

# **RULES**

(updated October 2016)

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## **CHAPTER 1 – THE CONGREGATION**

### **Definition of a Congregation**

- 1.1 A congregation is a body of people, including their children, associated in a particular locality for Christian worship, instruction, fellowship, work and witness, with the sanction of the Presbytery of the bounds and under the supervision of a Session.

### **Definition of a Charge**

- 1.2 A Charge is made up of one or more congregations and may be either a Calling Charge or an Appointment Charge. A Presbytery may also establish other styles of ministry. (Refer Rule 4.27)

## **COMMUNICANTS AND ADHERENTS – RIGHTS AND RESPONSIBILITIES**

### **Communicants**

- 1.3 A Communicant is a person who:
- (a) after baptism and on profession of faith, has been admitted by the Session to participate in the Lord's Supper, and thereby into full communion with the Presbyterian Church of Australia; or
  - (b) has been received by the Session on Certificate of Transfer, or on resolution of the Session for special reasons.

### **Rights of Communicants**

- 1.4 Communicants, unless under process of discipline, have the right to have their names inscribed on the Roll of Communicants. Only communicants who have attained the age of sixteen (16) years and over have the right to vote in congregational meetings or subscribe to a Call.

### **Adherents**

- 1.5 Adherents are people who have attained the age of sixteen (16) years and over and who:
- (a) are baptised people who make such profession of their faith as would entitle them to become Communicants, but who choose not to become Communicants of the Presbyterian Church of Australia by virtue of membership of another Christian Church, or by reasons of conscientious objection, and
  - (b) worship regularly in the congregation, and
  - (c) contribute to its support, and
  - (d) apply to or are invited by the Session to be enrolled. (BB 1996 48.8)

### **Transfer Certificates**

- 1.6 A Communicant, unless under the process of discipline, has the right to apply to Session for a Certificate of Transfer and is entitled to receive it from the Session, and to be admitted as a member in any congregation on the presentation of such Certificate to its Session.

### **Voting Rights**

- 1.7 Only Communicants have the right to vote in the calling and appointing of Ministers, the election of Elders and the appointment of religious workers within the Charge. Enrolled Adherents have a vote in the election of Managers and in matters affecting the finances and property of the Congregation. Adherents are also entitled to signify their concurrence in the call to a Minister. However, enrolled Adherents shall not vote in relation to matters referred to in Rule 9.3 (a) concerning purchase, sale, mortgage, lease, exchange or other dealings with property covered by that particular rule.

### **Duties of Communicants and Adherents**

- 1.8 It is the duty of Communicants and Adherents to give faithful attendance to worship services and seek to be fully involved in the Church's life and ministry; to give their Ministers and Elders due respect, encouragement and obedience in the Lord; and to manifest a Christian spirit in all their relationships. It is also their duty to take a lively interest in the welfare of the whole Church and to contribute heartily, as the Lord shall enable them, for the maintenance of the Christian ministry, and the furtherance of the Gospel at home and abroad.

### **Name on Only One Roll**

- 1.9 No person is entitled to have their name on the Roll of Communicants or on the Roll of Adherents of more than one congregation of the Presbyterian Church.

## **CONGREGATIONAL MEETINGS**

### **Congregational Meetings**

- 1.10 Congregational meetings may be convened only by the Session or a superior Court. At least nine (9) days' (including two Sundays) notice of all congregational meetings, and of the nominated purposes for which they are being called, is to be given during public worship. No additional business may be raised at the meeting.

### **Property**

- 1.11 In dealing with property matters, all congregational decisions must be consistent with the requirements of Chapter 9, Property.

### **Quorum for Congregational Meetings**

- 1.12 (a) One tenth of the number on the Roll of Communicants of the Congregation, but not less than ten, form a quorum.
- (b) The number of Communicants in attendance must always exceed the number of Adherents attending.
- (c) Where the Session can demonstrate that clause (a) or (b) is not practical, the Presbytery may determine a lower number for a quorum.

### **Moderator Presiding**

- 1.13 The Moderator of the Session presides at all congregational meetings, except when a superior Court appoints one of its own members for the purpose, but the Moderator may appoint a Chairman. Such action, and the reasons for it, should be reported to the Presbytery.

### **Clerk of Congregational Meetings**

- 1.14 The minutes of congregational meetings are recorded by the Session Clerk in a congregational minute book provided for the purpose. In the absence of the Session Clerk the meeting appoints another person to record the minutes. The minutes are submitted to the next meeting of the Session which certifies them as a correct record.

### **Annual Congregational Meetings**

- 1.15 An annual meeting of the congregation shall be held as soon as possible after the first day of January, but no later than 31 March, at which
1. The Committee of Management shall:
    - (a) present a report of its activities for the preceding year,
    - (b) present an audited statement of the Treasurer's receipts and payments,
    - (c) give such information and explanations as may be asked for,
    - (d) receive any suggestions which may be offered with reference to future organisation and administration of funds.
  2. The Session shall:
    - a. present a statement regarding the spiritual work of the charge during the past year, for information only,
    - b. present the reports and financial statements provided by all organisations.

Where there are several congregations in a Charge, an annual meeting may be

held in each.

**Auditor**

- 1.16 The annual meeting shall appoint an auditor, who should not be an ex officio or elected member of the Committee of Management, to audit the Committee of Management financial statements.

**Proposed Change of Financial Arrangements**

- 1.17 When a motion affecting the financial arrangements of the Congregation or Charge is submitted to a congregational meeting otherwise than by the Committee of Management, although the matter may be discussed, it may not be finally disposed of at that meeting, but must be held over until a subsequent meeting. The Committee of Management shall consider the proposal and submit a report thereon to a subsequent congregational meeting.

**Rights of Appeal**

- 1.18 Members dissatisfied with an action taken at a congregational meeting have the right of appeal to Presbytery according to the Rules and Forms of Procedure.

**DENOMINATIONAL AND STIPEND RESPONSIBILITIES**

**Returns Respecting Congregational Affairs**

- 1.19 Ministers and Office Bearers of Congregations and Charges must give full information and make accurate returns respecting the affairs of the Congregation or Charge whenever required to do so by the Presbytery or Assembly.

**Financial Returns**

- 1.20 Each Charge shall forward to the Presbytery and Finance and Administration Board annually by 14 April a copy of the Charge's annual statement of receipts and expenditure for the preceding year, together with a statement of an estimate of the anticipated revenue and expenditure for the current year, and the Presbytery and Finance and Administration Board shall take these figures into account when making allocations.

**Payment of Minister's Stipend**

- 1.21 The payment of the Minister's stipend is the first charge on the funds of the Congregation or Charge, and is to be paid to the Church Office in equal monthly installments according to the determination of the Stipends Commission.

**Increase in Stipend**

- 1.22 Congregations may pay more than the minimum stipend. All increases in stipend must be approved by Presbytery and the Committee on Ministry Resourcing and reported to Church Office.

### **Reduction in Stipend**

- 1.23
- (a) A Charge shall inform the Presbytery when it cannot pay to the Ministry Support Fund the stipend which it has previously determined to pay to sustain a full-time ordained ministry within that Charge.
  - (b) The Presbytery shall enquire into the matter and shall make any recommendations to the Charge that may be appropriate.
  - (c) The Presbytery may also determine that one of the following courses of action be pursued in respect to the Charge:
    - (i) The Charge receive assistance through the Committee on Ministry Resourcing to sustain the present ministry under the present terms of settlement or appointment within the Charge.
    - (ii) The terms of call or appointment be changed. The Presbytery shall quantify the exact proportion of ministry which the Minister of the Charge shall continue to undertake. This shall be expressed as a percentage of a full-time ordained ministry.
    - (iii) The status of the Charge be changed from Calling to Appointment, the inducted Minister being appointed to the Charge under revised terms of appointment.
    - (iv) The pastoral tie be severed or the appointment be terminated in the financial interests of the charge.

In respect to (iv), no matter may be addressed under this rule with respect to any matter within the jurisdiction of the Code of Discipline of the Presbyterian Church of Australia.



## **CHAPTER 2 – COMMITTEE OF MANAGEMENT**

### **MEMBERS AND MEETINGS**

#### **Committee of Management**

- 2.1 The financial and property matters of a Charge are administered by a Committee of Management hereinafter called the Managers. The members of the Session are ex officio members of the Committee of Management. The number of Managers is determined by the Session.

#### **Managers - by Whom Elected and Those Eligible**

- 2.2 Managers are elected by the Communicants and Adherents, and must be enrolled Communicants or Adherents of the congregation.

#### **Election of Managers**

- 2.3 (a) Managers are elected annually at the annual congregational meeting or at another congregational meeting specifically called for that purpose.  
(b) The closing date for nominations is to be determined by the Session.  
(c) The election may be by secret ballot.  
(d) When voting takes place by secret ballot, the Tellers, appointed by the Congregation, must, after ascertaining the number of votes for each person, declare the results of the election immediately.

(BB 2013 Min. 105.7)

#### **Vacancies in Committee**

- 2.4 Any vacancy occurring between elections may be filled by the Committee with the approval of the Session. A Manager so appointed shall hold office until the next election of Managers.

#### **Joint Committees**

- 2.5 When there are two or more congregations in a Charge, the Session of the Charge decides whether there shall be a Committee of Management in each or any Congregation, or one Committee for the whole Charge.

#### **Office Bearers and their Duties**

- 2.6 (i) The Minister of the Charge is the Chairman of the Committee of Management, who may delegate the chairing of meetings to his representative from among the members of the Committee.  
(ii) The Committee of Management shall elect annually from its members, in addition to the Vice-chairman, a Secretary and a Treasurer, and such other office-bearers as the Committee determines.  
(iii) The Secretary keeps minutes of the proceedings of the Committee, takes charge of its books, papers and documents, and does such other

secretarial work as is appropriate to his office. He receives and submits to the Committee for incorporation in its minutes such extracts of minutes relevant to the duties or membership of the Committee as are forwarded for that purpose from the Session or a congregational meeting.

- (iv) The Treasurer receives, disburses and accounts for all monies under the care of the Committee as it directs, and shall produce for inspection, when required, all books of accounts, together with all relevant vouchers. The Treasurer shall keep a record of weekly offerings duly signed each week by those (BB 2012 Min. 38.10) counting the monies received. The Treasurer shall forward copies of the annual audited financial statements to the Presbytery and to the Church Liaison Officer.

### **Meetings of the Committee**

- 2.7 (i) The Managers shall hold meetings at least once a quarter. Meetings must be called by intimation during public worship, or by notice given to the individual members.
- (ii) The Chairman is bound to convene a special meeting whenever required to do so by at least one-third of the Managers, or whenever he is of the opinion that special circumstances render such a meeting necessary.

### **Quorum**

- 2.8 The quorum of the Committee of Management shall be three elected members.

### **Resolutions**

- 2.9 No resolution of the Committee of Management may be rescinded unless a Notice of Motion to that effect has been given to a previous meeting.

## **OWNERSHIP AND MANAGEMENT OF PERSONAL CONGREGATIONAL PROPERTY, INCLUDING BANK ACCOUNTS**

### **Bank Accounts**

- 2.10 Bank accounts must be opened in the name of the Charge or Congregation. All monies received should be promptly banked. Bank accounts may not be operated upon, except with the signatures or electronic authority of not less than two members appointed by the Committee of Management, one of whom should be the Treasurer.

### **Offerings**

- 2.10A Offerings shall be counted by at least two people. The Committee of Management shall put in place protocols to ensure the security of the offering until banked. (COA 11/84)

### **Remuneration of Office Bearers**

- 2.11 The Committee of Management shall fix the remuneration of and pay such persons as the Session appoints to any position in connection with the work of the congregation if required to do so.

### **Finances of all Organisations**

- 2.12 All questions of finance in connection with any organisation of the church which are likely to affect the general revenue of the Charge, must be submitted to the Committee of Management for its approval.

### **Personal Property**

- 2.13 Subject to any express trust relating thereto, personal property of each congregation is vested in the Committee of Management.

### **Civil Legislation**

- 2.13A Recognising that the Corporation of the Presbyterian Church of Queensland established under Letters Patent is the responsible legal entity of the Presbyterian Church of Queensland, the Committee of Management shall be responsible for ensuring that civil legislation pertaining to the property of the Church and the activities undertaken within the property of the Church is complied with and that:

- (a) the Committee of Management shall seek guidance from the Trustees of the Corporation and/or the Property Board whenever matters need further clarification;
- (b) the Property Board shall provide advice from time to time to assist the Committee of Management comply with this Rule 2.13 A;
- (c) the Finance and Administration Board shall ensure that adequate insurance coverage is provided for Charges in respect of their duties in complying with Rule 2.13 A. (COA 11/83)

## **DENOMINATIONAL RESPONSIBILITY**

### **Funds used for Denominational Purposes**

- 2.14 The Treasurer must forward all funds used for denominational purposes, whether from donations, offerings or organisations, to the Church Office each month. Assessments determined by the Assembly shall be paid monthly by the Treasurer to the Church Office.

### **Assessments and Special Appeals**

- 2.15 It is the duty of Managers to organise support for all special appeals of the Assembly and to ensure that every effort is made to provide the money to fulfill the assessments allocated to the congregation by Assembly and Presbytery.

### **Insurance**

- 2.16 The Committee of Management must insure, in accordance with the Assembly's decision from time to time, for adequate sums, all buildings, instruments, furnishings and other property, and for public risk, for the protection of the Charge against loss. Insurance must be reviewed annually, in order that Congregations have adequate cover for their properties. Adequate temporary cover must be arranged through the Church Liaison Officer before any alterations or improvements are initiated.

### **Legacies and Bequests**

- 2.17 When a legacy or bequest to a Charge or a Congregation is received, full particulars must be forwarded to the Church Liaison Officer for a record in the Register of Bequests.

### **Congregational Records**

- 2.18 (a) Records belong to the Corporation of the Presbyterian Church of Queensland and not individual charges. A Charge should retain its records within its own church, and if it is not possible to do so then the records should be forwarded to the Church Liaison Officer, Presbyterian Church of Queensland, to be passed on to Church Archives for safe-keeping. Originals must not be given to outside organisations.
- (b) If a congregation desires to place a record in the local library or archives, it is free to do so provided the original copies are retained by the church or by the Church Archives.
- (c) A Kirk Session may make its congregational records available to individuals upon request, subject to the provision of the Rules of the Presbyterian Church of Queensland and the provision of relevant Privacy Legislation.

### **Congregations Ceasing**

- (d) When a Charge ceases to function, the books, records and money, if any, in possession of any office bearer or member of the Church, and particulars of bank accounts (if any), must be forwarded to the Church Liaison Officer who thereupon shall issue an acknowledgment of their receipt, inform the Presbytery, and transfer all old records to the care of the Church Archives.

## **LIMITED POWER TO MAINTAIN AND IMPROVE CORPORATION PROPERTY**

### **Contracting Debts**

- 2.19 (a) No major repairs or alterations to existing buildings or other property of the Charge may be undertaken by Managers in circumstances where the cost of such repairs or alterations exceeds a cost of one tenth of the

ordinary annual income of the Charge, without the special authority of a congregational meeting duly called for that purpose. The term "repairs or alterations" refers to the work or project. The subject of such repairs or alterations undertaken in its entirety, irrespective of whether or not such work or project includes a number of stages of repairs or alterations, and further irrespective of whether or not such work or project carries over from one financial year into subsequent financial years.

- (b) Managers have no power to demolish or remove any existing buildings of the Charge, without the special authority of a congregational meeting duly called for that purpose.
- (c) Managers have no power to contract debt on the security of the property without the special authority of a congregational meeting duly called for that purpose. (See Rule 9.3 (a))

### **New Buildings and Alterations**

- 2.20** Plans of proposed new buildings including churches, halls and manses, and of major alterations to existing buildings, must be submitted to the Property Board for advice and then to the Presbytery for approval. Where funds are being received from the Committee on Ministry Resourcing to support the work, the prior approval of the Committee on Ministry Resourcing shall be obtained.

### **Presbytery Approval**

- 2.21** No new buildings or extensions to existing buildings may be undertaken without the approval of the Presbytery, and Congregations shall submit proposed plans and specifications, either prepared or endorsed by an architect as adequate and complying with all relevant ordinances, to the Property Board for report and recommendation.

Presbytery can approve the said plans only after the reception of the Report and recommendation from the Property Board.



## CHAPTER 3 – THE KIRK SESSION

### MEMBERSHIP AND OFFICERS

#### Definition and Members

- 3.1 The Kirk Session is a Court of the Church established by the Presbytery and consists of the Ministers and Elders of the Charge, and other Ministers and Elders appointed by the Presbytery in accordance with the rules of the Church.

#### Moderator

- 3.2 The Minister of the Charge is the Moderator of the Session. Where there is a team ministry, the Presbytery shall establish the mode by which the work of the Moderator is undertaken. The Moderator of the Session has a casting vote but not a deliberative vote. The Moderator of Session is not under the jurisdiction of the Kirk Session.

#### Other Ministers on Session

- 3.3 One or more additional Ordained Ministers may be members of the Session as a result of being inducted into or appointed to the Charge. They shall sit as ordinary members of the Session and shall have a deliberative vote but not a casting vote.

An Ordained Minister having a seat on a Session in accordance with this rule is not under the jurisdiction of the Kirk Session.

An Ordained Minister who is appointed to serve in the Charge absents himself from the meeting when his reappointment is being considered.

A part-time appointee shall not have a seat in a Session as a right in terms of this rule but may be elected to the Session by the normal means. No appointee can be a member of two or more Sessions.

#### Interim Moderator (Rule 4.45)

- 3.4 In vacant Charges, the Presbytery appoints a Minister under its jurisdiction as Moderator of Session. A Presbytery may at its discretion authorise a Moderator to appoint an Elder within the bounds of the Presbytery to conduct meetings of the Congregation, Session and Committee of Management on its behalf.

#### Clerk

- 3.5 The Session appoints one of its members to be Clerk. The appointment may be for a term but is at all times subject to the will of the Court.

### **'de fideli'**

- 3.6 The Clerk makes the declaration 'de fideli' on taking up his office. (SO 8 & Form I).

### **Duties of Clerk**

- 3.7 It is the duty of the Clerk to keep accurate minutes of the proceedings at all meetings of the Session and of the meetings of the Congregation, to maintain such books, rolls, papers and records of the Session as it directs and to fulfil such instructions as the Session may give.

### **Assessors**

- 3.8 At the request of the Session, or in cases of special emergency, the Presbytery may appoint Assessors who may be either Ministers or Elders to sit and act with the Session and to have for the time specified the full powers of ordinary members. The Assessors so appointed shall in no case be more in number than the members of the Session and shall be given three (3) days' notice of all meetings. However, where a Session membership has been reduced to one Elder, the Presbytery may increase the number of Assessors to ensure that the Session is able to work effectively.

### **Interim Session**

- 3.9 When there is no Session in a Charge, the Presbytery appoints a Minister and at least two Elders to be an Interim Session, but Presbyteries are required to secure as soon as possible the appointment of a regular Session in all Charges.

Where the Presbytery has appointed an Interim Session in a Charge, and where it appears that the Interim Session will not be able to secure a regular Session within a reasonable time, and where it appears to that Interim Session there is good and sufficient reason to hold an election for one Elder only, then the Interim Session may proceed to do so in the regular process of the Rules of the Church and that one Elder so elected may take his seat as a member of the Interim Session and when a regular Session is appointed, that elected Elder shall continue to hold a seat on that Session when it is constituted.

## **THE FUNCTION OF A KIRK SESSION**

### **Jurisdiction and Powers**

- 3.10 Subject to the relevant civil law and the law of the Church and the jurisdiction and lawful directions of its superior Courts, the Session has jurisdiction and powers of government, discipline and oversight extending over the territory assigned to it by the Presbytery of the bounds, and over all Communicants and Adherents of the Congregation, and other persons who have associated themselves for worship and service and over all congregational organisations.

## **Functions**

- 3.11** The Session exercises general supervision of all the agencies within the Charge or Congregation; and the functions of the Session include the following:
- (a) To superintend and promote the spiritual interests of the Charge in regard alike to worship, teaching and discipline;
  - (b)
    - (i) To supervise the work of Deaconesses and accredited religious workers employed in the Charge. Such appointments shall conform to the Rules, Regulations and Constitutions (whichever applies) of the Presbyterian Church of Queensland and the Presbytery, Committee or Boards of the Presbyterian Church of Queensland shall approve the creation of the role, the terms of appointment and the appointee. In fulfilling this procedure, all other relevant rules, regulations and constitutional requirements shall apply.
    - (ii) Appointments for non-religious workers are not covered by this rule; however, the Letter of Offer for such appointments shall be advised to the Church Liaison Officer who shall record the details on behalf of the Assembly and the appointing body shall be responsible for the fulfilling of all legal and employment requirements as advised by the Church Liaison Officer. (See also Rule 1.7) (COA Min. 13/94)
  - (c) To promote and exercise supervision over Sunday Schools, fellowships, choirs, guilds and other organisations within the Charge;
  - (d) To appoint and supervise choir leaders and musicians and to exercise general supervision over public worship (see also Rule 3.48);
  - (e) To fix the time, date and place for public worship and the administration of the Sacraments;
  - (f) To admit to the membership of the Church;
  - (g) To exercise discipline of erring members and to restore to membership;
  - (h) To receive and grant certificates of membership;
  - (i) To consult with the Minister with respect to intimations to be made during public worship;
  - (j) To call meetings of the Congregation or Charge;
  - (k) To examine and judge the qualifications of persons elected to the Eldership and to the Committee of Management;
  - (l) To ordain and induct Elders;
  - (m) To appoint Superintendents and teachers of Sunday Schools and leaders of Bible classes and youth groups;
  - (n) To appoint special offerings with the concurrence of the Committee of Management;

- (o) To receive and deliberate upon petitions from members of the Charge;
- (p) To take measures for the care of the poor;
- (q) To transmit all documents which are required to be forwarded to the Presbytery and/or State Assembly and/or General Assembly of Australia;
- (r) To be responsible for the securing and preservation of congregational records;
- (s) To be responsible for the supervision of congregational organisations on the basis of the following principles:

### **Formation**

- (i) A congregational organisation may be formed only with the approval of the Kirk Session, and may neither commence nor continue its activities without such approval which may at any time be withdrawn by the Session. Such a body shall function according to its Constitution.

