

# DOCUMENTS

(Updated July 2015)

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# A. THE CHURCH

## The Church

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

It was founded in 1863 with the formation of a Synod, in which congregations, deriving from the Church of Scotland directly, and others deriving from the Free Church of Scotland and from the United Presbyterian Church, were represented.

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. At that date The Presbyterian Church of Queensland, under the "Deed of Union", surrendered to The Presbyterian Church of Australia the power to determine finally in matters of doctrine, worship, and discipline.

## Standards

- (a) 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. This definition of the Supreme Standard is derived from the Westminster Shorter Catechism, and is understood by this Church in the light of the doctrine taught in Chapter One of the Westminster Confession of Faith.
- (b) 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.

## Westminster Confession of Faith and the Declaratory Statement

The General Assembly of the Presbyterian Church of Australia in 1991 (GAA BB 1991 Min. 29) resolved

That the Assembly:-

- (1) Affirm that, with respect to the Basis of Union 1901:
  - a. the subordinate standard is the Westminster Confession of Faith (II:i-iv, vi) and as such is the Church's Confession of Faith (II:ii, iv);
  - b. the Church is bound to the essential doctrine within the Confession of Faith (II:v);
  - c. no doctrine within the Confession of Faith has been declared by the Declaratory Statement to be not essential to the doctrine of the Confession (II:i-iv; vi);

- d. the Declaratory Statement has not altered any doctrine within the Confession of Faith but has added alongside statements concerning certain doctrines within the Confession of Faith (II:i-iv, vi);
  - e. the Church has power to alter what is not essential to the doctrine of the Confession, whether by revision or abridgment of the Confession or restatement of its doctrine (III-V).
- (2) Rule that the doctrines of any part of the Confession of Faith remain essential to the doctrine therein taught unless
- a. this can be established otherwise from the text of the Confession itself; or
  - b. the Church itself determines otherwise through revision or abridgment of the Confession or restatement of its doctrine, accordingly, the doctrines of Total Inability, Unconditional Election, Definite Atonement, Efficacious Grace and Perseverance of the Saints as taught in chapters 3 to 18 of the Confession are essential to the doctrine therein taught and thereby binding on the church.

### **Powers, Duties, Rights, Privileges, and Jurisdiction**

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

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

- the Doctrine, Worship and Discipline of the Church,
- the Mission to the Heathen,
- the Training of Students for the Ministry,
- the Reception of Ministers from other Churches,
- Welfare of Youth, and
- Home Missions.

Power in respect of other matters may by amendment of the Articles of Agreement be assigned by the State Churches to The Presbyterian Church of Australia.

The only King and Head of the Church is the Lord Jesus Christ, from whom its powers and prerogatives are derived, so that all its functions are to be exercised in His Name,

under the guidance of His Word and Spirit, and in subjection to His authority alone.

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

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

### **Law of the Church**

The law of the Church finds expression in the Supreme Standard of the Church supremely [see **Standards** (a) preceding] and partially in the following:-

- a. the Subordinate Standard;
- b. legislative enactments;
- c. declarations, directions and enactments of Church courts;
- d. unprescribed customary arrangements, practices and procedures.

Upon The Presbyterian Church of Queensland the following explicit formulations of Church Law are binding:-

- e. the Constitution of The Presbyterian Church of Australia, and the rules, regulations, declarations and directions lawfully made or given by the General Assembly thereof insofar as they are applicable to The Presbyterian Church of Queensland;
- f. the Constitution of The Presbyterian Church of Queensland as modified by the "Basis of Union" of the 24th July, 1901, and the rules, regulations, declarations and directions lawfully made or given by the General Assembly of the said Church.

### **Rules of the Church and Procedure for Amending etc.**

This paragraph and the preceding paragraphs of this chapter, and the numbered paragraphs of chapters 1-13 following, are hereby declared to be, and may be referred to as "rules" of the Church, and may only be amended, repealed, or added to under the "Barrier Act" procedure as provided in the relevant rules following.

