised to make funds available to the Committee for administrative purposes.
8. The Committee shall report to each General Assembly.

B.B. 1982 Min. 14 (1)

B.B. 1991 Min. 23 (7)

10.5 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:**

The membership of the Committee shall consist of a representative from each State's corresponding committee.

3. **Consultant Advisers:**

The Committee shall have discretion to co-opt qualified and gifted people to help with the Committee's research work, preferably possessing a good knowledge of the scriptures and in sympathy with the teachings of the Church's standards.

4. **Convener:**

The Committee shall elect a Convener from amongst its own members.

5. **Meetings:**

The Committee shall meet at least twice a year by the most cost-efficient and expedient means possible.

6. **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.

7.

Statements:

Statements may be issued with the aims of:

- (a) 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.
- (b) Informing government and other appropriate authorities of the Presbyterian Church's approach to issues of significant interstate, national and international concern.
- (c) Liaising with others of like mind in contributing to the discussion/debate on issues of significant interstate, national and international concern.
- (d) Statements may be issued on the Church's behalf either by the Moderator-General, the Convener, or jointly by the Moderator-General and the Convener.
- (e) Such statements require authorisation by direct resolution of the General Assembly or between meetings by a majority of the Committee in which case the statements are formulated in consultation with the Moderator-General at his request or on the initiative of the Committee.

B.B. 2004 Min. 54 (1)

10.6 CODE COMMITTEE

1. There shall be a committee of the Assembly named the Code Committee.
2. The Committee shall consist of three members from N.S.W., three from Victoria, three from Queensland and one each from South Australia, Western Australia and Tasmania, together with the Moderator, Clerk, Deputy Clerk, Business Convener, Law Agent and Procurator, with the Clerk of Assembly as Convener.
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.

B.B. 1994 Min. 19 (2)

10.7 COLLEGE COMMITTEE

Composition of Committee:

1. The College Committee shall consist of the conveners of the Theological Education Committees of the State Assemblies of Queensland, New South Wales, Victoria, Tasmania, South Australia and Western Australia, together with the full-time professors and lecturers at the Theological Colleges (or Halls) approved by the Assembly.

Admission to the Course of Training:

2. 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;
 - (b) submit adequate evidence that they have met the requirements specified in 3.
3. 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;
 - (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.
4. 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;
 - (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:

5. 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).
6. 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.

7. (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.

8. The faculty shall direct candidates in their course of training.

Exit Regulations:

9. The College Committee shall issue an exit certificate to a candidate when:
 - (a) the candidate has been certified by the faculty as having completed the prescribed studies to the satisfaction of the faculty;
 - (b) the candidate has submitted one thesis during the final year of the theological course in the area of Biblical Studies, such thesis having been supervised by an appropriate lecturer in the theological college (or hall) and passed by an external examiner appointed by the College Committee.

Special Cases:

10. 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):

11. The College Committee shall arrange regular visitation to theological colleges (or halls) by visitors whom it appoints.

B.B. 1991 Min. 143
B.B. 1997 Min. 70 (2)

10.8 DEFENCE FORCE CHAPLAINCY COMMITTEE

1. At each meeting the Assembly shall appoint a committee of twelve (12) members to the Defence Force Chaplaincy Committee which shall act for the General Assembly of Australia in matters concerned with Department of Defence, and chaplaincy services associated with the Australian Defence Force. The Convener shall be appointed by the General Assembly from among the elected members.
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.