### **Constitution**

- (ii) Any proposed Constitution of every congregational organisation must be submitted to the Kirk Session, and shall become operative, and may be amended only, with the approval of the Session after comment is received from the Code and Legal Reference Committee. However, Constitutions for congregational organisations which provide for a legal relationship with a person, organisation or other such entity, shall first of all be approved by the State Assembly or its Commission.

A copy of a Constitution falling within this rule shall be forwarded to the Clerk of Assembly for record purposes.

### **Finances and Accounts**

- (iii) Every congregational organization must:
  - (a) if it holds money in its own name, or raises money regularly, use a separate bank account in the name of the organisation, and all monies received should be promptly banked in this account;
  - (b) keep regular accounts of income and expenditure;
  - (c) obtain the permission of the Committee of Management before raising money by any special effort or appeal in the Congregation;
  - (d) submit annually to the Kirk Session a financial statement audited by some competent person approved by the Kirk Session and who is not a member of the

organisation.

- (e) To have the authority to establish special groups or Committees to oversee on its behalf particular aspects of the life of the Church. The group or Committee shall report to the Session on the basis determined by the Session. The Session shall have the authority to disband such a group or Committee as it sees fit.

### **Relationship of Sessions**

- 3.12 A Session does not interfere with, or review the action of, another Session. It may make representation to another Session and if not satisfied may refer the matter to the Presbytery.

### **Advice**

- 3.13 Sessions may at all times apply for advice and assistance to the Presbytery, or, through the Presbytery, to the State Assembly.

### **Jurisdiction Over Elders**

- 3.14 Elders, as all other members of the Congregation, are under the jurisdiction of the Session, and the superintending of the Presbytery as in Rules 4.26 (b)(d)(v) and 4.34.

### **Removal of Elders from the Office of Ex Officio Elder**

- 3.15 (a) If an Elder has absented himself from the meetings of Session for a year without leave or due cause, the Session may, after notice to him of its intention, determine that he has ceased to be one of its members; however, the action of this rule does not deprive an Elder of his status as an Elder.
- (b) The deposition of an Elder under this rule shall not apply to any matter within the jurisdiction of the Code of Discipline of the Presbyterian Church of Australia.

### **Status of Elder on Transfer**

- 3.16 When an Elder transfers from his Charge to another, although he remains an Elder of the Presbyterian Church and his Transfer Certificate is so endorsed, he only becomes an Elder of the Session of the Charge to which he transfers upon election to such Session by the Communicants of that Charge and subsequent induction to office in that Court.

### **Admission to Communicant Membership**

3.17 Persons applying for admission to the membership of the Church confer with the Minister who reports to the Session; and the Session admits the applicants on being satisfied as to their:

- (a) baptism;
- (b) profession of faith;
- (c) knowledge of the Holy Scriptures and cardinal doctrines of the Christian faith and the nature and significance of the Church's ordinances derived therefrom;
- (d) outward life being consistent with their profession.

It is mandatory that those making a profession of faith should be received at a service of public worship. The names of persons admitted to membership, including those received by certificate or resolution of Session, should be announced at public worship commending them to the friendship of other members.

## **MEETINGS OF THE KIRK SESSION**

### **Legal Meetings**

3.18 No meeting of Session can be held without the Moderator, or in his absence, without a deputy, authorised by him or by the Presbytery, to take his place. When the Moderator is unable to be present at a duly called meeting of the Session, and he does not appoint another Minister to take his place, he shall appoint one of the Elders to preside but he must report his action to the next meeting of Presbytery.

### **Convened**

3.19 Meetings of Session are held at least quarterly and are convened by the Moderator or by his authority, and may be convened either by intimation during public worship, or by notice given to each member. Moderators of Sessions are bound to convene meetings when requested to do so by two Session members, or when instructed to do so by the Presbytery or State Assembly, and all such meetings shall be convened in the usual way.

### **Private Meetings of Kirk Sessions**

3.20 (a) All meetings of the Session are held in private unless it determines otherwise in any particular case.

(b) Where a Candidate for the Ministry has been directed by the Committee on Ministries Training to a field or other appointment in the Charge for training purposes, the Session may pass a motion permitting him to attend the regular Session meetings as an observer for the duration of his appointment.

- (c) When a Licentiate is fulfilling his exit appointment, under the Committee on Ministry Resourcing, to a Charge, the Session may pass a motion permitting him to attend the regular Session meetings as an observer for the duration of his appointment. (See also Rule 6.5 (b) (i))
- (d) When an Accredited Ministry Worker is appointed to a Charge by a Presbytery with the concurrence of the Committee on Ministry Resourcing, the Session may pass a motion permitting him to attend the regular Session meetings as an observer for the duration of his appointment.
- (e) When the Candidate, Licentiate or Accredited Ministry Worker is in attendance, the Session may at any time pass a motion excluding him from the Court for any particular items of business. Any Candidate, Licentiate or Accredited Ministry Worker admitted as an observer under this rule is bound to preserve the privacy of the Session as if he were a member of the Session.

### **Quorum**

- 3.21 The Moderator or his deputy and two ruling elders form a quorum. (BB 2013 Min. 105.5)

## **MEMBERSHIP AND THE ADMINISTRATION OF THE SACRAMENTS**

### **Session Appoints**

- 3.22 The Kirk Session appoints and provides for the administration of the Sacraments of Baptism and the Lord's Supper normally during public worship.

### **Sacraments are Ministerial Acts**

- 3.23 As the Sacraments are a Ministerial and not a Sessional act, the Session does not require to be constituted for their administration.

### **Baptism**

- 3.24 The Kirk Session arranges for the Sacrament of Baptism to be administered to:
- (a) the children of parents, one or both of whom are Communicants or baptised persons who make such profession of their faith that would entitle them to become Communicants; (See GAA Chapter 4.1)
  - (b) adults, upon profession of their faith in Christ and obedience to Him.
  - (c) The Kirk Session encourages believing parents to have their children baptised without unnecessary delay.

### **Lord's Supper**

- 3.25 The Kirk Session appoints and intimates a time and place for the observance of the Lord's Supper and makes provision therefor.

### **Rolls of Communicants and Adherents**

- 3.26 The Kirk Session prepares and maintains Rolls of Communicants and Adherents.

### **Revision of Rolls**

- 3.27 The Kirk Session revises the Rolls of Communicants and Adherents annually, and also before the calling of a Minister or the election of Elders.

### **Removal of Communicants**

- 3.28 The Kirk Session may remove from the Roll of Communicants the names of those persons who have manifested their indifference by:

- (a) continued abstention from the Lord's Table; or
- (b) taking sparse share in the worship and work of the church;
- (c) provided that the Kirk Session, if practicable, first gives these persons intimation of its intention and affords them an opportunity to be heard in the matter.

Removal of a name under this rule cannot be undertaken in regard to any matter within the jurisdiction of the Code of Discipline of the Presbyterian Church of Australia.

Names once removed from a Roll of Communicants or of Adherents may be restored only by a special resolution of the Kirk Session for this purpose.

### **Transfer Certificates**

- 3.29 The Kirk Session issues a certificate of disjunction or transference to any Communicant of the Congregation not under process of discipline who applies to be disjoined from the Congregation with a view to joining another. The Kirk Session takes care to prevent the name of any Communicant being on the roll of more than one Congregation at the same time.

### **Removal of Adherents**

- 3.30 The Kirk Session may remove from the Roll of Adherents the names of those persons who have manifested their indifference by:

- (a) taking sparse share in the work and worship of the church; or
- (b) a failure to contribute to the support of the Congregation.

### **Adherents' Letter of Introduction**

- 3.31 When an Adherent leaves a Congregation to reside in another district with the declared intention of maintaining a church connection, the Kirk Session issues a letter of introduction and advises the Minister or Kirk Session of the Congregation indicated of the fact of such removal.

### **Register of Baptisms**

- 3.32 The Kirk Session also keeps a Register of Baptisms. Entries in the register are recorded in the minutes of the Session. Each entry in the Register of Baptisms is attested by the officiating Minister.

## **ELECTION AND DUTIES OF ELDERS**

### **Elders Elected by Communicants**

- 3.33 The right of electing Elders belongs to the Communicants of a Congregation. When it is proposed to have an election of Elders, the Minister preaches on the duties and qualifications of the Eldership at public worship on a Sunday or Sundays prior to the day appointed.

### **Number fixed by Session**

- 3.34 The Session determines the number of Elders. The election, ordination and/or induction of Elders can be authorised only by the Session.

### **Eligibility and Term of Office**

- 3.35 Elders are elected from enrolled Communicants of the Congregation, who have attained the age of twenty-one (21) years and are of good life, circumspect in their walk and conversation, and regular in attendance at public worship. They hold office till they cease to be members of the Charge or their resignation is accepted or they are deposed or otherwise removed from office.

### **Elders Emeriti**

- 3.36 An Elder, on account of old age, infirmity or sickness, may ask Session to be declared an Elder Emeritus and when so declared he shall retain his seat and vote on Session and may perform any duties of the office of Elder of which he is capable from time to time.

### **Those Ineligible**

- 3.37 (a) A Minister who is a member of a Presbytery cannot be elected as an Elder; however, if he is a member of a Presbytery, pursuant to Rule 4.3 (b), (d), (e), he may be associated by the Kirk Session of the Congregation with which he worships.
- (b) A Minister who does not hold a seat on the Presbytery and who is a Communicant Member of the Congregation may be elected to the Kirk Session.

### **Status of Licentiates Within the Church**

- (c) A Licentiate who is a member of the Congregation may be elected to the Kirk Session. (See also Rule 6.5 (b) (vi)).

### **Election of Elders**

- 3.38
- (a) Intimation shall be made on at least two Sundays immediately preceding the meeting, that a congregational meeting will be held for the purpose of nominating persons for the office of the Eldership.
  - (b) The Kirk Session shall bring nominations to the meeting in respect to the number of additional Elders required.
  - (c) Communicant members may bring additional nominations.
  - (d) The Session holds a course of instruction for the nominees relative to the doctrine, government and discipline of the Church.
  - (e) The Session calls a congregational meeting for the purpose of electing persons for the office of the Eldership or determines that a postal ballot will be conducted.
  - (f) A vote is taken of the Communicants (those present in the case of a congregational meeting) in the form of “approve” or “disapprove”, each name being submitted separately.
  - (g) The Session meets to consider the result of the ballot, the suitability of the candidates in respect to
    - (i) knowledge;
    - (ii) character;
    - (iii) prudence;
    - (iv) general suitability;and shall declare the results, after conferring with them privately relative to accepting office.

### **Edict of Ordination and Induction**

- 3.39 When the Session agrees to ordain and/or induct the Elders-elect, an edict is appointed to be read at public worship on at least one Sunday prior to the service of ordination and/or induction (see Form XI).

### **Objections how dealt with**

- 3.40 The Session meets at the time and place specified in the edict, and, if no objections are offered in terms of the edict, proceeds to the ordination and/or induction. If objections are offered, the Session enquires into the grounds of these objections and decides accordingly.

### **Service of Ordination and Induction of Elders**

- 3.41 The ordination of Elders and their admission to office takes place in the presence of a Congregation at public worship. The Session, having been constituted, the steps that have been taken are narrated and the Moderator puts the questions prescribed by the General Assembly of the Presbyterian Church of Australia to the Congregation and thereafter to the Elders-elect.

("GAA Constitution, Procedure and Practice", Chapter 6.6) (See Form XXII)

Satisfactory answers being returned, the Elders-elect kneel, and the Moderator by prayer, with the imposition of the hands in which the Moderator and all the Elders present join, ordain (and/or induct) them to the office of the Eldership, and commend them to the Grace of God for the work to which they are appointed. The Moderator then addresses them in these words:

'IN THE NAME OF THE LORD JESUS CHRIST, THE KING AND HEAD OF THE CHURCH, AND BY THE AUTHORITY OF THIS SESSION, WE DECLARE YOU ..... (A,B,C,D,) ORDAINED (AND/OR INDUCTED) TO THE OFFICE OF THE ELDERSHIP AND APPOINTED TO THE EXERCISE OF THE OFFICE IN THIS CONGREGATION AND CHARGE.

WE COMMEND YOU TO THE GRACE OF GOD IN THE DISCHARGE OF ALL YOUR DUTIES. THE BLESSING OF GOD ALMIGHTY, THE FATHER, THE SON AND THE HOLY SPIRIT REST UPON YOU AND ABIDE WITH YOU ALWAYS.'

The Elders present thereafter give the newly inducted Elders the right hand of fellowship.

Suitable exhortations are addressed to them, and to the people, and, in the presence of the Session, the newly inducted Elders sign the Formula, ("GAA Constitution, Procedure and Practice", Chapter 6.8), have their names added to the Roll and take their seats in the Session.

In the case of Elders on transfer from another Charge, the act of ordination is not repeated and all references thereto in the order of service and edict are omitted.

The full names and addresses and date of ordination and/or induction of Elders shall be notified to the Clerk of the Presbytery within thirty (30) days.

### **Elders Pastoral Responsibilities**

- 3.42 Each Elder has, ordinarily, a pastoral responsibility assigned to him. It is his duty to cultivate relationships with and exercise pastoral care for the Communicants and Adherents in his pastoral responsibility, by visiting them, especially in affliction, and assisting them by friendly counsel as opportunity arises.

### **Representative Elders**

- 3.43 The Kirk Session of every Charge is represented in the superior Courts by an Elder duly commissioned by the Kirk Session for that purpose.

On the appointment of a Representative Elder either to the Presbytery (see Form XII) or to a General Assembly (see Form XIII), the Session Clerk forwards

a commission in the prescribed form to the Clerk of the Presbytery. When a Kirk Session is unable to arrange for one of its own members to represent it in a superior Court, it may commission an Elder who is willing to act and is a member of another Kirk Session within the bounds of the Court to which he is commissioned, and who is certified as such by the Moderator or Clerk of the Kirk Session of which he is a member.

In Team Ministries the Session appoints to the Presbytery and to the State Assembly one Elder for each ministerial position approved by the Presbytery.

### **Alternates**

- 3.44** It is competent for a Session to commission an alternate Representative Elder to the Presbytery or to a General Assembly, the second to act when the first is unable to do so.

The commission in favour of the alternate to the General Assembly shall be in the hands of the Clerk of Assembly prior to the adoption of the roll and its reception shall render the prior commission null and void.

## **MINISTERS – THEIR POWER, ACCOUNTABILITY AND RESPONSIBILITIES**

### **Admission to Pulpit**

- 3.45** (a) The exclusive right of access to the pulpit of churches within his Charge belongs to the Moderator except when he may be under process of censure. In such case, or when the Charge is vacant, this right reverts to the Presbytery. It belongs to the Moderator alone, subject only to the superior Courts of the Church, to determine who should preach or conduct public worship within his Charge.
- (b) In light of GAA Rule 4.2.2, a Minister may request the Presbytery to authorize a designated Elder from a Session of which he is the Moderator or the Interim Moderator to perform a special pastoral work in his charge, including the administration of the Sacraments, in terms of GAA Rule 4.2.2. This request by the Minister may be withdrawn at any time, and should the request be withdrawn, the Presbytery shall withdraw the authorization of the designated Elder to minister in terms of GAA Rule 4.2.2 immediately. (COA Minute 13/120)

### **Use of Church Buildings**

- 3.46** The Moderator has the right of the keys of the church and other ecclesiastical buildings, and may grant or refuse the use of such buildings for any purpose of a religious character. If the use of any of the buildings be asked for a purpose not strictly religious, the application is referred to the Kirk Session. Financial matters connected therewith are referred to the Committee of Management. In vacant Charges the custody of the keys belongs to the Presbytery.

### **Complaint against Moderator**

- 3.47 No formal complaint against the Moderator of the Session can be dealt with in the Session over which he presides. Any such complaint is received and is forwarded to the Clerk of Presbytery. Likewise no complaint against a ministerial member can be dealt with in the Session in which he sits. Any such complaint is received and forwarded to the Clerk of Presbytery.

### **Ministerial Functions and Prerogatives**

- 3.48 (a) The functions of the Minister include the following -
- (i) To conduct public worship and administer the Sacraments;
  - (ii) To be responsible for all teaching material and the doctrinal content of all Christian education programs in the Charge;
  - (iii) To be responsible for all pastoral visitation;
  - (iv) To conduct marriages;
  - (v) To conduct funerals;
  - (vi) To attend the Courts of the Church;
  - (vii) To conduct the service of ordination of Elders;
  - (viii) To perform any other functions which form part of the ministerial office.
- (b) In the conduct of public worship, all people involved are under the direction of the Minister.
- (c) For the manner in which he discharges these functions, he is accountable only to the Presbytery.



## CHAPTER 4 – THE PRESBYTERY

### MEMBERSHIP AND OFFICE BEARERS

#### Definition

- 4.1 A Presbytery is the Court of the Church immediately superior to the Kirk Sessions within its bounds. It is responsible for the Calling and Appointment Charges within its boundaries, together with any Team Ministries or special appointments which the Presbytery may establish.

#### Formation

- 4.2 A Presbytery is formed by the General Assembly which assigns it a name, fixes its bounds, appoints a time and place for its first meeting and instructs a particular Minister from within the bounds fixed to convene, constitute, and preside over the first meeting until the commissions of the representative Elders present have been sustained, the roll of members has been fixed, and a Moderator has been elected.

#### Membership of Roll

- 4.3 A Presbytery consists of:-

A.

- (a) duly inducted or appointed Ministers including all Ordained Ministers serving in Team Ministries within its bounds or those appointed to a specific ministry within its bounds and approved by the Presbytery;
- (b) Ministers or Elders regularly commissioned or set apart by the Presbytery for the work of any agency of the GAA or the State Assembly of the Presbyterian Church of Queensland (including those provided for in Rule 6.7) and upon the instruction of the superior Court;
- (c) Ministers who are Missionaries in full-time appointments serving in a dual membership and who have been commissioned and set apart by the Presbytery;
- (d) Ministers who are working in full-time positions recognised by the State Assembly;
- (e) Ministers who have been declared by the State Assembly to be a Minister Emeritus and who have been granted a seat by the Presbytery;
- (f) a Minister who is serving the Presbytery in some other capacity and for which the Presbytery believes the Minister should be granted a seat for the duration of that service; however, any Minister granted a seat under this subclause shall not be granted a seat in the State Assembly unless the Assembly or its Commission has previously concurred with the granting of the seat in the Presbytery;

B.

- (a) a Representative Elder or Elders from the Session of each Calling or Appointment Charge for whom written commissions have been sustained by the Presbytery. A Charge unable to commission an Elder under this rule may request Presbytery to appoint one under rule B (b);
- (b) Elders appointed by Presbytery under the parity Rule 4.20 (viii), which Elders shall also have a seat in the State Assembly.

#### **Membership of One Presbytery**

- 4.4 At no time may a Minister or an Elder be a member of more than one Presbytery.

#### **Transference of Membership**

- 4.5 Any member of a Presbytery who is not an inducted or appointed member of that Presbytery may transfer from one Presbytery to another; however if his seat has been granted in terms of Rule 4.3A(e), the receiving Presbytery shall make the decision whether he shall be granted a seat.

#### **Officers**

- 4.6 The Officers of a Presbytery are the Moderator, the Clerk and the Treasurer. The Moderator is elected for a period of not more than twelve months, but is eligible for re-election. The Clerk and the Treasurer need not be members of the Presbytery but must be either Ministers or Elders, and they hold office until they resign, or are superseded. Other Officers may be appointed as required.

#### **Death of Moderator**

- 4.7 If the Moderator should die or cease to be a member of the Presbytery during the term of office, the duties immediately devolve upon the previous Moderator until the next ordinary meeting of the Presbytery, or, if the previous Moderator is not available and until a new Moderator is appointed the rights and duties in connection with the calling of meetings devolve upon the Clerk.

#### **Declaration 'de fideli'**

- 4.8 The Clerk of Presbytery makes the declaration 'de fideli' on taking up his office (see Form I).

#### **Duties of Clerk**

- 4.9 The Clerk keeps a correct record of the proceedings and decisions of each Presbytery meeting, which minutes are read and confirmed at the succeeding ordinary meeting. The minutes are submitted to the State Assembly annually for examination. The Clerk issues notices of meetings, and conducts all correspondence necessary for the Presbytery's business, notifies those concerned of decisions, and carries out such instructions as the Presbytery

may lawfully give.

### **Presbytery Bounds**

- 4.10 Rearrangement of Presbytery bounds and the erection of new Presbyteries is a function of the State Assembly. When such a proposal is submitted, the State Assembly may defer consideration and invite the Presbyteries concerned to state their views, or make a decision forthwith, as may seem expedient. When a new Presbytery is erected, the name, and time and place of the first meeting is fixed by the State Assembly, which also appoints a Minister to preside until a Moderator is elected.