### **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.

### **Non-profit Status**

The assets and income of the organisation shall be applied solely in furtherance of its objects and no portion shall be distributed directly or indirectly to the members of the organisation except as bona fide compensation for services rendered or expenses incurred on behalf of the organisation.

## B. LETTERS PATENT

### THE CORPORATION OF THE PRESBYTERIAN CHURCH OF QUEENSLAND

#### V. – LETTERS PATENT

VICTORIA by the grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the faith.

To The Rev. William Lambie Nelson of Toowoomba, Doctor of Laws, The Rev. Charles Ogg of Brisbane and James Bryden of Brisbane, all in the Colony of Queensland

#### Greeting -

**WHEREAS** by "The Religious Educational and Charitable Institutions Act of 1861" it is enacted, that it shall be lawful for the Governor, with the advice of the Executive Council from time to time, to issue **LETTERS PATENT** under the seal of the Colony, and therein to declare that any person or persons and their successors for ever, holding any religious or secular office or preferment, or exercising any religious or secular functions, to which he or they should have been called or appointed, in accordance with the rites, laws, rules, and usages of the Community or institution to which such person or persons shall belong, should be a Body Corporate, by such name and style as might in and by the said **LETTERS PATENT** be given to such Corporation. And **WHEREAS** it has been represented to us that you the said Reverend William Lambie Nelson, Reverend Charles Ogg and James Bryden respectively hold and exercise the offices of Moderator, Clerk, and Treasurer of the Presbyterian Church of Queensland, and that you have been appointed to such offices respectively in accordance with the rites, laws, rules, and usages of the said General Assembly of the Presbyterian Church of Queensland. And **WHEREAS** it has been further represented to us that you are desirous of being incorporated and designated by the style of THE PRESBYTERIAN CHURCH OF QUEENSLAND under the provisions of the said Act, and have complied with the provisions thereof, entitling you in that behalf. **NOW KNOW YOU**, that We, in pursuance of the power and authority vested in us by the said Act, and by and with the advice of the Executive Council of the said Colony **DO BY THESE LETTERS PATENT**, declare that you the said Reverend William Lambie Nelson, Reverend Charles Ogg, and James Bryden and your successors for ever shall be a Body Corporate by the name and style of THE PRESBYTERIAN CHURCH OF QUEENSLAND.

In Testimony whereof We have caused these **OUR LETTERS PATENT** to be sealed

with the seal of the said Colony.

Witness our Trusty and Well-beloved William Wellington Cairns, Esquire, Companion of our Most Distinguished Order of St. Michael and St. George, Governor and Commander-in-Chief of the Colony of Queensland and its Dependencies, at Government House, Brisbane, this Thirteenth day of June in the year of Our Lord one thousand eight hundred and seventy six, and in the thirty-ninth year of our Reign.

By Command

R.M. STEWART, W.W. CAIRNS.

Entered in Record by me, in the Register of Patents, No. 5, page 38, this thirteenth day of June, A.D., 1876.

H.H. MASSIE,

For the Colonial Secretary and Registrar.

# **C. CHILD PROTECTION POLICY**

## **PRESBYTERIAN CHURCH OF QUEENSLAND**

### **PROTECTION POLICY (Children and Young People)**

The Presbyterian Church of Queensland (the Church) is aware of its duty of care and responsibility for the welfare and well-being of children and young people within the Church. The Church recognizes the need to protect them from all manner of abuse by members of the Church and the wider community and to manage risk in its activities and programmes involving children and young people. Wherever the words “child” and “children” occur throughout this document hereafter, they are inclusive of the words “young person” and “young people” respectively.

This Policy applies to all persons, whether paid or unpaid, who are involved in a child-related activity, whether permanently or temporarily. Such persons will consider themselves to be mandatory reporters of Reportable Conduct, because all reportable conduct is unacceptable. The purpose of this Policy is:

- to provide written processes about the appropriate conduct of staff, volunteers, and children within the church that accord with legislation in Queensland about the care and protection of children;
- to promote and strive to provide a safe, supportive and ethical environment within the Church;
- to provide a mandatory process for reporting and managing allegations within the Church, which is clear and consistent;
- to respond to allegations of Abuse made under this Protocol in a manner which is sensitive to the dignity, respect and confidentiality of all involved, including the alleged perpetrator;
- to manage allegations in a fair and timely manner;
- to provide a document which proclaims through a clear and complete explanation the attitudes and accepted accountabilities and responses of the Church in relation to Abuse.