B.B. 1997 Min. 35 (1)

B.B. 2004 Min. 78 (1)

10.9 FINANCE COMMITTEE

1. There shall be a Standing Committee of the General Assembly named Finance Committee.
2. The Finance Committee shall consist of fifteen members of which the State Assemblies shall nominate their proportion as follows:

New South Wales	-	four (4)
Victoria	-	two (2)
Queensland	-	two (2)
South Australia	-	one (1)
Tasmania	-	one (1)
Western Australia	-	one (1)
3. The remaining four members are elected by the General Assembly by ballot after nomination in writing without reference to the State Assembly to which they belong.
4. Members of State Assemblies, not being members of the General Assembly of Australia, may be nominated as members and Convener of the Finance Committee.
5. The Convener of the Finance Committee shall be elected by the General Assembly.
6. The Executive of the Finance Committee shall consist of the members resident in the city in which the Convener resides.
7. The Executive of the Finance Committee shall exercise the powers of the Finance Committee in dealing with such financial matters as may arise between meetings of the General Assembly with the proviso that all members of the Finance Committee will be provided with copies of all minutes of the Executive of the Finance Committee.
8. The Finance Committee shall meet, if practicable, immediately prior to each session of the General Assembly of Australia at a time and place to be decided by the Executive or at any other time when six members of the Finance Committee request the Convener to call such a meeting, the time and place of such meeting being decided by the Executive.
9. Three members of the Finance Committee or of its Executive shall form a quorum.

10. The Finance Committee shall supervise the general funds of the General Assembly of Australia and shall cause the books of account to be audited annually by the official Auditor appointed by the New South Wales State Assembly. Details of accounts shall be reported to the General Assembly.
11. The General Assembly or the Finance 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 investment shall be undertaken by committees other than through the Finance Committee and Trustees duly appointed by the General Assembly of Australia. Such books of account as may be kept by other committees shall be audited annually by qualified Accountants approved by the Finance Committee and by the Official Auditor appointed by the New South Wales State Assembly. Balance Sheets and Revenue Statements duly audited, shall be forwarded promptly to the Convener, Finance Committee, and shall be reported to the General Assembly.
12. The Finance Committee shall manage the fund referred to in Article 11.2 and shall report thereon and recommend to the General Assembly the proportions to be contributed by State Assemblies to that fund.
13. The Finance Committee shall perform the functions assigned to it by the General Assembly. The Standing and other committees of the General Assembly of Australia whose work requires meetings which involve State representatives in travelling expenses for which no other financial arrangements are made and those responsible for the Assembly's involvement in work and interest beyond the Assembly's jurisdiction shall submit to the Convener of the Finance Committee two calendar months prior to the deadline for the material for the White Book an estimate being statements of income and expenditure anticipated per annum for the ensuing three years.
14. The Finance Committee shall appoint an acting Procurator or an acting Law Agent should such be necessary.
15. The Finance Committee shall undertake any other duties that the General Assembly may from time to time determine.
16. In ordinary circumstances, any proposals to the General Assembly of the Presbyterian Church of Australia for financial appeals in connection with national needs and disasters must be approved by the

said General Assembly of Australia before implementation. In urgent or emergency circumstances such proposals must be approved by the Finance Committee of the Presbyterian Church of Australia before implementation. In each case the merits, purpose, timing etc. of the appeal must be detailed in the submission.

- 17.
- (a) To negotiate with the States to seek uniform stipend levels throughout Australia to facilitate the transfer of Ministers from State to State in particular to the smaller States so that in translating they would not be disadvantaged by lower stipend levels, allowances and conditions.
 - (b) To liaise between the various States on questions of Long Service Leave and to ensure that reciprocal arrangements are maintained so that if a Minister transferred from one State to another, his rights under Long Service Leave shall be maintained and that he shall be able to take his Leave when due and that the costs which were apportioned to a particular State would be met by that State.
 - (c) To consider any matter placed before it by State Committees if that State Committee considered it would be in the best interests of the Church in the realm of ministry.
 - (d) To examine and approve Terms of Appointment of all full-time ministerial appointments made by the General Assembly of Australia.

B.B. 1985 Min. 20(1)

B.B. 1988 Min. 149(1)

10.10 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.

B.B. 1988 Min. 11 (3)

10.11 NATIONAL JOURNAL COMMITTEE

1. There shall be a Committee of the General Assembly of Australia entitled the National Journal Committee.
2. The Committee shall consist of a Convener and nine members appointed by the General Assembly. At least three States shall be represented on 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.
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.
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.