### **Relationship of Presbyteries**

- 4.11 A Presbytery does not interfere with, or review, the action of another Presbytery. It may make representations to another Presbytery, and if not satisfied may refer the matter to the State Assembly.

## **POWERS OF PRESBYTERY**

### **Finances**

- 4.12 The financial powers of a Presbytery are limited so that it may only:
- (a) assess charges within its bounds to meet its day to day expenses incidental to carrying out its work;
  - (b) take up collections at ordinations and inductions and other special services conducted by it;
  - (c) incur a debt in respect of its day to day activities;
  - (d) deal with, employ and use monies or other property gifted or bequeathed to it;
  - (e) make grants or donations to Christian bodies out of any surplus which may accrue from time to time.

### **Commission of Presbytery**

- 4.13 (a) The Presbytery may appoint a Commission of its own members for a specific purpose and with powers, membership and quorum defined by the Presbytery at the time of appointment, provided that a quorum of a Commission shall not be less than three, of whom two shall be Ministers. Such a Commission cannot ordain Ministers, accept a Candidate for the Ministry, for the Order of Deaconess, or for service as an Accredited Ministry Worker, approve the trials for licensing of a Licentiate or the commissioning of a Deaconess, sustain or not sustain a call, receive a resignation from the ministry, dissolve a pastoral tie or pronounce a sentence in a judicial case. Appeal or complaint against a decision of a Commission is made to the General Assembly and in the same manner as against the Presbytery itself.

- (b) A Presbytery may appoint a permanent ongoing Commission executive powers as defined by the Presbytery to carry out matters with which may be emergent or arising in between normal meetings of the Presbytery. Such meetings of a Commission shall report to the next meeting of the Presbytery or as required by the Presbytery. The Presbytery shall be able to vary the terms of its ongoing Commission at any time.

### **Committees**

- 4.14 The Presbytery appoints such Committees as it deems necessary to facilitate its work. These may meet when the Presbytery is sitting only by leave of the Court, and may consist of members of Presbytery and other Elders or members of the Church.

## **MEETINGS**

### **Associates**

- 4.15 When a member of another Presbytery or superior Court is present he may be associated (see SO 10).

### **Assessors**

- 4.16 In special circumstances the State Assembly may with or without request from Presbytery, appoint members of other Presbyteries to sit in a Presbytery as Assessors, with the right to vote but their powers may be restricted by the State Assembly to specific business or as it may resolve, and the appointment may be limited to a meeting, or for a period of time stated.

### **Quorum**

- 4.17 Three members of the Presbytery, two of whom shall be Ministers of Charges, constitute a quorum. The Presbytery may, by resolution, increase the number required for a quorum.

### **Meetings**

- 4.18 (a) **Business Meetings**: The Presbytery holds ordinary meetings at least once every quarter but meets as often as found necessary or expedient. At each ordinary meeting, the Presbytery fixes the time and place of its next ordinary meeting, and of special purpose meetings which it may arrange to hold in the interim. The times and places fixed for these meetings are minuted. Should there be neglect to fix a date, or should there be no quorum present at the time fixed, the Moderator instructs the Clerk to convene a meeting and all members are notified by circular giving at least seven days' notice of the date, time and place of such meeting. The State Assembly may appoint meetings of Presbyteries to be held at times and places as it may resolve.

- (b) Planning Meetings: The Presbytery shall from time to time conduct forum-style meetings to review the work being undertaken within its bounds. Such meeting of the Presbytery shall be conducted either:
  - (i) within the regular meeting of the Presbytery itself; or
  - (ii) at regular, and at least annually, specially called times; or
  - (iii) shall be related to the work of the Presbytery in visitation to the Charges or Ministries under its care.
- (c) Pastoral Meetings: The Presbytery shall ensure that time will be set aside on a regular basis for dealing with pastoral concerns within the bounds of the Presbytery.

### **Place of Meetings**

- 4.19** The Presbytery by its own authority appoints its meetings in any church or building within its bounds under the Presbytery's jurisdiction. A Presbytery may meet beyond its own bounds only by permission or direction of the General Assembly.

### **Annual Meeting**

- 4.20** The Presbytery holds its annual meeting not less than one month prior to the annual meeting of the State Assembly. In addition to ordinary business, the Presbytery shall:
- (i) adjust the Roll of Presbytery and order it to be forwarded to the Clerk of the State Assembly;
  - (ii) make enquiries when a Charge has not appointed a representative Elder to the State Assembly and take steps to ensure that this is carried out;
  - (iii) give consideration that all remits from the State Assembly and the General Assembly have been answered;
  - (iv) complete proposals for the State Assembly by overture or otherwise;
  - (v) ascertain that statistical and other returns ordered to be made by Charges for the State Assembly have been made;
  - (vi) adopt a report for the State Assembly of ministerial and congregational changes, and proceedings of Presbytery since the last report was made;
  - (vii) elect appointees to the Standing Committees of the State Assembly and to any other bodies provided for in terms of the rules of the Church;
  - (viii) at its Annual General Meeting, elect a sufficient number of Elders to make the number of Ministers and Elders in the Presbytery equal. (Vacant charges should be included in the calculation.) Such Elders may be chosen from any Kirk Session within the bounds, and such Elders shall, before taking their seat in the Presbytery, produce a

certificate of 'bona fide' acting eldership from the Kirk Session to which they belong.

### **Business**

- 4.21 In all meetings of Presbytery the items of business to be taken up are fixed at the commencement of the meeting and no item to which exception is taken by three members may be discussed until the next ordinary meeting, or until a meeting called for the purpose of considering the matter to which exception has been taken, unless notice of the intention to have it brought forward has been given at a previous meeting, or unless it arises, necessarily, out of the business of a previous meeting, or is included in the notice calling the meeting.

### **Order of Business**

- 4.22 The following is a recommended order of business but the Presbytery may vary the order in any manner that it deems necessary:

Apologies  
Elders' Commissions and Ministers' Certificates of Status  
Associated Members  
Agenda  
Minutes  
Matters recorded in previous minutes  
Correspondence  
Reports  
Matters of ordinary business which have emerged between meetings  
Notices of Motion  
Date and Place of Next Meeting

### **Special Purpose Meetings (in hunc effectum)**

- 4.23 No business can be transacted at meetings called for a special purpose except the business definitely specified at the appointment of the meeting.

When the business is strictly formal, as is the case for an induction, the Presbytery may appoint one or more Ministers and/or Elders as a commission to do, in the name and by authority of the Presbytery, whatever the Presbytery has appointed to be done, or whatever the laws of the Church required to be done in such cases. If any difficulty arises, it must be reported to the Presbytery at its next ordinary meeting.

### **Unforeseen Meetings (pro re nata)**

- 4.24 Unforeseen meetings are convened by the Clerk on the instruction of the Moderator, and Moderators are bound to have such meetings convened when requested by a quorum of the Presbytery. A circular is issued to every member

of the Presbytery at least seven days before the date fixed for the meeting stating the business proposed. Before proceeding, the Presbytery approves the ordering of the meeting. Should the Presbytery disapprove, the meeting lapses. Only the business stated in the circular can be considered at such meetings.

Elders' Commissions may be sustained at any meeting of the Presbytery, including special purpose and unforeseen meetings.

#### **Adjourned Special Purpose Meetings and Unforeseen Meetings**

- 4.25 At 'Special Purpose' and 'Unforeseen' Meetings a Presbytery may adjourn and hold another meeting for the purpose of completing the business for which it has been convened. When such adjournment is for a longer period than one day, notice thereof shall be sent by the Clerk to all absent members.

### **FUNCTIONS AND POWERS**

#### **Functions and Powers**

- 4.26 The Presbytery has, among its functions, the role of superintending all matters relating to doctrine, discipline and order in the several Charges as follows:
- (a) To arrange in co-operation with Session, by itself or in conjunction with the State Assembly's Committee on Ministry Resourcing for pastoral supply in vacant Charges;
  - (b) To exercise spiritual supervision over all Charges;
  - (c) To oversee arrangements for Ministers and others to give religious education in schools;
  - (d) To take measures to extend the Church and the Christian witness within its bounds;
  - (e) To authorise the establishment of Charges and Congregations which meet in approved locations, following consultation with surrounding Congregations;
  - (f) To name churches and Charges;
  - (g) To approve the sites for churches and the plans for buildings, and major alterations to them;
  - (h) To accept applicants as suitable candidates for the ministry, to hold them under supervision, deciding each year on their suitability and to continue or terminate their candidature;
  - (i) To take on trials for licence to preach the Gospel those who have complied with the requirements of the Church and to license those found qualified;
  - (j) To accept applicants as suitable candidates for the Order of Deaconess, to hold them under supervision, deciding each year on their suitability and to continue or terminate their candidature;

- (k) To try candidates for the Order of Deaconess and commission those found qualified;
- (l) To approve financial arrangements prior to a call or an appointment or the taking up of any ministerial position, including terms of settlement and variations of such terms;
- (m) To receive and sustain or reject calls and commission appointees to Appointment Charges or specially commissioned works within the Presbytery;
- (n) To ordain to the ministry of Word and Sacrament;
- (o) To deal with all matters relative to the ordination, induction, translation, demission, appointment or removal of Ministers;
- (p) To deal with all matters affecting the teaching and character of the Ministers, Deaconesses, Accredited Ministry Workers and preachers under its jurisdiction;
- (q) To deal with all matters referred to it by or through Sessions within its bounds;
- (r) To co-operate with Committees of the State Assembly in furthering the functions entrusted to them;
- (s) To ensure that the instructions of the State Assembly and of the General Assembly are observed by Ministers, Deaconesses, Accredited Ministry Workers, Sessions and Committees of Management;
- (t) To take steps, in consultation with Sessions and the Committee on Ministry Resourcing, for the establishment of church planting within its bounds;
- (u) Where the Presbytery has approved the appointment of a Home Missionary to an Appointment Charge by the Committee on Ministry Resourcing, the Presbytery shall appoint a Moderator and wherever the Session does not exist in a new or ongoing work, the Presbytery shall take steps to appoint an interim Session and that Session shall be responsible for preparing a communion roll and the eventual election of a Session.
- (v) General supervision of all Charges and of Ministers, Deaconesses and Accredited Ministry Workers.
- (w) To exercise supervision over all regional bodies within its bounds. Such regional bodies may include small isolated communities of Christians sympathetic to a Presbyterian and reformed ethos which cannot be adequately related to an existing Charge or Charges, provided these bodies do not fall within the ministry of the Presbyterian Inland Mission. A Presbytery may (until it is able to relate such a body to an existing Charge or Charges) assume direct authority for that body and itself carry out the actions of a Session or Committee of Management

wherever necessary, and shall authorise adequate ministry for such a body. (COA Minute 13/121)

### **Charges**

- 4.27** Ministry within a Presbytery shall exist in the following formats:
- (a) Calling Charge: This is a sphere of pastoral duty to which a Minister is called by a Congregation. The induction to this Charge shall be carried out in terms of Chapter 7 of the Code.
  - (b) Appointment Charge: An Appointment Charge is a sphere of pastoral duty in which a Minister is appointed by the Presbytery. It shall be a requirement that prior to a Presbytery commissioning or appointing an Ordained Minister to an Appointment Charge that 60% of the Communicant Members of the Congregation present at a congregational meeting shall approve the appointment and the appointee.
  - (c) Within a Calling Charge, a Presbytery may establish a mechanism to call or appoint an additional one or more Ordained Ministers. Within an Appointment Charge, a Presbytery may establish a mechanism to appoint an additional one or more Ordained Ministers. (See Rule 8.6.) A Presbytery may also, within a Calling Charge or an Appointment Charge, appoint other workers in terms of Rule 3.11 (b)(i).
  - (d) A Presbytery may make appointments of a Minister within its bounds to carry out specialised ministries in terms of Rule 8.6 (d).
- 4.28** A Presbytery may enter into an arrangement with the Committee on Ministry Resourcing to have an accredited ministry worker appointed to a charge or work in terms of Rule 4.27. Any specific terms of appointment shall be agreed upon by the Presbytery and the Committee on Ministry Resourcing including the requirement that 60% of the Communicant Members of the congregation present at a congregational meeting shall approve the appointment and appointee.

### **Division of a Charge**

- 4.29**
- (a) Presbytery, upon a request from a Charge or on its own initiative, may determine that it is in the best interests of a Charge for it to be divided. (See Rule 9.3(b))
  - (b) Presbytery shall request the Kirk Session to call a congregational meeting for the purpose of voting on a motion to divide the Charge.
  - (c) The Congregation's decision to divide a Charge shall imply that all church buildings or land purchased for the erection of a church building shall be allocated to the Charge and Congregations which meet in those approved locations.

- (d) The Kirk Session shall give members and adherents at least fourteen (14) days to declare their intentions of where their membership shall be enrolled.
- (e)
  - (i) Presbytery shall declare that Kirk Sessions be formed in accordance with the Elder's intention as declared in clause (d).
  - (ii) Should there not be sufficient elders to constitute a Session, the Presbytery shall appoint an Assessor or an Interim Session if a Charge has no Elder.
  - (iii) All cash assets shall ordinarily be divided on the basis of Communicants in each Charge as declared by clause (d).
  - (iv) Should the congregational meeting decide to divide the cash assets on another basis, including a fifty/fifty basis, it shall do so by vote on a simple majority.
- (f) Any debts on church property shall be the responsibility of the Charge acquiring the property, unless otherwise determined by the congregational meeting.
- (g) Any dividend received from property acquired by the Charge for investment shall be divided in accordance with clause (f).
- (h) Should the Congregation decide to dispose of property as indicated in clause (h) it shall do so by vote of the Congregation in terms of Rule 9.3 (a).
- (i) Presbytery shall declare the date when the Charge created by the division shall become operative.
- (j) The incumbent Minister shall indicate in which Charge he will minister.
- (k) The Presbytery shall appoint an Interim Moderator of the vacant Charge.
- (l) The Kirk Session shall, as soon as possible after the division has taken place, call a Congregational Meeting for the purpose of electing a Committee of Management.
- (m) The Assembly Assessments shall be divided on the basis of the Communicants in each Charge.

#### **Amalgamation of Charges**

- 4.30** Presbytery may amalgamate Charges after due investigations of their ability to amalgamate, including present pastoral ties. This shall include consultation with Session and Ministers involved.

#### **Examination of Records**

- 4.31** (a) The Presbytery calls annually, and in particular cases at such other times as it sees fit, for the minute books, rolls, registers and such other records as it may require, of each Congregation, Committee of Management and Kirk Session within its bounds, and examines them,

by means of a Committee or Committees appointed for the purpose, and attests them.

- (b) The Presbytery shall take every care to see that when a Charge ceases, all records are forwarded to the Church Liaison Officer according to Rule 2.18(d).
- (c) The Presbytery should ensure that when records are no longer needed by the local charge, they are disposed of in accordance with the rules of the Church.

#### **Ordinary Presbyterial Visitations**

- 4.32 The Presbytery visits every Charge within its bounds, as far as possible in rotation, at least once in every five years. The visitation may be by the Presbytery as a body, or by a Committee appointed by the Presbytery made up of members of Presbytery and may be ordinary or special. The Presbytery shall have the discretion to carry out such visitations by a Commission rather than a Committee.

In ordinary visitation all the Charges in the Presbytery are visited in order for the Presbytery to acquaint itself with the state of affairs within the Charge, to strengthen the hands of the Minister and the office bearers, and generally to advise and encourage the Charge in Christian life and work. It is required that when visiting a Charge, a Presbytery shall take into consideration its overall planning and assessment for the region, in line with the Presbytery's goals and plans.

#### **Special Presbyterial Visitations**

- 4.33 If circumstances require it, the Presbytery may appoint a visitation of a particular Charge, with a view to making inquiry and taking such steps as may be necessary. Notification thereof is sent to the Minister, the Session and the Committee of Management, who are bound to attend on pain of censure. The inquiries made by the Presbytery are strictly confined to the particular objects of the visitation.

#### **Extraordinary Presbytery Visitations of Charges in an Unsatisfactory State**

- 4.34 A Charge might be deemed to be in an unsatisfactory state, either due to:
- (i) disputes between Ministers, Officer Bearers, or Members of the Charge; or
  - (ii) other circumstances wherein the ends of Gospel Ministry are not being met.

When an allegation comes before a Presbytery to the effect that the state of one of its Charges is seriously unsatisfactory, the following are the steps that shall be taken, and the order in which they must be taken. Presbyteries are

required to exercise the utmost care that no case is dealt with under this rule in respect to any matter within the jurisdiction of the Code of Discipline of the Presbyterian Church of Australia. Presbyteries are also to ensure that cases dealt with under this rule are handled with a due concern for the pastoral care of all those involved.

- (a) The Presbytery, makes due inquiry into the state of the Charge and comes to a finding.
- (b) If the finding is that the Charge is in a seriously unsatisfactory state, including that the ends of Gospel ministry are not being met, the Presbytery may then counsel and admonish the parties concerned.
- (c) After counseling and admonishing the parties concerned, the Presbytery, shall declare either that it has remedied the state of the Charge, or has failed to remedy the state of the Charge. (Any appeal prior to this point in proceeding under this rule does not stay procedure.)
- (d) If the Presbytery declares that the state of the Charge has not been remedied, including that the ends of Gospel ministry are not being met, the Presbytery may proceed to allege that the state of the Charge is wholly or partly due to the actions of a Minister, and/or office bearers, and/or members of the Charge.
- (e) When the Presbytery has made such an allegation against a Minister, the Presbytery, shall:
  - (i) notify him; and
  - (ii) confer with him and receive and consider any relevant statements he may make or that may be tendered on his behalf; and
  - (iii) receive and consider such statements as may be submitted by persons who are or have been members of the Charge which are relevant to the question of how far the existing state is due to the Minister; and
  - (iv) after careful consideration decide whether or not the Charge is in an unsatisfactory state, including whether the ends of Gospel ministry are being met, and then
  - (v) decide whether or not the state of the Charge is wholly or partly due to the actions of the Minister.
- (f) If the Presbytery decides that the ends of Gospel ministry are not being served, and the unsatisfactory state of the Charge is wholly or partly due to the actions of the Minister, it may, subject to appeal, dissolve the pastoral tie.
- (g) When the Presbytery has made the allegations as in clause (d) against office bearers and/or members of the Charge, the Presbytery shall:
  - (i) notify them; and

- (ii) confer with them and receive and consider any relevant statements they may make or that may be tendered on their behalf;
  - (iii) receive and consider such statements as may be submitted by persons who are or have been members of the Charge which are relevant to the question of how far the existing state is due to the office bearers and/or members of the Charge; and
  - (iv) after careful consideration decide whether or not the Charge is in an unsatisfactory state, including whether the ends of Gospel ministry are being met, and then
  - (v) decide whether or not the state of the Charge is wholly or partly due to the actions of the office bearers or members.
- (h) If the Presbytery decides that the state of the Charge is due to the actions of any office bearers or members, as in (g)(iii) above, it may, subject to appeal, remove such office bearers from office in the Charge, or may, subject to appeal, order transference certificates to be given as the gravity of the circumstances and the interests of the Charge may require.

#### **Cessation of Charge**

- 4.35 (A) Where a Charge or a section of a Charge -
- (a) has ceased to function effectively or at all; or
  - (b) there are reasonable grounds for believing that the Charge or section has so ceased or is about to do so -
- a Presbytery may, after full inquiry and ascertaining the views of the Charge and that section (if any), determine:
- (f) that the Charge in question shall cease to be a Charge; or
  - (ii) that the section in question be closed.
- (B) On making a determination in the case of a Charge:
- (a) the determination must be reported, for confirmation, or otherwise, to the State Assembly; or, in the case of an Appointment Charge, to the Committee on Ministry Resourcing.
  - (b) the area of a Charge so ceasing may be incorporated wholly or in part within the boundaries of or amalgamated with some other Charge or Charges or part of a Charge or Charges.
  - (c) property of or used by the Charge so ceasing, or the proceeds of its sale or disposal, shall be paid to the Presbyterian Church of Queensland to be held and applied by it in terms of S:105 of the Trust Act 1973 Section 105 (1) as directed by the State

Assembly after considering any submissions made by the Presbytery, the Committee on Ministry Resourcing, the Finance and Administration Board, the Property Board and other interested persons.

- (d) no action giving effect to a determination, apart from reporting under Rule 4.35 (B) (a), may be taken until the decision of the State Assembly is made.
- (C) In applying the provisions of Rule 4.35 (A) and 4.35 (B) to the case of closure of a section of a Charge:
- (a) a section of the Charge may be closed and excluded wholly or in part from a continuing Charge whether by amalgamating that section or part with another Charge or part of a Charge or otherwise;
  - (b) in the case of a section being closed within 25 years of its commencement by a continuing Charge or section of the Charge, the property of the section being closed, or the proceeds of its sale or disposal, are to be applied for the use and purposes of that continuing Charge or section;
  - (d) in any other case, the property or proceeds are to be dealt with in accordance with the Rule 4.35 (B) (c);
  - (e) in ascertaining the views of a section for the purposes of this Rule, only those persons enrolled as Communicants (BB 2012 Min. 38.6) who attended the centre of worship in that section are eligible to vote in that section or if there is no separate roll for that section; or, if there are fewer than 5 of them, only such persons so enrolled as are determined by the Presbytery;
  - (f) Nothing in this Rule affects the power of Session to close a preaching place within the area of the Charge, or for a Congregation to dispose of property used in connection with that place so far as the Rules otherwise permit.