#### **PRINCIPLES**

The Church will be guided in respect of issues of Abuse and Risk by the example of the love and compassion of Jesus Christ and will uphold the following principles under this Policy:

1. Staff and volunteers within the Church must ensure that their behaviour towards, and relationships with, children reflects proper standards of care for children, and is not unlawful.

2. Members of the Church communities must not, under any circumstances, Abuse a child.
3. Abusive acts are a breach of trust and when perpetrated by paid staff are regarded as matters of professional misconduct.
4. Because of the authority that exists between a staff member or volunteer within the Church and a child, that child cannot "consent" to Abuse.
5. Abuse may result in criminal proceedings as well as disciplinary action, including dismissal in the case of staff members, whilst in the case of children, abuse may result, where appropriate, in relocation to another centre or programme.
6. Sexual Acts by an employee or volunteer, with a child, will always be Sexual Abuse.
7. The Church recognises that people who are subjected to Abuse are harmed by it.
8. In every preventative or protective action relating to harm to a child, the welfare and best interests of the child will always be a primary consideration.
9. The Church expects children within the Church to show respect to staff and volunteers within the Church and to comply with safe practices.
10. The Church will respond diligently to a report of suspected or actual harm, or risk of harm to a child.
11. The Church will not tolerate reprisals against children or others making a complaint.
12. Within the Church, practices relating to the management of children will be administered with respect and in a manner which maintains the dignity of the children.
13. The Church will act fairly and reasonably towards an employee or volunteer within the Church who is the subject of allegations of improper conduct.
14. The Church will support an employee or volunteer within the Church who is the subject of a proven false allegation of causing harm to a child.
15. The Church will take disciplinary action against employees and volunteers within the Church who harm others.
16. The Church will not permit people to work in a position within the Church if the Church believes on the basis of all information available that, if the allegations against them were wholly or partly true, there would be an unacceptable risk that others might be harmed.

17. The Church may accept a moral obligation to help people who have been Abused where there is no legal obligation to do so. This obligation may extend to others affected by the Abuse such as family, close friends, other members of the Church, and Church Workers.
18. The Church will co-operate with state authorities in resolving allegations of harm.
19. The Church will publish this Protocol widely and require people to use it.
20. Persons receiving information about Abuse or suspected Abuse should explain to the informant that the information supplied will be confidential to the extent that this is possible, given the need to investigate allegations and requirements of the law.
21. Victimisation of the informant will not be tolerated.
22. In order to reduce the chance of Abuse occurring, the Church will ensure that:
  - within the Church, sexual abuse is discussed openly;
  - each staff member and volunteer within the Church understands and fulfills their obligations under this Policy;
  - there is an acceptable reference from their previous employer for each staff member within the Church and an acceptable reference from someone of good standing and known Christian commitment who has been a communicant member of a congregation for at least six months for each volunteer engaged since the commencement of this protocol (See Definitions) at 22 March 2006;
  - each staff member and volunteer within the Church who has contact with children has a current positive prescribed notice issued by the Blue Card Services, Public Safety Business Agency. It may be a requirement of any staff member that the Church shall be authorised to confirm the validity of the positive suitability notice (ie. Blue Card).
23. The Church will ensure that all staff and volunteers undergo training with respect to Abuse/Harm through the ChildSafe Organisation's <http://www.childsafe.org.au> training modules.

## **GUIDELINES**

In complying with these principles, the Church will be guided by the following:

### **Procedural Fairness**

The principles of Procedural Fairness will apply to decisions to be made under this Policy. The two fundamental principles of Procedural Fairness are:

- that those making a decision are not biased;

- that nobody should be condemned unless they are given prior notice of the allegations against them and they have a fair opportunity to be heard.