B.B. 1967 Min. 26

10.12 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 Committee shall consist of thirteen (13) members (including the Convener) elected by the General Assembly - three (3) each from New South Wales, Queensland and Victoria, and one (1) each from South Australia, Tasmania, Western Australia and the Northern Territory. The Superintendent will be an ex-officio member of the Executive.

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.

B.B. 2004 Min. 80 (11)

10.13 PUBLIC WORSHIP AND AIDS TO DEVOTION COMMITTEE

1. The name of the Committee shall be "The Committee on Public Worship and Aids to Devotion".
2. The Committee shall consist of fourteen (14) members: Five (5) from New South Wales, three (3) from Victoria, three (3) from Queensland and one (1) each from Western Australia, South Australia and Tasmania.
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.

B.B. 1985 Min. 50 (3)

B.B. 1991 Min. 49 (9)

B.B. 2004 Min. 53 (5)

10.14 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 Committee shall consist of:
 - (a) 5 ministers and 5 elders elected by the General Assembly;
 - (b) the Principal of each Theological Hall of the Church recognised by the General Assembly; and
 - (c) the Convener of the College Committee.Each state shall be represented by at least one person and the Convener shall be elected from the members of the Committee by the General Assembly.
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) obtain a form from the Committee;
- (b) complete the form and provide all the information required by the form;
- (c) 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.

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 recommendation (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. **Committee Interview:** The Committee shall interview (or arrange for members of the Committee to interview) the applicant. For an overseas applicant, such interview may be carried out by correspondence and/or by a person appointed by the Committee. 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.
9. **Theological Training:** Unless the Committee is satisfied on the basis of the evidence before it that the applicant has completed a course of theological training equivalent to the standard set by the College Committee of the Church, it shall refer the applicant to the College Committee. The College Committee may prescribe a period of study for the applicant in specified areas at one of the Theological Halls of the Church. The Faculty of the Theological Hall attended by the applicant shall determine the manner in which the requirements of the College Committee shall be fulfilled by the applicant.
10. **Competence in English:** The Committee is empowered to set a minimum standard of English for applicants applying through the Committee.
11. **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.
12. **Minister (or Licentiate) under Call:** If an applicant is:
 - (a) a minister (or licentiate) of another presbyterian church; or
 - (b) 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) that person 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 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.

13. **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.
14. **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.
15. **Exit Arrangements:** A minister or licentiate (or equivalent) who has more than 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.
16. **Formula:** A successful applicant will initially be under the care of the presbytery which received his application. Once the application is approved by the General Assembly (or the Committee as permitted in regulations 12 and 13) and all conditions have been satisfied, the Presbytery shall give to the applicant the opportunity to sign the Formula. The applicant shall become a minister of the Church when he signs the Formula. Before signing the Formula, the applicant must

satisfy the presbytery that he has transferred or relinquished his connection with his previous church.

17. **Australian Residency:** When an applicant has neither Australian citizenship nor permanent residency, any decision by the General Assembly to approve such an application will only take effect when the applicant:
- (a) accepts a call to a congregation of the Church, or an 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;
 - (b) satisfies the Committee that he has been granted Australian citizenship or permanent residence in Australia; and
 - (c) subsequently signs the Formula.
18. **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.

B.B. 1994 Min. 96 (20)

B.B. 1997 Min. 89 (17)

B.B. 2001 Min. 100 (3)

B.B. 2004 Min. 70 (12)

10.15 RELATIONS WITH OTHER CHURCHES

1. There shall be a committee of the General Assembly known as the Committee on Relations with other Churches.

2. The Committee shall be elected by the Assembly and shall consist of 9 members as follows:

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

The Convener shall be elected by the General Assembly from among the elected members of the Committee

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.

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 in the area of mission shall be the responsibility of that Committee.

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 least at 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.

B.B. 1985 Min. 21(2)

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