## **DENOMINATIONAL RESPONSIBILITIES**

### **Elders' Commission to State Assembly**

- 4.36 The Clerk of the Presbytery receives the commissions of Elders appointed to represent Sessions of Appointment Charges and Calling Charges in the State Assembly. It is his duty to see that they are in order. He reports the appointments to the Presbytery and transmits the commissions to the Clerk of the State Assembly not later than two weeks before its meeting. If a commission is to an Elder of a Session other than that issuing it, the appointee must be a 'bona fide' acting Elder.

Elders' commissions may be sustained at any meeting of the Presbytery, including Special Purpose Meetings and Unforeseen Meetings. Parity Elders in terms of Rule 4.20 (viii) shall also be commissioned to the State Assembly.

**Commissioners to General Assembly of Australia**

- 4.37 Commissioners to the General Assembly of the Presbyterian Church of Australia are elected by Presbytery at its ordinary meeting not less than three months prior to the meeting of the General Assembly.

**State Assembly State Mission Program (SMP), Assessments Collection**

- 4.38 Presbytery:
- (a) receives an allocation from the State Assembly of its SMP appeal and makes an equitable apportionment thereof between the Charges, taking into consideration the statistical returns of the Charges;
  - (b) takes measures to assist and encourage the Charges to raise at least the sum allotted; and
  - (c) takes steps to ensure that SMP allocations and Charge assessments are remitted by equal monthly instalments to the Treasurer of the Assembly.

**SUPERVISION OF MINISTERS AND OTHERS UNDER ITS JURISDICTION**

**Minister's Status and Leave of Absence**

- 4.39 A Minister in no case absents himself from his Charge, or from his work in the Charge or from any appointment supervised by the Presbytery for more than two consecutive months, without obtaining the leave of the Presbytery. If a Minister leaves his Charge or his work in a Charge for more than two months without the permission of the Presbytery, disowns its authority or is otherwise held to have acted contumaciously, the Presbytery may summarily suspend him from office and declare his Charge vacant and may also apply to the State Assembly to have him declared no longer a Minister of the Church. A Presbytery must be careful that it does not deal with any matters within this rule which would otherwise need to be dealt with under the Code of Discipline of the General Assembly of Australia.

**Minister's Resignation**

- 4.40 A Minister after induction or appointment to a Charge or to a specific work under the Presbytery, desiring to resign does so in writing to the Presbytery (Form VII). On receiving the resignation, the Presbytery orders a meeting of the Charge and cites the Charge to appoint Commissioners to appear for its interests. Before a decision to accept the resignation or otherwise, the Presbytery enquires into the causes leading to the resignation and hears the mind of the Charge as expressed by the Commissioners. In the case of a

resignation from a position of appointment by the Presbytery, the matter shall be dealt with directly by the Presbytery without any recourse to Commissioners.

#### **Retired Ministers**

**4.41A** When a Minister on account of old age, infirmity or sickness is released from his charge and who at the time is ministering within a Charge or a sphere of ministry approved by the Presbyterian Church of Queensland, he shall be declared by the Assembly or its Commission to be a Retired Minister. (e.g. Rev XXX Ret'd).

Such a minister, being in good standing shall –

- (a) Have all the rights and privileges which would normally be granted by a Court through association (SO 10) within the Presbytery (to which he resigned or demitted) and also the Assembly;
- (b) Have the right to transfer the associated membership to another Presbytery;
- (c) In all matters be under the jurisdiction of the Presbytery in which he holds associated membership;
- (d) At the discretion of the Presbytery and Assembly be granted a seat on the Presbytery and Assembly while serving in an official capacity.

#### **Ministers Emeriti**

**4.41B** When a Minister on account of old age, infirmity or sickness and who at the time in terms of Rule 4.41 A has been declared to be a Minister Retired may be declared by the Assembly to be a Minister Emeritus, provided –

- (a) the proposed recipient of the title shall agree to accept the title;
- (b) a submission is made by any person or body within the Presbyterian Church of Queensland in relation to the granting of the title.

A Minister Emeritus, being in good standing, shall –

- (a) Have all the rights and privileges which would normally be granted by a Court through association (SO 10) within the Presbytery (to which he resigned or demitted) and also the Assembly;
- (b) Have the right to transfer the associated membership to another Presbytery;
- (c) In all matters be under the jurisdiction of the Presbytery in which he holds associated membership;
- (d) At the discretion of the Presbytery and Assembly be granted a seat on the Presbytery and Assembly while serving in an official capacity.

#### **Minister's Death**

**4.42** When a Charge becomes vacant by the death of the Minister, the Moderator of Presbytery appoints a Minister as Interim Moderator of the Session until the next meeting of Presbytery, and the Clerk issues an Edict of Vacancy (see Form II). This action is reported to the Presbytery and recorded.

### **Minister's Mental or Physical Incapacity**

- 4.43 (a) The Presbytery may relieve a Minister from performing his functions for a period of not more than twelve months, and may appoint a Moderator of Session if satisfied on the certificate of two registered medical practitioners that the Minister is by reason of his mental or physical condition incapable for the time being of performing his duties.
- (b) The Presbytery may reinstate the Minister to the full exercise of his functions if satisfied on the certificate of two registered medical practitioners that the Minister is within that period of twelve months capable of resuming his duties.
- (c) The Presbytery may declare a Charge vacant if satisfied on the certificate of two registered medical practitioners (of whom one is specialist) that, by reason of his mental or physical condition, the Minister is:
- (i) totally and permanently incapable (as defined by the requirements of the Government department issuing social security payments) of performing his duties; and
  - (ii) not competent to resign his Charge - provided that upon the Charge becoming vacant, the Minister will become entitled to the benefit of a Government or other pension or allowance or its equivalent by way of income.
- (d) The powers in Rule 4.43(a) and 4.43(b) are exercisable:
- (i) in the course of any judicial process affecting the status of a Minister; or
  - (ii) on report by members of the Session or of the Charge; or
  - (iii) on report by the Committee on Ministry Resourcing.
- (e) Ministry Support Fund, Salary Continuance Benefits (Regulation 110.15) may be applied when Rules 4.43 (a) and 4.43 (c) are exercised.

### **Ministers on Sick Leave**

- 4.44 After a Minister has been on sick leave for an extended period of time, the Presbytery may appoint an Acting Moderator in the Charge until he resumes his duties.

### **Moderator of Session appointed by Presbytery**

- 4.45 An Interim Moderator appointed by the Presbytery is empowered to do within the Charge all ministerial acts proper to be done by the Minister. It is his duty to aid the Session and the Committee of Management so that accurate information may be supplied and that all proceedings and documents necessary for a call may be in due form and generally to see that such

arrangements are made as shall be conducive to the successful prosecution of the Christian ministry in the Charge under a new settlement. Where a vacancy is of a protracted nature, Presbytery may authorise an Interim Moderator to appoint an Elder from a Charge within the bounds of the Presbytery to act on his behalf at meetings of the Congregation, Session and Committee of Management.

#### **Licentiates and Ministers without Charge**

- 4.46** Licentiates and Ministers without Charge are under the care of the Presbytery within whose bounds they ordinarily reside, and the Clerk keeps records of them. On his removing to another Presbytery, a Certificate of Status is prepared and forwarded to the Presbytery concerned (Form IX (B)). Presbyteries include in their report to the State Assembly the names of all Licentiates and Ministers without Charge who are under their care.
- 4.47** (a) The Presbytery or an appropriate Committee of the Presbytery, shall confer with each Minister without Charge annually and report back to the Presbytery.
- (b) The Presbytery may on its own initiative request the Minister without Charge to submit a resignation from the ordained ministry or show cause why he should continue as a Minister without Charge.
- (c) No action in terms of this rule should be undertaken where the matter is required to be dealt with in terms of the Code of Discipline of the Presbyterian Church of Australia.

## CHAPTER 5 - THE STATE ASSEMBLY

### **Members**

- 5.1 The State Assembly consists of all Ministers on the rolls of Presbyteries and a Representative Elder duly commissioned for each Appointment and Calling Charge, together with the Officers of the State Assembly.

### **Annual Meeting**

- 5.2 The State Assembly meets annually at such time and place as has been previously determined.

### **Standing Orders**

- 5.3 The Standing Orders of the General Assembly of the Presbyterian Church of Australia are the Standing Orders of the State Assembly save where in any particular the State Assembly otherwise decides or as may be provided in these rules.

### **Quorum**

- 5.4 The quorum of the State Assembly is twelve members representing at least three Presbyteries and at least half of whom are Ministers.

### **Unforeseen meetings (pro re nata)**

- 5.5 'Unforeseen' meetings of the State Assembly are convened by the Moderator on a requisition in writing from at least ten members of Presbyteries, representing not less than three Presbyteries, and then, by notice despatched not later than 21 days before the date of meeting to all Presbyteries and Sessions of Appointment Charges and Calling Charges. On the meeting being constituted, first the roll is submitted and adopted, and the Moderator's action in convening the meeting approved. If there is no quorum present, the meeting lapses. No decision or action can be taken at a 'unforeseen' meeting except on the matters specified in the notice calling the meeting.

### **'Nobile Officium'**

- 5.6 In all matters in which it is the supreme authority, the State Assembly possesses a 'nobile officium' in virtue of which it may deal with and dispose of any matter as may arise and is not provided for in the "Rules and Forms of Procedure". It may also, in virtue of its 'nobile officium' deal with and dispose of any matters as aforesaid in a way other than the "Rules and Forms of Procedure" provide as it shall seem to the Assembly right and needful for doing justice in the particular instance, but this is not done save in circumstances exceptional in their character, or which appear in the particular instance to render such a course necessary.

### **Body Corporate**

- 5.7 The Moderator, the Clerk and the Treasurer of the General Assembly of The Presbyterian Church of Queensland for the time being are the officers forming the Body Corporate - The Presbyterian Church of Queensland - as declared in Letters Patent of 13th June 1876.

### **Assembly Officers**

- 5.8 The Officers of the State Assembly are the Moderator, the Clerk, the Treasurer, and the Deputy Clerk who must be Ministers or Elders. They hold office until they resign or are superseded.

### **Roles and Duties of Clerk**

- 5.9 (a) The Clerk, on election, makes the declaration 'de fidei'.
- (b) It is the duty of the Clerk to carry out the following specific activities:
- (i) receive all reports and other documents from denominational and other bodies and prepare the White Book which shall normally be forwarded to Commissioners five weeks before the commencement of the State Assembly;
  - (ii) attend all sederunts of the Assembly;
  - (iii) keep a correct record of all proceedings of the Assembly;
  - (iv) prepare the minutes after each session, for publication;
  - (v) notify the assumption of office by the Moderator to the Governor, State and Civic authorities, and such other public authorities as may be required;
  - (vi) be Clerk of the Commission of Assembly and the Committee of the Whole;
  - (vii) make such statutory declaration and affidavits as may from time to time be required by laws;
  - (viii) to keep in safe custody all books, records and documents of the Assembly, excepting those for the custody of which the Assembly makes other provision, and to produce the same or furnish certified copies of or extracts from the same when legally required to do so;
  - (ix) see that the decisions of the Assembly are notified to Presbyteries, Committees and Congregations concerned;
  - (x) correspond with and supply information to all who require official information concerning the business of the Assembly;
  - (xi) make available to the press, radio and television, information concerning the Church;
  - (xii) supervise the secretarial work of such Committees as the Assembly may determine from time to time;

- (xiii) retain the minutes of these Committees and supervise their correspondence;
  - (xiv) at the request of the Moderator, represent him at any function at which, in the opinion of the Moderator, the Church should be represented.
- (c) In carrying out his role as Clerk, the Assembly acknowledges that the Officer
- (i) will deal with many of his duties in a pastoral way, always giving due concern to the Biblical and theological parameters in which he shall minister as a servant of the Assembly;
  - (ii) shall often be called upon to exercise a Biblical and spiritual ministry in relation to other Officers and Members of the Courts of the Church, even though some such actions may contain administrative and/or legal aspects of the role.

(COA Minute 13/122)

#### **Resignation of Clerk or Treasurer**

- 5.10 The Clerk or the Treasurer may resign his office at any time, in writing, signed and witnessed, addressed to the Moderator. He delivers the books and other property of the Assembly in his custody to the General Manager, or as the Moderator may direct.

#### **Deputy Clerk**

- 5.11 The Assembly may elect and appoint from time to time an honorary Deputy Clerk who shall be a Minister or an Elder and who shall hold office at the will of the Court, and whose office shall be declared vacant when the office of Clerk becomes vacant, but he shall be eligible for re-election by nomination and ballot.

#### **Election of Moderator**

- 5.12 The Moderator is elected by the State Assembly at its ordinary session preceding that at which he is to assume office, and he is chosen from among the members of the State Assembly then in session. He assumes the office at the next annual session and is Moderator for twelve months thereafter or until his appointed successor takes up office. Until assuming office, the person elected is referred to as the Moderator-Elect. The time of election is fixed at the second sederunt of the Assembly. The Assembly at that sederunt appoints a committee consisting of the Moderator, the Clerk and the Treasurer, together with the former Moderators who are members of the State Assembly in session, and one Elder from each Presbytery elected by the Presbytery. This committee submits a nomination for the office to the Assembly. Before the election takes place the Moderator shall call for further nominations, and if none are forthcoming, the election will proceed in the normal way.

### **Moderator & Public Issues**

- 5.13 The Moderator may speak on public issues on behalf of the Assembly only after the unanimous approval of the Moderator, the Clerk, and the Convener of the appropriate Committee.

### **Opening of Assembly**

- 5.14 At the commencement of the ordinary session of Assembly, the Moderator of the previous Assembly conducts worship, and in the Name of the Lord Jesus Christ, the King and Head of the Church, constitutes the Assembly. The Moderator-Elect is introduced to the Moderator by one of his brethren, and the retiring Moderator thereafter inducts him to his office. The Moderator then gives an address to the Assembly.

### **Assembly Business**

- 5.15 At the commencement of the Assembly business the following steps are taken by the Assembly:
- (a) The Roll of Assembly is adopted.
  - (b) Memorial Minutes are adopted.
  - (c) The report of the Business and General Purposes Committee is received, and its general recommendations approved.
  - (d) The Assembly elects the Committee on the Ballot.
  - (e) The Assembly elects the Committee on the Examinations of Records.

### **Observance of the Sacrament of the Lord's Supper**

- 5.16 A period at an ordinary Assembly is set apart for the observance of the Sacrament of the Lord's Supper. If the Moderator is an Elder he shall request a Minister to preside over this service. This service may be held in a church other than that appointed for the business sederunts.

### **Closing of Assembly**

- 5.17 When the business of the Assembly has been concluded the date, time and place of the next annual session is fixed by resolution. The Committee on Business and General Purposes has authority to alter such date, time or place in emergent circumstances. The Assembly may appoint a commission consisting of the Moderator, the Clerks and the Treasurer of the Assembly, the Convener of the Business and General Purposes Committee, and two other members, with Assembly powers to confirm the minutes of such sedurents as have not already been confirmed by the Court.

The Moderator delivers a brief address to the Assembly, and, after intimating the time and place of the next meeting, pronounces the benediction and the Assembly is dissolved.

#### **Assembly Expenses Fund**

- 5.18 (a) An annual assessment is made on Appointment Charges and Calling Charges at a rate and on a basis determined by the Assembly on a recommendation of the Finance and Administration Board, for an Assembly Expenses Fund, administered by the Finance and Administration Board. The Fund provides for necessary payments for General Assembly of Australia assessments, honoraria for Assembly Officers and officials, and necessary expenses for the management of the Assembly's business.
- (b) Assembly assessments are not voluntary contributions. Their payment is a duty incumbent on all Congregations. However the Finance and Administration Board has the authority to grant exemptions in a particular case which could include a process to assist in the establishment of a new work, but only with the approval of the Commission of Assembly.

#### **Business & General Purposes Committee**

- 5.19 There shall be a Committee to be called the Business and General Purposes Committee which shall consist of the Business Convener of the Assembly, who shall be Convener, who is elected by the Assembly and holds office until he resigns or is superseded. The other members shall be the Clerk as Vice-Convener, the Deputy Clerk, the Treasurer, the Moderator, the Moderator-Elect, the Chairman of the Finance and Administration Board, Conveners of Standing Committees, Presbytery Appointees, Clerks of Presbyteries (who shall be members only during the meeting of the Assembly), and the Church Liaison Officer.

The Committee shall:-

- (a) deal with any business of a general nature that is judged to be outside the scope of any other Board or Committee;
- (b) meet as required to order the business of Assembly. The Business Convener shall be responsible:-
- (i) to report to the first sederunt of each Assembly the recommendations of the Committee anent - 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) to report daily to the Assembly the Committee's recommendations on the ordering of daily business;
- (d) to move the reception of each report as it comes before the House for debate;
- (e) to ensure that all business is submitted to the Assembly in proper form, and that the Moderator is advised of the proposed business.

**Business to be Submitted to Business & General Purposes Committee**

- 5.20 All reports and papers proposed to be submitted to the State Assembly are laid before the Business and General Purposes Committee and shall be forwarded to the Convener at least five weeks 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 or references may be presented afterwards provided sufficient cause can be shown why they were not lodged at the time specified. Parties whose appeals are rejected are notified thereof and have the right of appeal to the Assembly.

**Notices of Motion**

- 5.21 Notices of Motion proposed for consideration of the Assembly should be submitted to the Business Convener. The Committee on Business and General Purposes or its Convener shall decide if and when the proposed motion shall be debated. If dissatisfied with the decision, the proposer has the right of appeal to the Assembly against the Convener's or the Committee's decision. Wherever possible, notices of motion to come before the Assembly shall be printed and circulated.

**Finance and Administration Board**

- 5.22 (a) There shall be a Committee of the Assembly entitled the 'Finance and Administration Board'.
- (b) The Board shall consist of twelve members elected annually by the Assembly and the following 'ex officio' members:
- (i) the Moderator, the Moderator-Elect, the Clerks, the Treasurer and the Church Liaison Officer. Conveners of Assembly Committees or other bodies may be associated when business affecting the work under the care of the Committee or body is being considered.
- (c) The Board shall:
- (i) have the primary responsibility for the finances of the Church;

- (ii) submit to the Assembly with its report, a statement of the balances of the various funds and accounts as at the close of the previous year;
- (iii) compile and lay on the table of the Assembly the annual statements of the various funds;
- (iv) invest the funds of the Church on such terms and conditions as may seem advisable to the Board;
- (v) report as required by Rule 5.26;
- (vi) appoint, employ and have control over the Assembly administrative staff and determine the salaries and conditions of employment of such staff, ensuring that necessary staffing is made available for the work of larger Committees in terms of budget requirements;
- (vii) administer funds or enterprises and projects allocated to it from time to time by the Assembly.

**Church Liaison Officer 'ex officio' Member of Finance and Administration Board**

**5.23** Key management of the Finance and Administration section of the Church Office should be appointed by the Finance and Administration Board in accordance with Regulations as approved by the Assembly or the Commission of Assembly.

**Audit of Accounts**

**5.24** The accounts and books of account of the Assembly and its Committees and Boards shall be audited by a qualified person or qualified persons appointed by the Assembly on the nomination of the Finance and Administration Board. The person or persons so appointed shall hold office until the Finance and Administration Board shall make a new nomination and the Assembly makes a new appointment. In the event of a vacancy occurring between meetings of the Assembly, the Finance and Administration Board will make a temporary appointment which shall continue to be effective until the next ensuing meeting of the Assembly.

**Insurance Fund**

**5.25** The Insurance Fund is subject to such regulations as are approved by the State Assembly. It is managed and controlled by the Finance and Administration Board.

### **New Expenditure**

- 5.26 (a) Before adopting any new policy or project for which funds have not been allocated, the Assembly shall require the Finance and Administration Board to provide a report on the financial prudence, possibility and means of the funding being provided.
- (b) Any Committee, Council or Board of the Assembly shall ensure that the project or policy in clause (a) above shall be presented to the Finance and Administration Board at least three months prior to the State Assembly, to enable the required report to be presented. There shall be no requirement for the Finance and Administration Board to report if the requirement of this clause is not met; however, the Assembly may remit the matter to the Commission of Assembly for progress or final authorisation.
- (c) Where the required time in clause (b) has been provided, and yet no report is presented by the Finance and Administration Board to the State Assembly, the Assembly may deem the funding to be available.
- (d) Nothing in this rule shall prevent any Committee, Council or Board of the Assembly acting on a matter where it is
- (i) carrying out a decision of the Assembly;
  - (ii) operating within the framework of the Rules, Regulations, Constitutions and Guidelines approved by the Assembly;
- and where in each case funds are demonstrated to be available through an approved budget. (BB 2011 Min 69.4)

### **Property Board**

- 5.27 (i) There shall be a Committee of the Assembly entitled the "Property Board".
- (ii) The Board shall meet at least annually and will consist of five members elected annually at the Assembly and the following ex officio members:
- The Moderator
  - The Clerk of Assembly
  - The Treasurer
  - The Church Liaison Officer
- (iii) The Executive of the Board, made up of the elected members and the Church Liaison Officer, shall meet as required.
- (iv) The Church Liaison Officer of the Church shall be the Secretary of the Board and shall in that role carry out the requirements of Chapter 9 of the Code which action shall be recorded in the minutes of the Board.