### **Confidentiality**

Each person who has access to information regarding suspected or disclosed harm has an obligation to observe appropriate confidentiality. The Church is unable to promise absolute confidentiality since its policies will require disclosing, internally and externally, certain details involved in responding to any complaint. State authorities can compel people to give evidence about actions under the Policy and to produce documents.

### **Defamation**

A person providing information about harm in good faith to a person who needs to know that information is generally excused from liability for defamation.

### **Promptness**

All steps under this Policy should be carried out promptly. The Church will keep the alleged victim and the alleged perpetrator informed of progress.

### **Public Relations**

The Church will ensure that it is able to react quickly to allegations of harm so that accurate and relevant information is available for staff members, children and their families within the Church and/or the media.

### **Church Disciplinary Procedure and Police Action**

1. It will not be necessary to wait until the police have decided whether to charge an alleged sexual abuser before taking any internal disciplinary or administrative action. In the case of:

- (a) a Church Office-holder, the Church must immediately suspend the alleged abuser acting under its powers contained in The Code Of Discipline of the Presbyterian Church of Australia and set forth in Rule 3.12 (Suspension) viz 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 though 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.

- (b) a Volunteer, the Church must immediately stand down the alleged abuser from all activities of the Church involving children and young people.
2. The police are not required to inform the Church about their investigation. Some of their material may possibly be acquired under a Freedom of Information request when their work (and any court proceedings) on the case has been completed.

### **Insurer**

The Church will keep its insurer informed about developments.

### **Review**

The Church will ensure that this Policy is reviewed at least once every year.

### **REPORTING ABUSE/HARM**

1. Anyone who witnesses Abuse/Harm must report it immediately to a Person in Authority within the Church.
2. Anyone who becomes aware or reasonably suspects that Abuse/Harm has been caused by anyone to a child should report it immediately to a Person in Authority and keep a written record of the actions taken. If the subject of the allegations falls into one of the categories of people designated in the definition "Person in Authority", the report should be made to someone in one of the other categories.
3. On receipt of a report of Abuse/Harm other than the suspected Sexual Abuse of a child as set out in paragraph 8, the Person in Authority will carry out a preliminary assessment to determine whether that Person in Authority reasonably suspects that the Abuse/Harm has occurred.
4. There will be two Persons in Authority present at interviews, where practical. In cases of allegations of serious Abuse/Harm, it is best not to interview a child unless a properly qualified person conducts the interview.
5. If as a result of the preliminary assessment in paragraph 3, the Person in Authority reasonably suspects Abuse/Harm to have been caused, that Person in Authority should report it to the police or the Department of Child Safety, and keep a written record of the actions taken, which should be forwarded to the ChildSafe Risk Management Officer.

6. Any staff member or volunteer within the Church who becomes aware or who reasonably suspects that a child has been Sexually Abused should immediately give a written report about the Sexual Abuse or suspected Sexual Abuse to a Person in Authority within the Church.
7. A child who wishes to report behaviour by a staff member or volunteer considered by that child to be inappropriate should report the behaviour to a Person in Authority.
8. A child who wishes to report sexual abuse by a staff member or volunteer should report the sexual abuse to a Person in Authority.
9. The Person in Authority, upon receiving a report of sexual abuse from a child, staff member or volunteer who is aware or reasonably suspects that a child has been Sexually Abused should immediately give a copy of the report to a police officer, and provide a copy of that report to the ChildSafe Risk Management Officer.
10. The report must contain the following particulars:
  - the name of the person giving the report (the “**first person**”);
  - the child’s name and sex;
  - details of the basis for the first person becoming aware, or reasonably suspecting, that the child has been Sexually Abused by an employee or volunteer within the Church;
  - details of the Sexual Abuse or suspected Sexual Abuse;
  - any of the following information of which the first person is aware –
    - (i) the child’s age;
    - (ii) the identity of the employee or volunteer within the Church or other person who has Sexually Abused, or is suspected to have Sexually Abused, the child;
    - (iii) the identity of anyone else who may have information about the Sexual Abuse or suspected Sexual Abuse.
11. The Person in Authority will ensure that the child is supported by:
  - offering pastoral support;
  - offering to arrange professional counselling, if circumstances warrant it, even if any allegation is not yet proved or disproved;
  - treating the child with respect and dignity;
  - being sensitive to the child’s needs, feelings and concerns; and
  - maintaining confidentiality, to the degree possible in the circumstances.
12. The Person in Authority will, if the accused person is from within the Church:
  - ensure that pastoral support is offered;
  - ensure that the accused person is treated with respect and dignity;