- (v) The Board shall:
  - (a) have administrative oversight of all denominational property of the Church, including:
    - Fairholme College property;
    - Campsites of the Church;
    - The Church Office building;
    - Allotments of land for future church development;
    - Other properties allocated to its administrative oversight by the Assembly.
  - (b) seek to establish land acquisition for future development of the Church, in consultation with Presbyteries and the Committee on Ministry Resourcing;
  - (c) work co-operatively with the Finance and Administration Board in relation to all financial matters relating to property;
  - (d) have authority to authorise any agency within the Presbyterian Church of Queensland to administer a particular property on its behalf from time to time.

#### **Appointment of Procurator**

**5.28** The Assembly appoints a Procurator who is an 'ex officio' member of the Assembly. His duties and status are defined in the following clauses:

- (i) The Procurator shall be a Barrister-at-Law and a Communicant or Adherent of The Presbyterian Church of Australia.
- (ii) In the event of a vacancy for any reason, the Commission of Assembly shall, as soon as practicable, appoint a Procurator upon a recommendation from the Code and Legal Reference Committee.
- (iii) In the event of the Procurator being absent from the Commonwealth, the Code and Legal Reference 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.
- (iv) The Procurator may be removed from office by the State Assembly, on an overture from a Presbytery or a Standing Committee of the Assembly.
- (v) The Procurator shall 'ex officio' have a seat in the State Assembly, and in the Assembly's Code and Legal Reference Committee with full voting power.
- (vi) The Procurator shall advise the State Assembly when in session, with regard to all matters which the State 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 State Assembly.

- (vii) The Procurator shall advise all Presbyteries and Standing or Special Committees of the State Assembly on any matter on which they desire his opinion, on a case being submitted to him by the solicitors.
- (viii) The Procurator shall revise all cases, and no case shall be deemed relevant that has not been revised by him.
- (ix) 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 the Parliament or the Law Courts, and when so acting shall be entitled to the ordinary professional fees.
- (x) Except as aforesaid, no remuneration shall attach to the office of Procurator.

### **Legal Protocols**

- 5.29**
- (a) The Assembly appoints a Solicitor (or a firm of Solicitors), of the Supreme Court of Queensland, to transact all legal business which may be submitted to him/her or them on behalf of Congregations. In relation to property matters falling under Rule 9.3 (a), a congregation may use an alternate firm of Solicitors of the Supreme Court of Queensland. All business is submitted through the Church Liaison Officer on instruction from the Finance and Administration Board.
  - (b) A body which is constituted under Rule 12.2 (a) shall appoint its own Solicitor (or firm of Solicitors) of the Supreme Court of Queensland.
  - (c) Any legal issue, brought against or sought to be initiated by an Assembly-appointed body, shall be carried out through the Trustees of the Presbyterian Church of Queensland who shall report any action taken thereon to the Commission of Assembly and the Finance and Administration Board.
  - (d) Any action concerning the Presbyterian Church of Queensland as a Corporation shall be transacted by the Trustees of the Presbyterian Church of Queensland who shall report any action taken to the Commission of Assembly and the Finance and Administration Board.
  - (e) Any action brought against a Minister, Deaconess or denominationally Accredited Ministry Worker of the Presbyterian Church of Queensland, which shall be dealt with by the Presbytery or any other governing body within the Presbyterian Church of Queensland, shall be acted upon by the Trustees as far as any legal responsibilities of the Corporation are concerned, and any action of the Trustees thereon shall be reported to the Commission of Assembly and the Finance and Administration Board. The Trustees consult with the Commission of Assembly and the Finance and Administration Board as early as possible, particularly in relation to any costs that may be involved, and are to be directed by the

**Standing Committees**

- 5.30 The State Assembly at each annual session appoints Committees by which it shall carry out its work through the ensuing year.

**Standing Committee Meetings**

- 5.31 (a) Standing Committees shall be elected by ballot. They are made up of:
- (i) An elected number (when available) of Ministers and Elders (or Communicants of the Church) as determined by the Assembly from time to time;
  - (ii) Members appointed by Presbyteries in terms of Rule 5.35;
  - (iii) Ex officio members.
- The Standing Committee shall elect its Convener.
- (b) Each member, irrespective of the avenue by which he is made a member of the Committee, has full responsibilities and rights associated with the work of the Committee.
- (c) Standing Committees shall be:
- (i) Ministry Resourcing;
  - (ii) Outreach and Nurture;
  - (iii) Ministries Training.
- (d) Standing Committees shall meet five times between Assemblies but the Moderator and Clerk shall have the discretion to vary this schedule, if necessary.
- (e) Standing Committees shall ensure that at least once between Assemblies a meeting or part thereof shall be used as a forum to enable the Committee to make long-term planning for the future and evaluation of the policies by which the Committee is operating. Such forums may include other interested parties, upon invitation.

**Election of Committees**

- 5.32 Nominations for members of Standing Committees are made by ballot by the respective Committees at a Standing Committee meeting and transmitted to the Clerk. Further nominations may be made in writing by members of the Assembly to the Clerk. The Assembly fixes the time for the closing of nominations, and the time for the election to take place by ballot. The ballot paper will indicate the nominees of the relevant Committees.

### **Ballot Committee**

- 5.33 The Ballot Committee appointed by the Assembly will prepare the ballot papers and scrutinise the ballot.

### **Vacancies on Committees**

- 5.34 Vacancies in the elected membership of Standing Committees, including convenerships, may be filled by the Committee, with such appointees holding office until the next meeting of the Assembly.

### **Presbytery Appointees**

- 5.35 Each Presbytery from its own members appoints one member to be a member of the Standing Committees of the State Assembly and any other committees if directed by the State Assembly. During meetings of the Standing Committees, representatives of other non Standing Committees, Boards, Councils are scheduled to meet with the group of appointees appointed under this rule. The election of such appointees takes place at the annual meeting of the Presbytery and the names are forwarded to the Clerk of the Assembly. These appointees shall take up their appointments immediately after the State Assembly.

### **Vacancies - Presbytery Appointees**

- 5.36 Presbyteries may fill up a vacancy in their appointment arising during the year. In cases where the elected appointees of a Presbytery are unable to attend the meetings of Standing Committees, the Presbytery or Moderator and Clerk of the Presbytery are empowered to nominate deputy appointees for those meetings, with full voting powers, and shall advise the Clerk of Assembly accordingly.

### **Committee Executives**

- 5.37 (a) Those elected by the Assembly will become the Executive. However, the Standing Committee may vary the consist of the Executive if it deems it necessary. The Committee lays down all broad principles and enunciates the policy to be followed by the Executive whose duty it is to carry out the detailed execution of the policies laid down. No Executive may make a decision which is irreversible by the Committee unless so authorised by the Standing Committee. The Executive meets as required, to carry out the instructions of the Committee, to prepare recommendations on policy for consideration and decision by the Committee, and to take such action relevant to emergent business as is necessary or expedient. Any action taken by an Executive except on matters expressly referred to it, is subject to confirmation, amendment or overturning by the Standing Committee.

- (b) An Assembly Appointee appointed to direct the work of the Committee on Ministry Resourcing or the Committee on Outreach and Nurture shall be a member of the respective Standing Committee. A full-time Lecturer or Professor appointed by the Assembly to serve within the Queensland Theological College or its successor shall be an ex officio member of the Committee on Ministries Training. Such Appointees shall serve on the Executive of such Committees.
- (c) An Executive or Standing Committee may resolve to decide an issue through teleconferencing when those members who are non- Executive members shall avail themselves of participating in the discussion and the vote on the issue to be decided through a telephone conference or other electronic means. However, this does not prevent a Standing Committee authorising its Executive to decide an issue at that Executive Meeting based on a written opinion submitted by non-Executive members of the Standing Committee. A Standing Committee member who desires to attend a meeting of the Executive may do so, in which case he shall have the same rights as any other member of the Executive. Any member of Assembly may attend a Standing Committee or its Executive but may not move motions or vote on any issue.
- (d) Where a matter arises before an Executive which the Executive deems to be urgent and emergent and requiring an immediate decision, but which would not normally require significant debate, the Executive can seek the mind of all members of the Committee by asking them to vote in favour or against a proposed action. A verbal response shall not be accepted. The conducting of such a vote shall be referred to as a flying minute and the decision will be recorded at the next meeting of the Committee. Those who do not vote shall be recorded as an abstention. Any member of a Committee may object to a flying minute process and such objection will defer the matter to the next ordinary meeting or, if necessary, the Clerk may call a special meeting.

### **Special Committees**

**5.38** The State Assembly at each annual session appoints ongoing Special Committees for the transaction of general business in the ensuing twelve months.

- (a) Members of Special Committees shall be elected by the Assembly upon a deliverance prepared by the Committee in its report and deliverance to the Assembly. A notice of motion may add, subtract or vary the proposed composition of the Committee; however, the Special Committees of Gospel in Society Today (GIST) and APWM (Queensland) shall be appointed on the same terms as Rule 5.32.
- (b) Members of a Special Committee shall be (when available) an equal

number of Ministers and Elders (or Communicants of the Church) as determined by the regulations of such Committee or by an Assembly decision. Special Committees shall be APWM (Queensland), Gospel in Society Today (GiST), Code and Legal Reference and any other such Committee of whatsoever nature the Assembly shall determine and from time to time originate.

- (c) Such Committees shall have equal status as Standing Committees and shall have equal access to the resources of the Church, including the SMP, through application to the Finance and Administration Board.
- (d) Such Committees shall have the right to develop an ongoing working relationship with Congregations and utilize Congregations and other people to assist them in their work, including the dissemination of information and material pertaining to their work.

**5.39** (a) During the time allocated for Standing Committees, the Clerk in consultation with the Moderator as required shall be responsible to ensure that the group of Presbytery Appointees shall be able to meet with in a non-business meeting members of the Special Committees or with representatives of those Committees to ensure that the viewpoint of Presbyteries is taken into consideration in the work of those Committees and that the work of the Committees is clearly enunciated to the Presbyteries.

(b) In the same way it will be required that the Clerk and Moderator will make arrangements for similar non-business meetings with representation of all other Assembly bodies, together with Boards and Councils for which the Assembly makes all or a proportion of the appointments to those Boards or Councils.

(c) The meetings referred to in this rule shall be planned to occur at least once for each body within the period between Assemblies. Nothing in this rule will prevent any Committee or body referred to in this rule taking the action of holding a formal business meeting at which Presbytery Appointees can be associated and take part in such a meeting. Likewise Presbytery Appointees have the right through the Clerk and Moderator to request such business type meetings to be conducted.

(d) The Moderator or the Clerk at his request shall convene the meetings referred to in this rule.

**5.40** The Commission of Assembly may meet as a body or as representatives with any Committee, Board or Council or with their representatives whenever the Commission deems it necessary for its effective management of the Church's work.

### **Members 'ex officio'**

- 5.41 The Moderator, the Clerks, the Treasurer and the Moderator-Elect are members 'ex officio' of Standing Committees. Ex officio members are empowered to participate in all meetings arranged in accordance with Rules 5.35 and 5.39.

### **Regulations**

- 5.42 Committees may frame regulations for governing the particular functions entrusted to them, but such regulations must be submitted to the Assembly for approval.

Where no other mode of enacting, repealing or amending regulations is provided, a regulation shall be enacted, repealed or amended:

- (a) upon a petition presented to the Assembly; or
- (b) on a motion arising out of a report and recommendation of a Committee of the Assembly,

and in either case passed by a majority of not less than three-fifths of the Assembly.

Before enacting, repealing or amending regulations or a Constitution the Assembly shall require a report from the Code and Legal Reference Committee.

### **Ad Hoc Committees**

- 5.43 The Assembly may appoint one or more Ad Hoc Committees for the transaction of special business. The functions of such Committees shall terminate with the fulfilment of the business which has been allotted to them by a minuted decision of the Assembly.

### **Reports of Committees**

- 5.44
- (a) All Committees or Boards appointed by the Assembly are required to present a report to the Assembly annually concerning the work under their care, and such reports, with deliverances, are required to be forwarded to the Clerk for presentation in the White Book. Such Committees must arrange for their proposed deliverance to be moved and seconded in the Assembly.
  - (b) Committees of the Assembly shall direct any routine deliverance in their report to the Assembly, to the March Commission of Assembly for approval.
  - (c) Any Commissioner of the Assembly may raise for discussion by the Assembly any deliverance approved by the Commission of Assembly.
  - (d) The deliverances approved by the Commission of Assembly will be

included in the appropriate Deliverance as a Whole.

### **Personal Interests**

- 5.45 In Committees, no member may deliberate or vote on any matter in which he is has a personal or financial interest or which directly affects his Charge or Ministry. This rule does not prevent any member of a Committee providing to the Committee, in writing, a submission upon any matter to be discussed by the Committee.

### **Examination of Records**

- 5.46 All minutes of Presbyteries, Commissions, Boards or Committees of the Assembly shall be submitted annually to the Assembly for examination.

### **Sub-Committees**

- 5.47 Standing Committees, Boards and Special Committees of the Assembly may appoint Sub-committees consisting of persons not necessarily members of the Committees or Boards, provided always that at least one member of the said Committee or Board shall be a member of the Sub- committee, and provided further that the Convener or Chairman shall be an 'ex officio' member of all Sub-committees. Such Sub-committees at all times are under the jurisdiction of the appointing Committee or Board.

### **Committee on Ministry Resourcing**

- 5.48 (a) There shall be a Standing Committee called the Committee on Ministry Resourcing, the responsibilities of which shall include:
- the resourcing, consolidation, and extension of the Church's work and witness in association with Congregations, Presbyteries, the Assembly and Assembly Committees, and other bodies under the Assembly's jurisdiction; and in particular,
- (i) the pastoral care of Accredited Ministry Workers who are serving the Committee;
  - (ii) the provision of chaplaincy services;
  - (iii) the Ministry Training Network Scheme.
- (b) The Director of Ministry Resourcing shall be a member "ex officio" of the Committee on Ministry Resourcing. (BB 2011 Min 69.10)

### **Committee on Outreach & Nurture**

- 5.49 (a) There shall be a Standing Committee called the Committee on Outreach and Nurture. The function of the Committee on Outreach and Nurture is to have oversight on behalf of the Assembly in the following areas of ministry:
- (i) Christian Education for all ages which includes:

- Sunday Schools
  - Children's groups
  - Youth work in general, known as Presbyterian Youth
  - Adult Christian Education which may include the conducting of teaching missions
  - Family ministry
  - Religious education in schools
  - Teacher and leadership training
  - Camping programs
- (ii) Evangelism in both its traditional and contemporary forms as it relates in an appropriate measure to each age and/or cultural level.
- (iii) Stewardship as it relates to the Christian response to the Good News of Jesus Christ in every area of life.
- (b) The Director of Christian Education shall be a member 'ex officio' of the Committee on Outreach and Nurture.

**Committee on Ministries Training**

- 5.50** (a) There shall be a Standing Committee called the Committee on Training for the Ministry. The functions of the Committee shall be:
- (i) To recruit, encourage and assist, in co-operation with the Presbyteries, candidates for the pastoral ministry;
  - (ii) To administer the Post Graduate Scholarship Fund, and to receive applications for assistance and make grants from this fund under such regulations as the Assembly may from time to time determine;
  - (iii) In consultation with the Board of the Queensland Theological College to report to the Assembly for its decision on nominations for the appointment of the Principal, Vice Principal and any other lecturers who are members of the Assembly appointed Faculty at the Queensland Theological College.
  - (iv) To approve an annual budget for the Committee.
  - (v) Approve any necessary relationships with other bodies. (See Rule 5.52.)
- (b) The Principal and the Vice Principal of the Queensland Theological College shall be members ex-officio of the Committee on Training for the Ministry.
- (c) The Assembly-appointed academic staff shall have rights in relation to the Courts of the Church. The Assembly shall appoint a Faculty of Theology which shall report to the Assembly through the CTM in terms of Assembly approved Faculty Regulations.

### **Constitutionally Governed Bodies**

- 5.51 Directors and Councillors of constitutionally governed bodies shall be elected by the State Assembly as provided by their respective Constitutions.

### **Affiliation With Other Bodies**

- 5.52 Only the State Assembly authorises affiliation of the Church or its organisations with other Bodies, Societies or Organisations formed for purposes relating to public questions, or to co-ordinate action or opinion on religious questions, or to such other matters as the Assembly approves. Nominations for appointment as representatives are submitted by an appropriate Committee.

### **General Assembly of Australia**

- 5.53 Appointments and nominations relevant to the General Assembly of Australia shall be made through the ballot process.

### **Registration to Celebrate Marriages**

- 5.54 The Clerk certifies Ministers to the Registrar-General for registration and authorisation to celebrate marriages. A Minister without a Charge is not entitled to be so certified without the sanction of the Presbytery in which he resides. Licentiates, Deaconesses, Accredited Ministry Workers and Communicants serving Committees of the General Assembly of Australia and the Queensland State Assembly may be recommended by those Committees to the Clerk for registration after approval of the Presbytery of the bounds. In the periodical revision of the list of Presbyterian Ministers registered to celebrate marriages, the Moderator and the Clerk shall take steps to have removed such names as may be necessary, including the names of Ordained Ministers who have demitted their Charges, provided that:

- (a) with specific sanction of the Presbytery the registration of a Minister who has demitted his Charge may be continued for the period of such sanction or until such sanction is withdrawn. Such sanction shall be given by resolution of Presbytery properly proposed and agreed upon at the time when it received the demission and communicated forthwith by Presbytery to the Clerk of Assembly;
- (b) the registration of a Minister holding an Assembly appointment and of a Professor in the Queensland Theological College shall be continued;
- (c) the registration of a Minister Emeritus shall be continued;
- (d) a Minister without Charge may be registered as an agent of a Committee of the General Assembly of Australia or the Queensland State Assembly where appropriate;
- (e) a Minister who has demitted his Charge and who is ministering for a specific period of not less than three months in an Appointment Charge or Calling Charge or a ministerial office within the Church may be

registered during the term of his appointment if recommended by his Presbytery.

Where a Minister ceases to be a Marriage Celebrant, the Celebrant's personal Marriage Register becomes the property of the Presbyterian Church of Queensland.

### **Commission of Assembly**

**5.55** The State Assembly shall at each annual session appoint a Commission of Assembly which shall be elected by ballot.

- (1) The Commission shall be made up of:
  - I. Assembly Officers and Moderator-Elect (5);
  - II. Twelve Assembly Representatives (of whom at least 3 are ruling elders and at least 1 person from each of the Presbyteries of North Queensland, Central Queensland and Darling Downs).
- (2) The Commission shall be empowered:
  - I. To receive the resignation of the Moderator if he desire to relinquish office, or to declare the office vacant should he cease to be a member of a Presbytery in Queensland, or should he, through illness or incapacity, be judged unable to discharge his duties, or on his death, and to appoint another Moderator for the remainder of the term vacated.
  - II. To appoint a Moderator for the State Assembly next ensuing in the event of the Moderator-Elect dying, or ceasing to be a member of a Presbytery in Queensland, or refusing, or from any other case whatsoever being unable to fill the office.
  - III. To appoint a Clerk of Assembly or a Treasurer in the event of either office becoming vacant between the annual session of the Assembly, provided that any appointment so made shall terminate at the annual meeting of the Assembly next following.
- (3) Meetings of the Commission are convened by written or telephone or electronic notice to each member, and only the matters stated in the notice are considered. The State Assembly may remit matters to the Commission for consideration and action. Eight members shall form a quorum, and the Commission shall report all its decisions and actions to the next Assembly; the Moderator shall be Convener, and the Clerk the Vice-Convener. When an issue is deemed by the Moderator to be an exceptional nature, the Commission may meet by teleconferencing.
- (4) The Commission shall, on behalf of the Assembly:

- I. Implement the process of continual improvement in the use of resources and their management, including analysing existing structures and procedures;
  - II. Closely supervise all Committees and Boards appointed by the General Assembly of Queensland; and
  - III. Formulate overall strategies and recommendations to be brought to the annual Assembly; and in the execution of the formulation of overall strategies, the Commission shall present to the Assembly its minutes of all proceedings, together with an annual report to the State Assembly with recommendations; the Commission at all times shall be accountable for its actions to the Assembly.
  - IV. Transact any other emergent and urgent business so that the work of the Church may not be retarded.
- (5) In relation to section (4), paragraph (I) – (IV),
- (i) A member of the Commission of Assembly may appeal to the Assembly and all the normal rules of the Church will apply.
  - (ii) A Commissioner to the State Assembly may forward to the Clerk of Assembly within 7 days of the publication of the minutes of the Commission an INTENTION TO RESCIND A DECISION OF THE COMMISSION. This action shall stay proceedings for 14 days during which time, if the action is confirmed by eight other Commissioners representing three Presbyteries, no action shall be taken by the Commission and the motion to rescind the action shall be debated at the next State Assembly. (BB 2011 Min 69.6)

### **Register of Degrees**

- 5.56 The Assembly keeps a register of degrees, diplomas and certificates conferred upon or granted to Ministers, Candidates for the Ministry, Deaconesses and officials of the Church. The Clerk holds the register and enters therein the degrees, diplomas and certificates of those eligible to have the degrees, diplomas and certificates recorded and who supply to him the relevant information duly authenticated. Only degrees, diplomas and certificates so registered are used in the official statements and documents of the Church. The Assembly may determine from time to time which institutions shall not be listed for the recognition of their degrees, diplomas and certificates. The Clerk reports to the Assembly annually the entries made in the register.

### **Appeals Petitions and Complaints**

- 5.57 The State Assembly shall appoint annually a Special Committee, including a Convener, known as the Pastoral Care Committee.

However, if any pastoral mediation is unfinished at the commencement of the State Assembly, the pastoral mediators will remain on the Committee until their pastoral mediation is finalised. Upon the finalisation of the pastoral mediation, a casual vacancy shall arise. Nevertheless the Assembly, or its Commission, may reappoint these pastoral mediators to the Committee.

### **Composition**

- (1) The Pastoral Care Committee shall consist of nine persons, including a Convener, representing at least four (4) Presbyteries.

### **Casual Vacancies**

- (2) The Assembly or a Commission of Assembly shall fill casual vacancies.

### **Function**

- (3)
  - (a) The Committee shall have the authority to act upon:
    - (i) receipt of an appeal, petition or complaint to the State Assembly, forwarded to the Committee by the Clerk of Assembly.
    - (ii) a request for pastoral mediation by a Presbytery.
  - (b) All matters raised in the work of pastoral mediation by the Committee are confidential.

### **Cost**

- (4) The cost of pastoral mediation shall be borne by the Assembly unless it determines otherwise.

### **Appeals, petitions or complaints to the State Assembly (or Appeals Commission) - Aims and Jurisdiction**

- (5) When an appeal, petition or complaint to the State Assembly is received by the Committee:
  - (a) The Committee shall appoint two or three of its members as pastoral mediators.

- (b) The pastoral mediators shall:
  - (i) ensure that they do not have any interest in any matters raised in the appeal, petition or complaint or in the pastoral mediation process.
  - (ii) meet with the parties in the appeal, petition, or complaint with the express purpose of pastorally mediating a settlement of the substance of the appeal, petition, or complaint and/or reconciliation between the parties.
- (c) Neither the Committee, or its members, shall have the power to determine the appeal, petition or complaint.

**Appeals, petitions or complaints to the State Assembly – Reporting**

- (6) (a) The Committee reports to the State Assembly.
- (b) If the substance of an appeal, petition or complaint cannot be resolved through pastoral mediation by the Committee the Assembly shall proceed to hear the appeal, petition or complaint in accordance with the Rules and Forms of Procedure.

**Pastoral mediation requested by a Presbytery - Aims and Jurisdiction**

- (7) When pastoral mediation is requested by a Presbytery:
  - (a) The Committee shall appoint two or three of its members as pastoral mediators. In doing so, the Committee shall ensure that any pastoral mediator:
    - (i) is not ordinarily a member of the Presbytery requesting pastoral mediation.
    - (ii) does not have any interest in any matters raised in the pastoral mediation process.
  - (b) The pastoral mediators shall:
    - (i) meet with the Presbytery, or its representatives, to be briefed concerning the matter, shall be given access to the minutes of the Presbytery and all relevant documents, and shall be bound by the same confidences as the Presbytery members concerning the issue.
    - (ii) meet with the Minister, Kirk Session, Committee of Management, and Congregation, individually or collectively as necessary, to understand the position of the charge with a view to resolving the issue.

- (ii) bring together any relevant persons for the purposes of conducting pastoral mediation.

**Pastoral mediation requested by a Presbytery – Reporting**

- (8) The pastoral mediators shall report to the Presbytery at each regular meeting, and at such other times as the presbytery shall direct, that the issues:
  - (a) have been resolved;
  - (b) have been partially resolved;
  - (c) are still being discussed;
  - (d) cannot be resolved through pastoral mediation by the Committee.



## CHAPTER 6 - CANDIDATES FOR THE MINISTRY

### Applications for Acceptance

- 6.1 (a) A person seeking acceptance as a candidate for the ministry makes application in the first instance to the Presbytery in which he usually resides. The application shall be accompanied by:
- (i) a certificate from the applicant's Session indicating membership of the Presbyterian Church for at least six (6) months;
  - (ii) a letter of recommendation from the Session of the Congregation to which the applicant belongs; and
  - (iii) a full statement of the applicant's educational background and work positions held.
  - (iv) Documentation made up of Positive Notice Blue Card and an Australian Federal Police 'Police Certificate – Name Check Only' (or such documentation which may replace the above, or be acceptable in lieu of the above).

### Action by Presbytery on Applications

- (b) To the Presbytery belongs the right and duty of judging the fitness or otherwise of persons within its jurisdiction who apply to be accepted as candidates for the ministry. The Presbytery may recommend to the Committee on Ministries Training or its successor the acceptance of such a person only after he has appeared before the Presbytery's Committee on Candidates and Trials for Licence and when it is satisfied-
- (i) that he is a Communicant of the Church of at least six (6) months' standing; and
  - (ii) that he is recommended by the Session of the Congregation to which he belongs, and that he is suitable as to character, personality and spiritual gifts, and that he has a genuine call to his vocation.

In considering an application the applicant's residential status, if not an Australian citizen, shall be taken into consideration.

### Transmit Application to Committee on Ministries Training or its successor

- (c) If, after due enquiry, the Presbytery is satisfied regarding the applicant's suitability as a candidate for the ministry, it will transmit the application to the Committee on Ministries Training or its successor together with a certificate as to its satisfaction, a statement of the applicant's educational background and any other information which the Presbytery deems pertinent.

### **Probationary Students**

- (d) The Presbytery will in the first instance, accept the student as a probationary student for the Ministry. The student will remain on probation until he has completed
- (i) one year full-time study in the Queensland Theological College or its successor;
  - (ii) two years' part-time study at the Queensland Theological College or its successor.

If the student is doing supplementary studies in the Queensland Theological College or its successor in order to fulfil the requirements of the College Committee, he will remain on probation until the studies have been completed.

The Presbytery will regard the probationary period as successfully completed, when in discussion with the Faculty and the Supervisor of the student's Field Education appointment (or in the case of a Ministry Resourcing or private appointment, the Moderator of the Charge), it has become sufficiently clear that the student exhibits the gifts and graces needed for the ministry. He will then be a candidate for the ministry subject to confirmation by the Committee on Ministries Training or its successor. If not, the Presbytery may decide to cancel the student's probationary status or continue the probationary period for review after a further six months, or take any other pastoral action the Presbytery deems suitable.

### **Action by Committee on Ministries Training or its successor**

- (e) The Committee on Ministries Training or its successor shall accept applicants recommended by Presbyteries, provided that the applicant's academic attainments satisfy the requirements for admission to the course of training, and the Committee is satisfied with the academic possibilities of the applicant, and the necessary medical certificates are not adverse, the Committee having the right to refer back to Presbytery an applicant for other than academic reasons. Where practicable, the Committee on Ministries Training or its successor shall interview each applicant before it admits him as a student or accepts him as a candidate.

In considering an application the applicant's residential status, if not an Australian citizen, shall be taken into consideration.

### **Consultation with Faculty**

- (f) The Committee on Ministries Training or its successor, upon admitting an applicant as a student or candidate decides, after consultation with the Faculty, what recommendations to make to the College Committee of the General Assembly of Australia concerning his position in the course of training, and advises the Presbytery accordingly.

### **Supervision of Candidate**

- (g) A candidate for the ministry remains under the supervision of the Presbytery which originally recommended him unless and until for sufficient reason it transfers him to the supervision of another Presbytery, in doing which it must certify whether or not all requirements (see (h) below) have been satisfied by the candidate. Until he is licensed, the candidate remains under the jurisdiction of the Kirk Session on whose roll of Communicants his name appears.

### **Pastoral Care**

- (h) At all stages of their training it is the duty of the Presbytery to interest itself in the welfare and progress of those under its supervision who are preparing for the ministry and where practicable interview each such person at least once a year.

#### **Annual Academic Report**

After the close of each academic year (but not later than 14 December each year) the Presbytery's Committee on Candidates and Trials for Licence shall obtain from each candidate under its care, a report on the result of his year's work. After the close of each academic year the Faculty sends to all Presbyteries information concerning the positions in the course of training occupied by all students, and to each Presbytery a confidential report concerning each candidate under the Presbytery's care.

#### **Certificate by Presbytery**

The Presbytery, if it is still satisfied as to the suitability for the ministry of each candidate under its care, forwards a certificate to this effect, together with any comments that the Presbytery deems pertinent, to the Faculty before the thirty-first day of March each year.

### **Termination of Candidature**

- (i) To the Presbytery having oversight belongs the right and responsibility to terminate a candidature, acting in this matter after consultation with or in response to a request from the Committee on Ministries Training or its successor.

### **Order of Deaconesses**

- 6.2 (a) A person seeking acceptance as a candidate for the Order of Deaconesses makes application in the first instance to the Presbytery in which she usually resides. The application shall be accompanied by:
- (i) a certificate from the applicant's Session indicating membership of the Presbyterian Church for at least six (6) months;
  - (ii) a letter of recommendation from the Session of the Congregation to which the applicant belongs; and
  - (iii) a full statement of the applicant's educational background and work positions held.
- (b) The Presbytery, having satisfied itself as to her fitness and that she is a Communicant member of the Presbyterian Church of Australia of at least six months' standing, shall recommend her to the Committee on Ministries Training or its successor. That Committee, after being satisfied that -
- (i) her educational qualifications are such as to be able to commence the course of training; and
  - (ii) the necessary medical certificates are not adverse -
- will admit her to the course of training for the Order of Deaconesses, or direct the candidate to apply for admission to a recognised training college of the Presbyterian Church of Australia.
- (c) After the close of each academic year (but not later than 14 December each year), the Presbytery's Committee on Candidates and Trials for License shall obtain from each Student Deaconess under its care, a report on the result of her year's work. The Presbytery, if it is still satisfied as to the suitability for the Order of Deaconesses of each candidate under its care, forwards a certificate to this effect together with any comment that the Presbytery deems pertinent to the Committee on Ministries Training or its successor, before the thirty-first day of March in each year.

### **Trials for Licence**

- 6.3 (a) When a student for the ministry begins trials for his course of study at the Queensland Theological College or its successor he is required to apply, through the Committee on Ministries Training or its successor, to the Presbytery under whose jurisdiction he is to be taken on trials for licence, and the Committee shall notify the Clerks of the respective Presbyteries accordingly.

- (b) *The Presbytery will prescribe as minimum requirements the following Trials for Licence over a student's course of training in the Queensland Theological College or its successor, as follows:*
- (i) *As part of the report from Faculty outlined in Rule 6.1(h), the Presbytery will receive a copy of the FES supervisor's report from their student placement.*
  - (ii) *During each of the first three years of the student's candidacy, members of Presbytery will observe the Candidate either (a) pastor an individual; or (b) lead a small group; or (c) lead public worship and preach; this shall be arranged such that at the end of three years (or equivalent) all three of areas (a), (b) and (c) will have been assessed. Where the candidate has an FES appointment in another Presbytery, the student's Presbytery may arrange for the other Presbytery to conduct (a) and (b) on their behalf. In their second and third year, the Candidate will also provide a work of exegesis on the passage used in that teaching context to assist in evaluating how he has worked from exegesis to pastoring and teaching, with reference to the doctrinal position of the Church.*
  - (iii) *In his fourth year of candidacy, members of Presbytery will observe the Candidate lead public worship and preach.*
  - (iv) *Each year of the student's candidacy, Presbytery will select one of the essays submitted by the student to the QTC (recommended units being systematic theology, ethics and those regarding pastoral theology and skills) and request a copy of the essay from the student, accompanied by a reflection (typically 1,000 words) applying the essay to practical issues in the life of the Church with reference to the Westminster Confession of Faith.*

### **Final Year Students**

- (c) The Committee on Ministries Training or its successor shall send to the Clerk of each Presbytery in the State six months prior to the expected date of their licensing, the names of all students in the final year of their course of training and the Presbytery under which they are pursuing their trials for licence, with intimation that, if no objections are received prior to three months before the expected date of their licensing from any of the other Presbyteries by the Presbytery to which the candidate applies for licence, the said Presbytery will proceed further with his trials for licence. If any Presbytery objects, the case must be referred to the State Assembly or its Commission and its instructions therein followed. (COA Min. 11/57)

- (d) When the student has satisfied the requirements of the College Committee at the conclusion of his final academic year, he will furnish the Presbytery with his Exit Certificate. The Presbytery having finally satisfied itself as to his character and fitness as a Candidate for the work of the ministry following favourable Trials for Licence, may proceed to license him as a preacher of the Gospel and appoint a time and place for so doing.

#### **Deaconess Trials**

**6.4** When a candidate for the Order of Deaconesses commences the first year of her course at a recognised training college, the Presbytery which has her spiritual oversight, will set her the following trials, to be completed at a date set during her final year of study:

- (i) An essay dealing with ways of training and encouraging women in the context of the overall work of a local charge, under the supervision of the Session in that Charge; and
- (ii) An essay on doctrine directed toward the application of such in the practical issues of the life and work of the Church.

When the candidate has satisfied the requirements of the Committee on Ministries Training or its successor, she will furnish a certificate of her successful completion of the course to the Presbytery.

The Committee on Ministries Training or its successor shall send to the Clerk of each Presbytery in the State before the first day of June in each year, the names of all Deaconess students in the final year of their course of training, with intimation that, if no objections are received before the first day of September following from any of the other Presbyteries, by the Presbytery which has taken the Deaconess candidate for trials, the said Presbytery shall proceed further with her trials.

If any Presbytery objects, the case must be referred to the State Assembly or its Commission and its instructions therein followed. The Presbytery which has her spiritual oversight, having finally satisfied itself as to her character and fitness as a candidate for the Order of Deaconesses following favourable trials, may proceed to commission her as a Deaconess and shall advise the Committee on Ministry Resourcing that she has completed her training and has been commissioned.

### **Licensing of a Candidate by Presbytery**

- 6.5 (a) When the Presbytery proceeds to license a candidate the Moderator puts to him the prescribed questions. Satisfactory answers having been given to all these questions, the candidate is licensed and subscribes the Formula and the Moderator engages in prayer, and thereafter addresses to him the following declaration: "IN THE NAME OF THE LORD JESUS CHRIST, THE KING AND HEAD OF THE CHURCH, WE DO NOW LICENSE YOU..... TO PREACH THE GOSPEL AND TO EXERCISE YOUR GIFTS AS A PROBATIONER FOR THE HOLY MINISTRY AND WE COMMEND YOU TO THE GRACE OF GOD IN THE DISCHARGE OF ALL YOUR DUTIES AS A PREACHER OF THE GOSPEL". The Moderator and other members of the Presbytery then give him the right hand of fellowship. The Moderator or a Minister appointed for the purpose addresses the Licentiate on the responsibilities he has undertaken, and the service is concluded with prayer. The Clerk furnishes the Licentiate with an extract of his licence (Form X).

### **Appointment of Licentiates**

- (b) (i) Ordinarily, Exit Students, upon being licensed by a Presbytery on completion of their course of training in the Queensland Theological College (or its successors), shall be required to serve the Committee on Ministry Resourcing for up to one year for appointment to such Charges or ministry positions as in the opinion of the Presbytery of the bounds and the Committee on Ministry Resourcing offer good prospects of settlement. A student falling within the ambit of Rule 6.5 (b) (ii) may seek exemption from this requirement provided he serves for up to one year within a ministry of the Presbyterian Church of Queensland or a ministry approved by the Committee on Ministry Resourcing and such exemption must be sought no later than the month of September.
- (ii) Provided that all approaches set forth in (a), (b), (c) and (d) hereunder are made through the Committee on Ministry Resourcing whose Director shall act in a consultative role and take part in any discussions between the Exit Student and any of the bodies referred to in (a), (b), (c), and (d), an Exit Student, at any point not later than the month of September during the final year of his course of study at the Queensland Theological College (or its successors), may be approached by:

- (a) a Congregation through its appointed Session representatives with the view to his undertaking a ministry position within the Congregation subject to appointment by the relevant Presbytery.
  - (b) a Presbytery through its appointed representatives with the view to his undertaking a ministry established by the Presbytery.
  - (c) a Committee of the Presbyterian Church of Queensland through its appointed representatives with the view to his undertaking a ministry established by the Committee in accordance with the mandate authorized by the State Assembly.
  - (d) a ministry approved by the Committee on Ministry Resourcing through its appointed representatives.
- (iii) During this year of appointment, the Appointee, to a ministry position within a Congregation (on the recommendation of the Moderator) or a ministry position established by a Presbytery, may be authorised by the Presbytery to moderate the meetings of a Session and administer the Sacraments. The Licentiate may be invited to attend Session meetings in terms of Rule 3.20.
- (iv) After consultation with the Committee on Ministry Resourcing, an Exit Student or a Licentiate from another State will be permitted to accept a call from the Charge to which he has been appointed or be ordained by the relevant Presbytery at any time during the year he is required to serve under Rule 6.5 (b) (i).
- (v) Students proceeding to post-graduate study may postpone their exit appointments until the completion of studies after consultation with the Faculty and the Committee on Ministry Resourcing.
- (vi) Students going into overseas missions, Presbyterian Inland Mission or into full-time duty as Chaplains with the Defence Forces of the Commonwealth of Australia shall not be called upon for a year's service under the Committee on Ministry Resourcing.
- (vii) Such Exit Students and Licentiates serving under this rule shall be paid stipend and allowances as determined by the Stipends Commission.
- (viii) Exit Students and Licentiates may elect to continue their membership of the Church in the Congregation on whose roll their name appears at the time of licensing, or may elect to

transfer to the Roll of Communicants in the Congregation where they are appointed. Upon ordination, they shall furnish a Disjunction Certificate to the Presbytery, and their membership shall transfer to the Presbytery. See also Rule 3.37 (c). (BB 2011 Min 69.8)

### **Election of Professors and/or full-time Lecturers**

- 6.6 Professors and/or full-time Lecturers in the Queensland Theological College or its successor are elected by the Assembly. If only one person is nominated, a vote "for" or "against" is taken by ballot, and if the majority vote "for" he is declared elected. If there is more than one nomination the vote is taken by ballot (if there be two nominations) or by preferential ballot (if there be more than two) and the person receiving a majority of the votes cast is declared the nominee. A vote "for" or "against" is then taken by ballot and if the majority vote "for", he is declared elected.

### **Induction of Professors and/or full time Lecturers**

- 6.7 When an Ordained Minister or Elder is elected to the office of a Professor and/or full-time Lecturer, the Assembly instructs a Presbytery to induct him to this office and he shall have a seat on that Presbytery so long as he occupies that office.

A Licentiate who has been elected a Professor and/or full-time Lecturer is ordained to the office of the ministry and then inducted. The procedure is similar to that in the Induction of a Minister (see Chapter 7), but in the declaration by the Moderator for the words, "induct you to the pastoral charge of ....." the following are substituted, "induct you to the Chair of ..... in the Queensland Theological College or its successor of The Presbyterian Church of Queensland".

A Professor and/or full-time Lecturer may be transferred to the membership of another Presbytery by a decision of the State Assembly at any time.

### **Removal of Professors and/or full-time Lecturers**

- 6.8 A Professor and/or full-time Lecturer may at any time be removed from his office by the State Assembly if:
- (a) he is deposed from the office of the ministry or eldership;
  - (b) he is declared by the General Assembly or by the State Assembly no longer a Minister or Elder of the Church;
  - (c) after due procedure, initiated in a Presbytery, it is decided by the State Assembly that in its opinion his usefulness has been seriously impaired in any manner whatsoever;
  - (d) a Presbytery proceeds in terms of Rule 4.43 (a), (b), (c), (d), (e).



## CHAPTER 7 - ORDINATION OF LICENTIATES AND INDUCTION OF MINISTERS

### **Signing of Declaration (Form XX)**

- 7.1 Licentiates at their ordination and Ministers at their induction are required to engage to conform to any rules which may from time to time be prescribed by the State Assembly, and every entrant to the ministry of the Church in this State becomes a member of the Superannuation Fund, and subject to the regulations of the fund for the time being excepting those entrants who meet the conditions for exemption that are set out in the regulations, and are members in good standing of another approved fund or funds, and who undertake to maintain unimpaired their interest in the fund or funds with which they are connected.

### **Resignation of Ministers**

- 7.2 Ministers, after their induction, can resign their charges to the Presbytery only, and no resignation is accepted until after careful inquiry into the causes which have led to it, nor until the Congregation has been cited to declare its mind in regard thereto.

### **Edict Issued**

- 7.3 A day and time are appointed for the ordination and induction, and an edict is ordered to be issued in due form, which is publicly announced to the Congregation or Congregations in the Charge, at least eight days, to include two Sundays, previous to the time fixed for the ordination and induction.

### **Edict Called For**

- 7.4 When the Presbytery meets for the ordination and induction at the fixed time and place and has been duly constituted, the edict is called for and returned with certification that it has been properly announced. Objections in terms of the edict are then called for by the Presbytery, and if no objections are offered, or if offered they are not substantiated forthwith, or are judged irrelevant, the service is proceeded with.

### **Act of Ordination and Induction**

- 7.5 After the sermon a brief narration of the steps in connection with the call is given, prepared by the Interim Moderator or other member of Presbytery appointed for the purpose in consultation with the Interim Moderator. The questions appointed by the General Assembly of Australia in connection with such services, are put to the Congregation and to the Licentiate, and these, having been satisfactorily answered, the Licentiate who is to be ordained, kneels, and the Moderator by prayer, with the imposition of hands in which all the Ministers present join, ordains him to the office of the Holy Ministry and inducts him to the Pastoral Charge. Prayer being ended, the Moderator,

addressing the Minister-Elect, says:

**Declaration**

"IN THE NAME OF THE LORD JESUS CHRIST, THE KING AND HEAD OF THE CHURCH, AND BY AUTHORITY OF THIS PRESBYTERY, WE DO HEREBY DECLARE YOU DULY (ORDAINED TO THE OFFICE OF THE HOLY MINISTRY AND) INDUCTED INTO THE PASTORAL CHARGE OF THIS CONGREGATION AND CHARGE AND ENTITLED TO ALL THE RIGHTS AND PRIVILEGES THERETO APPERTAINING, AND IN TOKEN THEREOF WE GIVE YOU THE RIGHT HAND OF FELLOWSHIP."