- ensure that professional counselling is arranged if it is requested, until the matter has been resolved.
13. The Person In Authority will, in respect of a Presbytery inducted or appointed person, report the matter to the Clerk of Presbytery and the Presbytery, after a duly convened meeting, will stand down any member of staff who is a Presbytery inducted or appointed person.
  14. The Person in Authority will, in respect of volunteers and congregational employees, report the matter to the Session Clerk and the Session, after a duly appointed meeting, will stand down the volunteer or congregational employee from their position.
  15. When a police prosecution relating to the information is completed or if there is no police prosecution, the Person in Authority will investigate the information to recommend whether:
    - redress should be offered to the child;
    - outstanding disciplinary action should be taken.

The Person in Authority may involve independent professionals in the investigation.

16. If the Person in Authority believes disciplinary action must be taken against the accused person, the Person in Authority will initiate that action and ensure that the principles of Procedural Fairness are observed (see under **GUIDELINES** in this Policy).
17. If the Person in Authority believes redress should be offered, that Person in Authority will recommend which of the following forms the redress will take:
  - (a) provision of minor costs eg transport to attend hearings and the like;
  - (b) provision of ongoing professional support and counselling;
  - (c) a simple apology;
  - (d) financial restitution, legal and other associated costs or compensation.

Where redress involves (a), (b) or (c) the Session will determine how this is to be provided but where redress involves (d), the matter will be referred to the insurance underwriter, the Trustees and appropriate legal advisors for resolution.
18. A Person in Authority must, upon becoming aware of all allegations of pedophilia, immediately refer them in writing to the police, including those from the past, except where the alleged perpetrator is deceased.
19. A Person in Authority must, upon becoming aware of a circumstance concerning child exploitation material, refer the situation to the ChildSafe Risk Management Officer who will determine the nature of action to be taken including that of referring the situation to the police when the laws of the Commonwealth of Australia or State Legislation require disclosure.

## RISK MANAGEMENT

The Church is committed to safe practices and environments and will ensure that all staff and volunteers undergo training with respect to Risk Management through the ChildSafe Organisation's <http://www.childsafe.org.au> training modules applicable to their responsibilities within the Church, and that risk management plans and strategies are put in place for all activities and programmes involving children according to the procedures set forth in the training modules, resources, and reporting components.

## DEFINITIONS

**"Abuse/Harm"** means activity or deliberate or careless inactivity which causes significant harm, that is to say, any detrimental effect of a significant nature on a person's physical, psychological or emotional wellbeing. The harm can be caused by:

- physical, psychological or emotional Abuse;
- Sexual Abuse or exploitation;
- neglecting to assess risk to provide safe activities.

**"Child"** means a person under 18 years of age.

**"ChildSafe Risk Management Officer"** means the person appointed to the position by the General Assembly of the Presbyterian Church of Queensland.

**"Minister"** means a person officially ordained into the ministry by the Presbyterian Church of Australia.

**"The Church"** means The Presbyterian Church of Australia.

### **"Pastoral Care" or "Pastoral Support"**

The provision of care, counsel and education to persons who seek the support of the Church including:

- guiding to make decisions concerning spiritual matters by means of Biblical readings;
- prayer;
- provision of practical support, such as medical care or counseling;
- reconciling someone to God and/or other people;
- spiritual guidance;
- sustaining through a period of hardship and/or crisis.

**"Person in authority"** means the ChildSafe Risk Management Officer, Clerk of the Assembly, Ministers, Accredited Ministry Workers, and Licentiates.

**"Reportable Conduct"** is anything which an individual, an institution or a process does or fails to do which directly or indirectly harms a child. All reportable conduct is unacceptable. It includes:

- "Abuse" as defined above;
- use of pornography depicting children;

- neglect ie chronic failure to provide the basic necessities of life such as love and affection, safety, food, clothing, hygiene, medical care and education.

**"Sexual Abuse"** means any actions with a child for the sexual gratification of the perpetrator.

**"Staff"** includes employees (for example "Persons in Authority" as defined, administration people and grounds staff) and volunteers (for example leaders and camp parents).

### **POLICY DISSEMINATION**

This Policy will be made available to children and parents of children within the church via a church website and will be on display on at least one notice board in each church, always. The attention of children and parents of children within the church will be drawn to the Policy at least twice a year via church newsletters. The Minister of each church will ensure that a copy of this Policy is always available in the foyer of each church. The Policy will be directed to the attention of all new staff and volunteers within the church at the time of their appointment and to all within the church via church handbooks and newsletters. All staff and volunteers within the church will be provided with appropriate training on child protection issues on an annual basis, such training to be approved by the Assembly or its Commission.

### **STATEMENT OF COMMITMENT**

The Presbyterian Church of Queensland is committed to the safety and holistic wellbeing of all children and young people involved in its events. To ensure that children and young people are kept safe from harm, Presbyterian Church of Queensland staff and volunteers are required to hold a current blue card, agree to adhere to a Code of Conduct when working with children and to undergo training in child safety. The Presbyterian Church of Queensland takes child protection and safety seriously and therefore has policies and procedures in place to ensure that your child have the best possible experience with the Church.

Updated COA 14/20

## ANNEXURE 1

The Presbyterian Church of Queensland makes the following declaration and instruct all Presbyteries, Sessions, Congregations, Congregational Bodies, Members, Adherents, and all associated within the Presbyterian Church of Queensland.

Processes to be followed concerning each and every person, convicted (even if sentence has been not recorded) of a child sexual offence.

- (a) If it is deemed acceptable that such a person may attend a church activity of any sort, then he/she must agree that a member of session shall monitor such persons' movements in the activity; shall take all reasonable steps to ensure that no contact is made by such a person with any children of the church, neither singularly or in groups.
- (b) Such a person shall not be appointed to any office-bearing position within the church.
- (c) If (a) is not to be carried out, then the person concerned may if appropriate be offered full ministry and ministration within their own home or other agreed and acceptable location, such to be offered only under the sanction of the minister and session and that no persons under 18 years of age should be involved in such ministry.

## **D. OWNERSHIP OF CHURCH PROPERTY**

The Presbyterian Church of Queensland is established under Letters Patent and is governed by the Queensland Trust Act in relation to Funds and Property. The Presbyterian Church of Queensland is a Corporation of which the Moderator, Clerk and Treasurer are the Trustees. Congregational property (with some exemptions, eg Ann Street) is vested in the Corporation. Hence, it is commonly stated that the Corporation holds property etc on behalf of Congregation x. Congregational property can only be sold, mortgaged, purchased or dealt with in any way whatsoever provided the action is carried out in terms of the Rules of the Presbyterian Church of Queensland (the Code).

However, the Corporation also owns denominational property or equipment and holds funds. For example, the offices of the Church are owned by the Corporation of the Presbyterian Church of Queensland, as are all camp properties, including their computers, furniture and equipment, and all other items purchased and used by The Presbyterian Church of Queensland, as well as funds of the denomination.

Under Rules, Regulations, Constitutions etc contained in the Code, the use of such property, items and funds is given over to its various Committees, Boards etc. For example, the Rules of the Church allocate the responsibility of campsites to the Property Board. The Regulations governing the N. F. Nelson Fund (for the work of camping and campsites) declare the Committee on Outreach and Nurture as the body to administer the Fund. These bodies do not own any property but simply administer such property as authorised by the Assembly.

If it is believed that particular resources owned by the Corporation could be more appropriately superintended by an alternative body within the Church, the Assembly has the power to change the body that administratively runs and/or uses the particular resource by changing the necessary sections of the Code, either Rules, Regulations or Constitutions.