The Minister then signs the Formula in the presence of the people and the members of Presbytery give him the right hand of fellowship. The Minister and Congregation are then exhorted as to their respective duties, and the Minister takes his seat in Presbytery.

**Act of Induction - Ministers**

- 7.6 In cases of Ministers already ordained, the procedure is the same as in the case of a Licentiate, except that the act of ordination is not repeated and all references thereto in the edict and order of service are omitted.

## CHAPTER 8 - SETTLEMENT OF MINISTERS

### Intimation of Vacancy

- 8.1 When a vacancy occurs in the pastorate of a Calling Charge, the Presbytery at once appoints a Minister to intimate during public worship the vacancy in the charge. It also appoints that Minister, or another, to be Interim Moderator of the Session. Under normal circumstances a Presbytery may not appoint the former Minister (connected with a vacant Congregation) to be the Interim Moderator. When there is likely delay in awaiting a meeting of the Presbytery, the Moderator of Presbytery acts under this rule and reports the action taken to the Presbytery later.

### Interim Moderator Designate

- 8.2 Should Presbytery ascertain that a translation (Rule 8.25) or a resignation (Rule 4.40) is likely to take effect at a considerable interval after the translation or demission has been agreed to by Presbytery, it may appoint one of its Ministers as Interim Moderator Designate, to take initial steps to fill the impending vacancy up to but not including the insertion of a name in a form of call.

The Interim Moderator Designate may, after consultation with the Moderator of the Kirk Session, convene and preside over meetings of the Kirk Session, the Committee of Management, the Congregation and the Selection Committee as in the opinion of the Interim Moderator Designate are necessary for the discharge of his duties, but only business connected with the filling of the impending vacancy may be dealt with at such meetings.

The Interim Moderator Designate enters into the title and full duties and powers of Interim Moderator only as from the date on which the vacancy begins.

### Filling of Vacancy

- 8.3 Unless special grounds exist for delay in filling the vacancy, the Minister intimating it shall, by authority of the Presbytery, call a meeting of the Charge at an early date and not later than six (6) weeks after the date of the Edict of Vacancy to consider the filling of the vacancy.

### Procedure

- 8.4 At this meeting:
- (a) the revised rolls of Communicants and Adherents are submitted by the Session;
  - (b) the Ministry Support Fund Schedule (four [4] copies) fixing stipend, travelling allowance, annual leave, manse (or allowance) and other allowances to the Minister is submitted for approval by the Committee of Management; and

- (c) arrangements satisfactory to the Presbytery and the Finance and Administration Board are made for the payment of arrears of assessments and arrears of stipend to the former Minister.

### **Documents for Presbytery**

8.5 At the next meeting of Presbytery, the Interim Moderator submits:

- (a) an extract minute of the Congregational meeting (Rule 8.4);
- (b) the revised roll of Communicants attested by the Session Clerk;
- (c) the revised roll of Adherents attested by the Session Clerk;
- (d) the Ministry Support Fund Schedule, with a report or minute of the Committee on the Ministry Support Fund thereanent;
- (e) a statement signed by the Treasurer of the Charge of all the financial liabilities of the Congregation, including arrears (if any) to the former Minister, the Committee on Ministry Resourcing and of Assembly and Presbytery assessments; and

### **Ministry Support Fund Schedule**

- (f) (i) Calling Charges: The Ministry Support Fund Schedule (in triplicate) is forwarded immediately after the Congregational meeting to the Committee on Ministry Resourcing. The Call to the Minister cannot be considered by a Presbytery until both the Committee on Ministry Resourcing and the Presbytery have approved the terms of settlement (ie the stipend, travelling expenses, holidays and manse arrangements) and the Presbytery and the Committee on Ministry Resourcing have also approved the Ministry Support Fund Schedule proposal of the Charge for the new settlement. If the Ministry Support Fund Schedule is submitted six months or more after the end of the financial year, the Charge must also forward to the Committee on Ministry Resourcing a financial statement showing the Charge's financial position in terms of income and expenditure from the period of the last audited statement up to a month preceding the date on which the Ministry Support Schedule was approved by the Congregation. The approval of such terms of settlement is subject at all times to automatic amendment by subsequent decisions of the Stipends Commission, and does not require further alteration by the Congregation issuing the Call or the Presbytery which sustains it in the first instance. The approved schedule shall remain in force for a period of six (6) months, after which, if no Call is in process, a new schedule shall be submitted for approval; provided that, if a change affecting 10 percent (10%) or more of the Charge's income or

expenditure occurs in the affairs of the Charge within the six (6) months period then a new schedule shall be submitted for approval.

- (ii) Appointment Charges: The Ministry Support Fund Schedule (in triplicate) shall be prepared in general terms and requirements of Rule 8.5 (f) (i). Both the Presbytery and the Committee on Ministry Resourcing shall approve the financial situation of the proposed appointment and the documents shall not make reference to a Call, but rather to an appointment. The terms and conditions shall be approved in the same way as for a Calling Charge, including the requirement that 60% of the Communicants (BB 2012 Min. 38.5) present and voting shall approve the appointment and the appointee.
- (ii) Without detracting from the recognition of the ordination, induction or appointment of a Minister, Licentiate, or exiting Candidate for the Ministry, arrangements may be made by relevant Presbyteries, in consultation with the particular Charge, for a Minister, Licentiate or exiting Candidate for the Ministry to undertake temporary full-time or part-time supply in a Charge pending their induction into or appointment to that Charge, after the Presbytery has resolved to proceed with the ordination, induction or appointment of that Minister, Licentiate or exiting Candidate for the Ministry into or to that Charge.

(BB 2012 Min. 38.8)

#### **Team Ministries (Rule 4.27)**

- 8.6**
- (a) The Presbytery may establish within a Calling or Appointment Charge a mechanism to call or appoint an additional one or more Ordained Ministers. The Congregation through its Kirk Session shall place before the Presbytery the necessity for the establishment of a Team Ministry, the stipends to be paid to each of the Called or Appointed Ministers and the total financial proposal for the establishment of the Team Ministry.
  - (b) Should the Presbytery accede to the request, it shall appoint an Interim Moderator to preside at all necessary meetings pertaining to the Call or Appointment, who shall be responsible for the issuing of the Edict of Vacancy; thereafter the procedure shall follow an ordinary vacancy.
  - (c) In the event of a vacancy in a Charge in a Team Ministry, the Presbytery and Congregation shall reconsider the whole question of the team arrangement for the future operation of the work.
  - (d) The Presbytery may make appointments to a team within its bounds to carry out specialist ministries; in order to do this, the Presbytery shall be responsible for ensuring the financial viability of such an operation and

also that all those involved in such a ministry are appointed in terms of either a Sustentation Schedule or the requirements of the Committee on Ministry Resourcing.

### **Selection Committee**

- 8.7 Unless the Charge is prepared at this meeting to insert a name in a Call, it shall appoint certain of its members, who, along with the Elders and Managers, shall be a Committee for selecting and submitting to the Charge the names of one or more persons eligible for a Call.

### **Formation of List**

- 8.8 The Selection Committee may form a list of eligible Ministers or Licentiates to be invited, through the Interim Moderator, to preach in the Charge. The Committee may consult with the Director of Ministry Resourcing for information for preparation of the list.

### **Meeting of Charge**

- 8.9 A meeting of the Charge of which intimation is given at least nine days previously, may be held at any time during the hearing of persons invited to preach, and must be held as early as possible after all of them have been heard, or after four such persons have been heard for the purpose of determining whether the Charge is prepared to proceed to a Call.

### **Postponement of Decision**

- 8.10 If the meeting decides not to proceed to Call, it takes such further action as may be deemed advisable. It may appoint a Committee, if one has not previously been appointed, and if there is an existing Committee it may add to its number, or it may resolve to proceed without a Committee.

### **Procedure in Calls - Congregation**

- 8.11 If the meeting determines to proceed to a Call, after an address by the Moderator and prayer, a Form of Call (Form III) is read, and the meeting proceeds to determine the name which is to be inserted in the Call of the Minister or Licentiate of the church (provided the Licentiate has fulfilled the requirements of Rules 6.3(d) and 6.5(b) (i)), or of any Presbyterian Church specified under the Articles of Agreement of the Presbyterian Church of Australia.

### **Voting on the Call**

- 8.12 (a) If there is only one nomination, a vote "for" and "against" is taken by a show of hands but the Moderator may direct, or any three members may claim, that the vote be taken by ballot.
- (b) If there is more than one nomination, the vote is taken by ballot (if there be two nominations) or by preferential ballot (if there be more than two)

and the person receiving a majority of the votes cast is declared the nominee and a vote is then taken on this nomination as in (a).

- (c) The person receiving a majority of votes cast is declared chosen and his name inserted in the Form of Call.
- (d) Thereupon Communicants whose names are on the attested roll are invited to sign the Call and the Moderator attests it as thus subscribed. A Form of Concurrence in the Call (Form III) is prepared, which Adherents are invited to sign, and this also is attested by the Moderator.

### **Commissioners to the Presbytery**

- 8.13** Commissioners not exceeding three in number, of whom one at least should be a member of the Session, are appointed by the meeting to take charge of the Call, and to support it in the Presbytery. Until the Presbytery meets, the Commissioners give opportunity to Communicants and Adherents to sign the Call and the Form of Concurrence, and these signatures are attested by a Commissioner as written in his presence.

In addition to the foregoing, up to three additional Commissioners may be appointed, to be designated Assistant Commissioners, whose task shall be restricted to attesting signatures to the Call and to the Form of Concurrence as being written in their presence.

### **Procedure in Calls - Presbytery**

- 8.14** When the Presbytery has before it a Call from the Congregation of a vacant Charge within its bounds, it first hears the report of the Interim Moderator and the statements of the Commissioners appointed by the Congregation (see Rule 8.13) to prosecute the Call and then proceeds to deal with the Call.

### **Sustaining Call**

- (a) The Presbytery sustains a Call only when it is satisfied that:
  - (i) the terms of the proposed settlement have been approved by the relevant Assembly Committee or Committees; (See Rule 8.4 (b))
  - (ii) all other steps preliminary to the signing of the Call have been carried out in accordance with the requirements of the regulations of the General Assembly for procedure in vacancies;
  - (iii) no improper canvassing for or against a particular candidate has taken place; (Rule 8.16)
  - (iv) the person to whom the Call is addressed is eligible under the rules of the General Assembly governing status and the rules of

- the General Assembly of Australia governing reception of Ministers from other Churches, and he presents satisfactory certificates when such are required;
- (v) the number of signatures of Communicants subscribed is not less than three-fifths of the number of Communicants on the attested roll; (See Rule 8.12.(d) )
  - (vi) all arrears to the former Minister, the Committee on Ministry Resourcing and of Assembly and Presbytery assessments have been paid or provision made for same;
  - (vii) there are no appeals or petitions from persons dissatisfied in respect to the Call, and that such appeals or petitions have been competently disposed of (see Rule 8.15); and
  - (viii) it is for the good of the whole Church.

**Call not sustained -**

- (b) (i) If the Presbytery is not satisfied in respect of any or all of the matters referred to in the preceding rule, or if in its opinion the weight due to objections adduced (see Rule 8.15) is sufficiently great, it may decline to sustain the Call.
- (ii) From this decision, except when it is in opposition to the declared will of the Minister, there is no appeal except by the Minister who is called.
- (iii) When a call is not sustained, the proceedings in the Congregation begin afresh.

**Appeals Relative to Calls**

- 8.15**
- (a) Communicants or Adherents present at the meeting who are procedure in dissatisfied with the Call made, or with the course of reference thereto, have a right to appeal, which is to be intimated at the time.
  - (b) Within three days after the meeting, one copy of the appeal must be forwarded to the Session for immediate transmission to the Clerk of Presbytery and another to the Commissioners appointed to support the Call.
  - (c) Appellants must attend the meeting of Presbytery at which the Call is presented to make their appeal. Where such an appeal has been made, the Presbytery refrains from proceeding to a settlement under a Call until the appeal has been determined. When the appeal is submitted to the Presbytery, the Appellants state their case and the Commissioners are heard in reply. Parties having been heard, the Presbytery adjudicates on the appeal, and any person interested who is dissatisfied with the decision of the Presbytery has the right of appeal to the State Assembly and may take action accordingly.

### **Canvassing Unlawful**

- 8.16 It is unlawful for Ministers or Licentiates either by themselves or through others to canvass for election or to enter into negotiations with any member or members of a Congregation for the procuring of a Call. Should it be made evident to the Presbytery that such action has been taken or knowingly connived at by a Minister or Licentiate, the Call is declared null. In regard to any vacancy, Ministers and Licentiates should correspond with the Interim Moderator or Session Clerk and not with members of the Congregation.

### **Presbytery Submits Name for Call**

- 8.17 When a Charge fails to call a Minister within twelve months from the beginning of a vacancy, the Presbytery may submit the name of a Minister or Licentiate recommended to be inserted in a Call provided such action complies with the provision of Rules 8.11 and 8.21.

### **Notification of Call**

- 8.18 When a Call has been sustained, notice thereof is given forthwith by the Clerk of the Presbytery to the person called, together with a copy of the approved Ministry Support Fund Schedule.

### **Call to Licentiate**

- 8.19 If the person called is a Licentiate eligible for a Call under Rule 6.5(b) he is required to intimate in reply to the notice, his acceptance or non- acceptance of the Call within thirty days. The Presbytery arranges to meet as soon as convenient to receive and deal with such intimation.

### **Certificate of Status Required**

- 8.20 If the Licentiate who accepts the Call is under the jurisdiction of another Presbytery, a certificate of his status from the Clerk of that Presbytery is required to accompany his letter of acceptance (Form IX (B)).

### **Call to a Minister Without Charge**

- 8.21 If the person called is a Minister without a Charge, the procedure is the same as for a Licentiate (Rules 8.19 and 8.20) except that if he be not a Minister of the Presbyterian Church of Australia he is required to have fulfilled all necessary requirements of the Reception of Ministers Committee of the said Church. The Presbytery then takes the necessary steps for his Induction.

### **Call to a Minister of Same Presbytery**

- 8.22 If the Call sustained be to the Minister of a Charge in the same Presbytery, he is cited or, if absent, he is cited by letter from the Clerk to attend a later meeting of the Presbytery at which the Call will be further considered and is supplied with the terms of settlement and the relevant extract minute. At the same time a member of the Presbytery or other Minister or Elder is appointed to summon

the Elders and members to appear for their interests at the meeting of Presbytery, with certification that by failing to appear they will be held as consenting to the translation of their Minister.

When there are several Congregations in a Charge, intimation is made by the Sessions to those Congregations which the person appointed by Presbytery does not visit.

### **Call to a Minister of Another Presbytery**

- 8.23**
- (a) If a person called is a Minister of a Charge of another Presbytery, the Call, after being sustained, is forwarded to that Presbytery together with the certified copies of:
    - (i) the minutes of the Presbytery;
    - (ii) the minutes of the Congregation; and
    - (iii) other documents relating to the Call.
  - (b) On receipt of these documents the Clerk of that Presbytery gives notice thereof to the Minister called, and to his Congregation (Form VI). He also notifies the Presbytery from which the Call has come of the time and the place of the meeting of his Presbytery so that any Commissioners appointed by the Presbytery and the Commissioners appointed by the Charge making the Call may have the opportunity of being present.
  - (c) a meeting of the Charge of the Minister called is held after nine (9) days' notice to consider the matter, and may appoint Commissioners to appear for their interests at the meeting of Presbytery at which the Call is to be considered.
  - (d) When the Call is taken up, parties are heard in the following order:
    - (i) one of the Commissioners of the Charge and one of the members of the Presbytery prosecuting the Call;
    - (ii) two Commissioners from the Charge whose Minister is called; and
    - (iii) one of the parties prosecuting the Call is heard in reply.
  - (e) The Presbytery then decides whether or not the Call is to be presented to the Minister, and if the decision is in the affirmative, the Call is placed in his hands and he is asked to state his mind regarding it by either accepting it or declining it, or by leaving the decision to the Presbytery.
  - (f) The Presbytery then gives its decision and from this decision, except when it is in opposition to the declared will of the Minister, there is no appeal.
  - (g) When the decision is appealed against, the appeal is prosecuted in the same manner as other appeals.

- (h) If the Minister accepts the Call or if the Presbytery decides he should accept the Call, and there is no appeal, the Presbytery resolves to agree to his translation.

### **Call to a Minister Beyond the State**

- 8.24** If a Charge resolves to Call a Minister of a Charge in another Australian State, or of a Presbyterian Church beyond Australia specified in accordance with the Articles of Agreement of the Presbyterian Church of Australia, who still retains his Charge there, the Call, on being sustained, together with the certified relevant extract minutes of the Presbytery is forwarded to the Clerk of the Presbytery of which he is a member, and any Ministers or Acting Elders who are known or believed to be able to attend the meeting of Presbytery at which the Call is to be dealt with, may be appointed to act as representatives of the Presbytery and of the Charge from which the Call proceeds.

If the translation is agreed to, the time for induction is fixed by the Presbytery and proceeds under Rules 7.5 and 7.6.

### **Translation**

- 8.25**
- (a) When a translation is agreed to, the Minister is directed to wait for and obey the instructions of the Presbytery having the oversight of the Charge by whom he has been called, and arrangements are made by that Presbytery for his induction, with all convenient speed.
  - (b) A Minister in such a case is not actually released from one Charge until regularly inducted to the other. Until then he remains responsible for the discharge of his duties and the Charge continues to be responsible for the payment to the Ministry Support Fund.
  - (c) When the Call is to a Charge beyond the State, the Minister is released from his Charge at a date fixed by the Presbytery having jurisdiction over him.
  - (d)
    - (i) A Minister of a Charge cannot be a Candidate for a Call or an appointment unless he has completed three years in his Charge.
    - (ii) A Minister who has less than three years' service in his Charge, including time served in that Charge as a Licentiate, may be a Candidate for a Call or an Appointment provided that the Presbytery which has jurisdiction over him has declared that special circumstances exist to allow his release from his present Charge.
    - (iii) The Presbytery may sustain the Call if evidence is produced, in the form of a certificate from a medical practitioner, that continued residence in the area of the Minister's present Charge is considered to be to the detriment of his health or of

his wife or of any child under his care.

- (iv) Any other circumstances should be considered by the Presbytery only if these are found to be of a special nature.
- (v) The Presbytery shall report the reason for any such translation which it has approved under Rule 8.25(d)(iv) to the next meeting of the General Assembly.

**Ordination or Commission Without Induction or Appointment**

**8.26** A Presbytery may ordain a Licentiate without an induction to a Calling Charge or appointment to an Appointment Charge; or commission a Minister other than to a Calling Charge or an Appointment Charge under the following special circumstances:

- (a) For service in another body in which the Presbyterian Church has a sharing concern and where such service is deemed necessary for the Ordained Ministry and on the recommendation of the Committee on Ministry Resourcing.
- (b) Licentiate serving in a Presbytery appointment under this rule shall be governed by the provisions of Rule 6.5(b)(iv).

## CHAPTER 9 – PROPERTY

### Common Seal

- 9.1 The custody of the Common Seal of The Presbyterian Church of Queensland is entrusted to the Treasurer of the State Assembly, and is not to be used except by the authority of the Moderator, Clerk and Treasurer, or any two of them, and they or such two of them sign every instrument to which the Common Seal is affixed, and their signatures shall be 'prima facie' evidence that the Common Seal has been duly affixed. Directions to sign and seal documents are given by the Finance and Administration Board, or the Property Board, or the State Assembly. Every such signing and sealing is reported to the Finance and Administration Board for recording.

### Land Vested in Corporation

- 9.2 All land gifted to or acquired by a Congregation or Charge, or by a Council, Board or Committee of the State Assembly or by a Presbytery is to be vested in the Corporation of "The Presbyterian Church of Queensland". The Corporation may, when requested, hold lands on behalf of the Presbyterian Church of Australia, or jointly with such other body as may be approved by the Assembly.

However, no such vesting shall take place without the prior approval of the Property Board.

### Purchase, Sale, Mortgage, Lease, Exchange and Other

- 9.3 (a) A Congregation or Charge may, by resolution passed by at least three-fourths of its communicant members personally present at a duly convened Congregational meeting, give direction as to the purchase or sale, mortgage, lease, exchange or other dealing with land of such Congregation or Charge, and the Corporation or Trustees as the case may be, shall carry out all such directions as are approved by the Property Board (or the Church Liaison Officer acting for the Property Board on routine matters) or by the State Assembly; provided always that before the direction given by a Congregation or Charge for the purchase or sale, mortgage, lease, exchange or other dealing with land shall become effective, the approval of the Presbytery shall be obtained, and provided further that neither the Corporation nor any Trustee, in carrying out such direction, is bound to enter into any personal covenant or to incur any other liability thereby

### Property remaining within Corporation of PCQ.

- (b) In a division of a Charge where the property remains within the Corporation of The Presbyterian Church of Queensland, this rule does not apply; but should it be found that voting is appropriate, it will require

only a simple majority. (See Rule 4.29.)