## **E. STATEMENT ON COMMISSION OF PRESBYTERY**

1. The Commission of Presbytery is the Presbytery and Presbytery cannot overturn a Commission's decision unless it has acted outside its authority.
2. Presbytery has the power to set the terms of a Commission of Presbytery and can include, among other things, the proviso that reports and correspondence are to be provided to the Presbytery as part of the terms of the Commission.
3. Any member may ask to have any item of correspondence read at any time.
4. Presbytery has the right to ask for minutes and reports from a Commission of Presbytery.



# F. PRIVACY POLICY FOR PRESBYTERIAN CHURCH OF QUEENSLAND

## **Our Privacy Commitment**

The Presbyterian Church of Queensland (“PCQ”) ABN 43 015 755 489 is committed to caring for people who are associated with the PCQ through any of its local congregations, its camps and activities and any other ministries it conducts. In caring for these people the PCQ acknowledges that it be will become privy to personal, private, confidential and sensitive information about you.

The PCQ is committed to protecting your privacy by ensuring the confidentiality and security of your this information. We are bound by the *Privacy Act 1988* (Cth), which sets out a number of principles concerning the protection of your personal information. Similarly, the PCQ is committed to compliance with all areas of law including but not limited to child protection and workplace health and safety and will disclose information, including personal and sensitive information, as and when required in compliance with its wider legal obligations.

The core requirements of the Act are set out in the Australian Privacy Principles (“APPs”). These APPs set out how an organisation such as the PCQ should collect, use, keep, secure and disclose personal information. They also give individuals a right to know what information an organisation holds about him or her, and a right to correct it, if it is wrong.

## **Your Personal and Sensitive Information**

The personal information that the PCQ has collected or may collect in the future may include any or all of the following personal information:

- Name;
- Address;
- Telephone or mobile phone numbers;
- Date of birth;
- Email address;
- Tax file number;
- Blue Care number;
- Bank account details;
- Place of birth;
- Date of marriage; and
- Date of baptism.

The PCQ may also collect or become aware of the following sensitive information about you:

- Offering habits through direct deposits; and
- Medical details; and
- Health concerns.

### **How we collect Personal Information**

The PCQ is a not-for-profit organisation and as such, it will only collect information that relates to its activities and which relates solely to its members and those persons who have regular contact with the PCQ and its activities.

The PCQ collects personal information in a number of ways, including:

- Directly from you when you provide information to the local congregation, to the PCQ or to approved third parties by telephone by way of registration forms (howsoever described) provided by the local congregation, the PCQ or its agencies;
- From third parties such as parents or church office bearers;
- From publicly available sources of information; or
- When legally required to do so – for example, for marriage services.

Further, the PCQ recognises that it may become privy to certain private, confidential or sensitive information about you from yourself, your family or your friends in circumstances where the PCQ has not actively sought out that information. In such circumstances, any such information will be treated as private, sensitive or confidential as the case may be and dealt with in accordance with the PCQ's obligations under the *Privacy Act 1988* (Cth) and this Privacy Policy.

### **Disclosure Generally**

At all times when dealing with your personal and sensitive information, the PCQ will act with sensitivity and will respect your rights and opinions.

### **Disclosure of Your Personal Information to the PCQ and its Agencies**

Consistent with the PCQ's commitment to the care of people who are associated with the PCQ or any ministry of the PCQ, your private or sensitive information may be disclosed to persons who are charged with your care or leadership in order that the PCQ maintain its commitment to your care. Any such disclosures for this purpose remain confidential, private or sensitive (as the case may be).

Further, individual PCQ congregations and agencies have certain reporting obligations to the PCQ more generally. This may include your demographic information generally,

or more specific information which relates directly to you. The congregations and agencies may therefore disclose your information to the PCQ for these reporting purposes. Any such disclosure for this purpose remain confidential, private or sensitive (as the case may be).

### **Disclosure of Your Personal Information to Other Parties**

It may be necessary for the PCQ, either directly or through its local congregations or other agencies, to disclose your personal information to certain third parties in order to assist us in providing services or administering your affairs. Examples of the types of organisations to which we may disclose your personal information include:

- Doctors or other medical services in cases of emergency;
- Outsourced service providers (e.g. payroll services);
- Our bank, when depositing funds to your account;
- Organisations providing information technology services;
- Organisations providing specialised training or supervisory services in relation to an activity undertaken by the PCQ or its congregations or agencies;
- Our professional advisers, including our accountants, auditors, and solicitors; and
- Organisations providing mailing services, and printing our standard magazines, newsletters and documents.

In accordance with the PCQ's commitment to compliance, we will also disclose your personal information in circumstances where we have statutory obligations or are required by law to do so. If the PCQ is obliged to make any such statutory or legal disclosures, those disclosures will be made regardless of whether you consent to that disclosure or not.

Where personal information is made publicly available with your consent for a certain purpose, eg. where you are a minister of a local church and contact details are disclosed on the website for that church, once the information is no longer required for that purpose, the PCQ and its local congregations will endeavour to ensure that any such personal information is removed from publication.

Where the PCQ is not legally obliged or legally permitted to disclose private or sensitive information about you or as otherwise set out in this Privacy Policy, the PCQ will not disclose private or sensitive information about you without first obtaining your consent. Such consent may be written or verbal.

The Presbyterian Church acknowledges that information and/or images may be disclosed by third parties on Social Media platforms without the knowledge or consent

of the Church. However, such information and/or images will be removed from all Social Media platforms controlled by the Presbyterian Church upon request.

### **You can Access Your Personal Information**

You have a right to access your personal information, subject to some exceptions allowed by law. If you would like to do so, please let us know. You may be required to put your request in writing or provide evidence of your identity for security reasons.

The PCQ reserves the right to charge a fee for searching for and providing access to your information.

### **Help us to ensure that we hold Accurate Information**

The PCQ takes all reasonable precautions to ensure that the personal information we collect, use and disclose is accurate, complete and up-to-date. However, the accuracy of that information depends to a large extent on the information you provide. That is why we recommend that you:

- Let us know if there are any errors in your personal information, and
- Keep us up-to-date with changes to personal information such as your phone number or address.

### **What to do if You Have a Privacy Complaint**

The PCQ takes any concerns or complaints in relation to your privacy very seriously and is committed to resolving any such concerns or complaints as quickly as possible. Our aim is to assist you by reaching a satisfactory solution as soon as possible.

If you have a complaint or concern about you privacy at the PCQ, we request that you first contact a person in senior leadership at the congregation or agency concerned to resolve your concerns directly. If you complaint or concern is not adequately addressed at this level please contact the PCQ Privacy Manager whose details are listed below.

Any such complaints or concerns will be dealt with confidentially by the PCQ Privacy Manager and at least two (2) other denominationally authorised persons. These people are able to refer to the matter to an agreed mediator if required in order to resolve the complaint or concern.

If you are not satisfied with the resolution of your complaint by the PCQ, you may contact:

Office of the Australian Information Commissioner  
GPO Box 5218  
SYDNEY NSW 2001  
Telephone: 1300 363 992  
Facsimile: (02) 9284 9666  
Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)  
Website: <http://www.oaic.gov.au/>

### **Changes to this Policy**

The PCQ continually strives to improve the standard of service we provide to you, so from time to time we may update this policy. When this privacy policy is updated, this fact will be communicated to all relevant people in senior leadership of the PCQ or any of its local congregations, ministries, activities or agencies who will also be provided with a copy of the updated policy.

If you wish to obtain a further copy of this policy, please contact the PCQ Privacy Manager or download the policy from our website.

### **How to Contact the PCQ about Privacy**

If you have any questions in relation to privacy, please contact:

PCQ Privacy Manager Level 4, 19 Lang Parade MILTON QLD 4064

Or write to us at:

Attn: PCQ Privacy Manager  
PO Box 1351  
MILTON LPO QLD 4064  
Telephone: (07) 3716 2800  
Facsimile: (07) 3716 2810  
Email: [privacy@pcq.org.au](mailto:privacy@pcq.org.au)