**Indemnities**

- 9.4 Whenever, in the opinion of the Property Board, the amount to be raised by mortgage on any property for a Congregation or Charge exceeds three-fifths of the value of such property, the Property Board, or the State Assembly, before authorising such mortgage to be executed, may require an instrument to be executed by a number of the communicant members of the Congregation or Charge, indemnifying the Corporation against all liability under such mortgage.

**Prior Consent**

- 9.5 Any Board, Council or Committee of the State Assembly or a Presbytery may not purchase, sell, lease or mortgage any freehold or leasehold property as an investment for the funds of the Church without the prior consent of the Property Board.

**Corporation Borrowing**

- 9.6 The Corporation of The Presbyterian Church of Queensland may from time to time borrow such sums of money, at such rates of interest, and upon such terms and conditions, and upon such security as the Finance and Administration Board or the State Assembly may from time to time determine. When the security is a mortgage of land the approval of the Property Board must first be obtained.

(BB 2012 Min. 38.3)

## CHAPTER 10 - TRUSTEES

### Lands

- 10.1 All lands hitherto acquired by Congregations, if not vested in the Corporation, are vested in Trustees upon the following trusts:

"In trust for The Presbyterian Church of Queensland subject to the rules for the time being of that church with power to the trustees to sell, lease, mortgage, exchange, and otherwise deal with the said lands or any part thereof, in accordance with such rules."

### Bequests

- 10.2 All bequests to the Church or to Congregations of moneys, shares or other investments under a Will, as a trust for religious and/or charitable purposes, are vested in the Corporation or in Trustees appointed by the local Congregation, upon the following trusts:

"In trust for The Presbyterian Church of Queensland or the relevant congregation or charge which benefits under the Will, whichever is applicable, subject to the rules for the time being of the Church with power to the trustees to sell, exchange, or otherwise deal with the said bequest or any part thereof in accordance with such rules."

### Qualifications

- 10.3 Subject to the provisions of any special Act of Parliament, or instrument applicable to any particular lands or bequests of moneys, shares or other investments, the following rules apply to all lands, moneys, shares or investments:

### Number

- (a) The number of Trustees is not less than three or more than seven.

### Eligibility

- (b) A Trustee must be a Communicant or Adherent of the relevant Congregation or Charge of which he is a Trustee and be of the full age of twenty-one years.

### Appointment

- (c) Trustees are nominated by the Congregation or Charge, and appointed by the Presbytery. The appointment of a Trustee is not confirmed by the Presbytery until he has signed (in triplicate) a Declaration of Trust (Form XXIII).

### **Vacancies**

- (d) For the purpose of nominating Trustees to fill up a vacancy in the trusteeship, a congregational meeting is convened and the number of persons required, are nominated by such meeting, to the Presbytery, for appointment. Vacancies are to be filled within six (6) months.

### **Liability**

- 10.4 The Trustees acting or purporting to act in pursuance of such directions as are approved may give valid receipts for all moneys received by them, and such receipts absolutely discharge the person paying the moneys from seeing to the application of the same, and from all liability as to the misapplication or non-application thereof, and are conclusive evidence that the sale, transfer, mortgage, lease, or other dealing or that the sale, exchange, transfer or other investment transaction has been duly carried out in pursuance of these rules.

### **Conveyance to Corporation**

- 10.5 The majority of the Members and Adherents of the Congregation or Charge personally present at a duly convened meeting may direct the Trustees to convey the land used by such Congregation or Charge to the Corporation, and the Trustees conform to such direction. The land is not conveyed to the Corporation without such direction.

### **Trustees: How Removed**

- 10.6 Any Trustee may be removed by resolution of the Presbytery on any of the following grounds:
  - (a) That he has been called upon to resign by a resolution of a majority of the Members and Adherents of the Congregation or Charge personally present at a duly convened meeting and has refused or neglected to resign within the time mentioned therein. Such resolution must be approved by the Presbytery.
  - (b) That he has ceased to be a Member or Adherent of the Congregation or Charge.
  - (c) That he has refused to exercise or execute any of the powers and authorities reposed in him as Trustee, when lawfully required so to do.
  - (d) That he has disobeyed, neglected, or refused to carry out in connection with his trust, any order, instruction or decision of the State Assembly or of the Presbytery.
  - (e) That he has been declared by the State Assembly to have been guilty of conduct unbecoming a Trustee.

### **Resignations**

- 10.7 Any Trustee may, in writing, addressed to the Presbytery, resign his trust.





## CHAPTER 11 - THE STIPENDS COMMISSION

### Commission

- 11.1 The Assembly shall appoint a Commission called the Stipends Commission.

### Membership

- 11.2 The Stipends Commission shall consist of nine (9) elected members, one of whom may be appointed by the Assembly as the Chairman, but none of whom shall be a Minister, Licentiate, Accredited Ministry Worker or Deaconess. One of these members shall be the wife of a full-time Minister or Accredited Ministry Worker who is, herself, not in full-time employment. The wife of the Director of Ministry Resourcing and the wife of the Clerk of Assembly are not eligible for appointment. The Clerk of Assembly and the Director of Ministry Resourcing shall be 'ex officio' members. All members of the Commission must be members in good standing of The Presbyterian Church of Queensland.

### Chairman

- 11.3 If the Assembly does not appoint a Chairman, the Commission shall appoint a Chairman from among its members.

### Appointment

- 11.4 The Commission shall be elected by the State Assembly every three (3) years.

### Quorum

- 11.5 Five (5) members shall be a quorum.

### Vacancies

- 11.6 Casual vacancies will be filled either by the Assembly or by a Commission of Assembly.

### Meetings

- 11.7 Meetings shall be held as required but at the least annually. Special meetings must be convened if requested by three or more members.

### Report

- 11.8 The Commission shall report each year to the Assembly.

### Authority

- 11.9 (a) (i) The Commission shall have authority to determine minimum rates and variations in stipends (including EPFB) and ministry allowance.
- (ii) The Commission shall have authority to investigate and report to the Assembly on annual leave and other determinations which may be handed down from time to time by the Arbitration

Commission or similar body.

- (b) In making such determinations, the Commission shall take into consideration:
  - (i) the reasonable financial needs of ministers, Theological Hall Professors, Assembly Appointees who are Ordained Ministers, Accredited Ministry Workers, Licentiates and Deaconesses; and
  - (ii) the capacity of the Church (as well as the capacity of the individual Charge) to pay.
- (c) In making such determinations in accordance with (b) above, the Commission shall have regard to movements in the Consumer Price Index or similar indices. Stipends and allowances will be reviewed, but not necessarily adjusted, twice a year.
- (d)
  - (i) All Communicants, Elders, Ministers, Licentiates, Accredited Ministry Workers, Deaconesses, Committees of Management, Kirk Sessions and Presbyteries shall have direct access to the Stipends Commission by communication.
  - (ii) No matter delegated to the Commission by the Assembly shall be dealt with by the Assembly itself, unless it has first of all been referred to the Stipends Commission at least one month prior to the Assembly.
  - (iii) This will not preclude the Assembly giving the Commission instructions on which to operate from time to time.

## **CHAPTER 12 - THE APPOINTMENT OF REPRESENTATIVES BY THE STATE ASSEMBLY**

- 12.1** The Assembly may appoint representatives to bodies other than those deemed to be a body particularly accountable to the State Assembly, such as the Assembly's Standing and Special Committees and its Ad Hoc Committees, some or all of which may be governed by Assembly approved regulations and/or Constitutions.
- 12.2** The Assembly may also appoint representatives to bodies other than those referred to in clause 1, such bodies to fall into (but not exclusively) the following categories:
- (a) Bodies owned entirely by the State Assembly through its Corporation and operated and administered by a separate Board, Council, under a specific Constitution; such body could be responsible for the operation of a business on behalf of the Assembly.
  - (b) Bodies that are separate to the Presbyterian Church of Queensland but in which the Presbyterian Church of Queensland through its Corporation has 100% ownership or has a majority ownership of the body concerned.
  - (c) Bodies that are separately incorporated operations to which the Presbyterian Church of Queensland is one exclusively, or along with another Church or Churches, has the authority to appoint the governing body of the organisation.
  - (d) Bodies that are separately incorporated and which the Presbyterian Church of Queensland, along with any other Church or Churches, through the Constitution, Rules, Regulations, etc, of the particular body, gives to the Presbyterian Church of Queensland the right to appoint representatives to the body concerned.
- 12.3** The Assembly shall receive from these bodies referred to in clause 12.2 (a), (b), (c) an annual report of the business and the financial implications of the body.
- 12.4** Where deemed appropriate by either the Assembly or its Commission, either the bodies referred to in clause 12.2 (a), (b) and (c) may be requested to provide ongoing reporting or financial statements or the Assembly or its Commission may seek to meet with those members directly appointed by the Assembly to the body concerned, to enable the Assembly or its Commission to be aware of what is occurring in the body concerned.

**12.5** In relation to the Appointees in clause 12.2 (d), the Assembly or its Commission may seek to meet with its representatives to gain a first-hand understanding of the work being carried out for which an appointment has been made.

**12.6** In all the type of appointments classified in clause 2, it is to be recognised that appointees have responsibility:

- (i) to ensure the best interest of the body concerned is followed; and
- (ii) the integrity and the financial responsibility of the body concerned is protected.

In accepting an appointment, Appointees agree, as a precedent condition, to report on their activities in the body as requested by Assembly or its Commission, subject to issues of confidentiality.

(COA Min 06/133)

## CHAPTER 13 - GENERAL RULES

### Courts of Church

- 13.1 Courts of the Church, in addition to carrying out the provisions of rules specific to each Court, are required to observe such of the following general rules as may be applicable at any time to their proceedings, which rules shall be read in the light of the Standing Orders.

### MEETINGS AND OFFICE BEARERS

#### Moderator

- 13.2 Every Court is presided over by a Moderator who, except in the case of the Kirk Session, is elected by the Court from its own members; and the Court has the right to prescribe the procedure by which he is elected, provided that such procedure does not interfere with free election.

#### Moderator - Duties of

- 13.3 At all meetings of the Court, the Moderator –
- (a) presides;
  - (b) sees that the meeting is properly constituted;
  - (c) causes good order to be kept in the conduct of its business;
  - (d) disallows motions which he judges to be in conflict with the law of the Church, irrelevant, offensive or otherwise incompetent;
  - (e) protects the rights of each member of the Court and rules on points of order;
  - (f) announces decisions, administers censures and admonitions, conveys felicitations and instructs parties at the bar;
  - (g) calls upon members to state their views, cast their votes or discharge any duties which may have been assigned to them;
  - (h) vacates the chair when an inferior Court of which he is a member is at the bar, or, except in the case of the Moderator of a Kirk Session, when he is or wishes to become a party to a case or to speak to a matter before the Court, and returns to the chair when the matter is disposed of;
  - (i) makes any decision to pause in the proceedings of a Court to engage in special devotional exercises.

#### Dissent

- 13.4 A Moderator, although he has no deliberative vote, may also record his dissent.

#### Clerk

- 13.5 Every Court has a Clerk or Clerks who are usually, but not necessarily,

members of the Court. (See Rule 3.5 for exception.)

**Clerk - Duties of**

**13.6** The Clerk –

- (a) keeps an accurate roll of the Court;
- (b) receives, examines, records and reports to the Court all documents, papers or communications addressed to it;
- (c) keeps accurate minutes of the proceedings of the Court and, with the authority of the Court, supplies properly attested extracts therefrom to those entitled to them;
- (d) takes care of the books, papers and records of the Court as it directs and produces them when the Court requires them;
- (e) carries out such other duties and enters into such correspondence on behalf of the Court as it may direct or the rules, regulations or directions of a superior Court require.

**Clerk - Relationship to other Courts**

- 13.7** The Clerk of a superior Court is required to vacate his table while a lower Court of which he is a member is at the bar. It is to the Clerk of the lower Court that the superior Court gives its orders for the bringing up of records for its inspection and it holds him answerable for neglect.

**Declaration "de fideli"**

- 13.8** The Clerk makes the declaration "de fideli" on taking up office. In his absence another is appointed "pro tempore" and he also makes 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".

**Term of Office**

- 13.9** A Clerk is appointed for a specified time, or during the pleasure of the Court. When it is not otherwise recorded, the appointment is during the pleasure of the Court.

**Meetings Convened**

- 13.10** Except where otherwise expressly provided, a Court can be convened only by its Moderator or by order of a superior Court. Any notice given by the Clerk calling a meeting of the Court must bear the words "by order of the Moderator".

**Constitute**

- 13.11** Meetings of Church Courts, Congregations, and Committees are constituted or are opened, and closed with prayer, and both facts must be minuted.

### **Business of Court**

- 13.12 (a) In all meetings of Presbyteries and Sessions the items of business to be taken up are fixed at the commencement of the meeting and no item to which exception is taken by three members may be discussed until the next ordinary meeting, or until a meeting called for the purpose of considering the matter to which exception has been taken unless notice of the intention to have it brought forward has been given at a previous meeting, or unless it arises, necessarily, out of the business of a previous meeting, or is included in the notice calling the meeting.
- (b) Where it is necessary under the rules of the Church to deliver documents or give notice, it is sufficient to transmit such documents or give such notice by electronic mail, unless:
- (i) the rules of the Church provide that personal service or service by registered mail or its equivalent is required; or
  - (ii) members or recipients do not have electronic mailing facilities.
- (c) Meetings of Session, Presbytery and Committees of the State Assembly may be conducted by teleconferencing, webcasting or other similar means provided:
- (i) Authority has been previously given to conduct the meeting by this means, or
  - (ii) The meeting is deemed to be urgent, and the Moderator and Clerk (or Convener in the case of a Committee of the State Assembly) resolves that it is appropriate to proceed in this manner.

### **Agenda**

- 13.13 The recommended order of business in Kirk Sessions, Committees of Management, Congregational meetings and Committees of the Church, shall be as contained in Rule 4.20 in so far as applicable.

### **Open or Private**

- 13.14 All Courts other than the Kirk Session are presumed to be open, unless in proceeding in any particular matter a Court resolves to sit in private, when all persons other than members or officers of the Court and cited parties to a particular matter under discussion are excluded. In deciding whether to sit in private or not, a Court considers the interests of the Church and the necessity to guard its Ministers and Members from Charges which may prove to be ill-founded, and to uphold the reputation of the Church in general (see SO 67).

### **When Decision Operative**

- 13.15 A decision of a lower Court becomes operative from the time it is made or is

ordered to take effect, notwithstanding that the minute of the decision has not yet been confirmed. The decisions of the General Assembly, unless otherwise ordered, take effect immediately upon the dissolution of the Assembly.

#### **Minutes - Form**

- 13.16** Every Court and Committee of the Church keeps accurate minutes of its proceedings. Minutes should be a statement of fact only and should always include:
- (a) the circumstances of the meetings, whether by appointment, pursuant to adjournment, "unforeseen meetings" or "special purpose meetings", and the place, date and time thereof;
  - (b) the fact of the constitution or opening of the meeting with prayer;
  - (c) the names of members present, and the names of members for whose absence apologies were received and sustained;
  - (d) all decisions of the Court including the decision to disapprove;
  - (e) the appointment of the next meeting if such needs to be made; and
  - (f) the fact that the meeting was closed with prayer.

#### **Framing of Minutes**

- 13.17** Every Court frames its minutes in common form as far as that is possible, and the Clerk
- (a) takes down draft minutes afterwards to be engrossed and either read to the Court or circulated among members of the Court before the question of the confirmation of the minutes is put; or
  - (b) in grave or urgent matters or in formal process of discipline or when extracts are likely to be required immediately, frames all its minutes or any particular minute as the business proceeds in order that the minutes may be confirmed at once;
  - (c) in the case of the final sederunt of the General Assembly before its dissolution, follows the procedure indicated in (b) or submits the engrossed minutes to a Commission appointed to scrutinise and confirm them.

#### **Confirmation of Minutes**

- 13.18**
- (a) When a Court has been constituted, the minutes of a previous ordinary meeting and of any special meetings are read or taken as read if circulated to all members (and, if necessary, corrected) and confirmed. They are then signed by the presiding Moderator and the Clerk.
  - (b) Any alteration is noted in the margin and initialled by the Moderator and the Clerk.
  - (c) The correction of a minute does not imply any power to alter the acts or

decision of the meeting; the only question is the correctness of the minute as a true account of what was done.

#### **Deletions from Confirmed Minutes**

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

#### **Correct Recording of Minutes**

- 13.20 Every Court sees that its minutes are correctly recorded without blottings or interlinings and that -
- (a) if words be struck out, the number of them or of the lines is noted in the margin and signed by the Clerk; clerical errors only being initialled by the Clerk;
  - (b) if words be inserted, they are written in the margin and signed by the Moderator and the Clerk;
  - (c) no blank spaces such as would give opportunity for unauthorised insertions are left;
  - (d) no records are deleted without the authority of the superior Court;
  - (e) an index of subjects is made in the margin; and
  - (f) nothing is allowed in recording of its minutes which would permit a doubt of the authenticity of the record.

#### **Pages Numbered and Initialled**

- 13.21 When minutes are typewritten and pasted in, or when loose-leaf books are used, the pages and minutes must be numbered consecutively, and each page initialled by the Moderator and the Clerk.

#### **Extracts**

- 13.22 A Court may grant full extracts of its minutes relevant to any case to a party thereto who "craves extracts" (see SO 13). A Court may also grant copies attested by the Clerk as true of any papers held "in retentis" in relation to the case.

But in every case a Court exercises caution in granting extracts in matters affecting private interest only, in case such extracts may be required merely for the purpose of a civil action. A Court is entitled to fix a charge for the making of extracts.

#### **Previous Question**

- 13.23 (a) The "Previous Question" may be moved at any stage in debate after the motion has been moved and seconded, but not by anyone who has

- spoken to the main question or to an amendment thereupon.
- (b) The "Previous Question" shall be moved and seconded without debate and shall forthwith be put to the vote.
  - (c) The "Previous Question" cannot be moved in a Committee of the House or in a Select Committee.
  - (d) The "Previous Question" refers only to the matter before the House; that is, a particular clause in a deliverance or notice of motion.
  - (e) Before the "Previous Question" is voted upon it is necessary for the Moderator to explain its meaning carefully to the House.
  - (f) The carrying of the "Previous Question" shall mean that the Court does not consider it expedient to discuss further, or to give a deliverance on, the matter before the House; and the effect shall be that the Court forthwith departs from that matter and takes up the next item.
  - (g) The negating of the "Previous Question" shall not preclude its being moved again during the debate.

## PETITIONS

### Petitions

- 13.24** (A) A petition is a written and signed request in approved form made to a Court and usually relating only to the affairs of the petitioners. Any Communicant or Adherent of the church has access to the Session, the Presbytery or the State Assembly by petition. He has direct access to the Session of the Charge to which he belongs, but a petition to the Presbytery or to the State Assembly requires to be presented first to the Session with a request for its transmission. The petition shall have respect to:
- (i) any matter of general importance within the jurisdiction of the Court petitioned; or
  - (ii) any matter concerning the rights, powers or privileges of the petitioner.
- (B) A Session or Presbytery may petition a superior Court of the Church if it cannot otherwise conveniently deal with a matter before it.

- (C) A petition should be in the form (as nearly as the circumstances of the case permit) set out in the schedule and must contain a concise statement of the subject matter of petition and the relief or remedy sought.
- (D) It is the duty of the Clerk of the Court to which the petition is presented to give whatever assistance is reasonably practicable to the petitioners in the preparation and presentation of the petition.
- (E) A Court may decline to receive a petition if the contents thereof are scandalous or irrelevant.
- (F) Any person outside the fellowship of the church may petition the Assembly by first presenting the petition to a Presbytery or one of the Boards or Standing Committees of the Assembly and requesting that Presbytery, Board or Standing Committee to forward the petition to the Assembly.
- (G) A petitioner whose petition is not acceded to may appeal in accordance with the rules relating to appeals.
- (H) When a petition affects the interests of other people, the petitioner must supply these people with, in reasonable time, and by personal delivery or registered mail or its equivalent,
  - (a) a copy of the petition;
  - (b) written notice of the time and place of the meeting of the Court at which he has asked or will ask that the petition be heard.

The petitioner must inform the Clerk of the Court that he has complied with, or substantially complied with, this rule. The Court may not receive the petition until it is satisfied that the petitioner has complied with, or substantially complied with, this rule. (BB 2005, Min. 100.8)
- (I) The steps in hearing a petition are as follows:
  - (i) The document will be read or taken as read.
  - (ii) The Court will determine if the petition is frivolous, vexatious, scandalous or irrelevant.
  - (iii) The Court will determine whether the petition affects the interests of other people and if the petitioner has fulfilled his or her responsibility to these people in accordance with Rule 11.24 (I).
  - (iv) The Court will determine whether it will receive the petition, and whether it is prudent for the remainder to be heard at a subsequent sederunt.
  - (v) The Moderator will call the petitioner to the Bar of the House.

- (vi) The petitioner will present the case.
- (vii) The Moderator will call for questions to be answered by the petitioner.
- (viii) The petitioner will be removed from the Bar of the House.
- (ix) The Court will decide whether the petitioner may hear the discussion of the case.
- (x) The Court will discuss the merits of the petition.
- (xi) The Court will decide whether to grant the prayer of the petition.
- (xii) The Court, if it decides to grant the prayer of the petition, will move a motion concerning the action to be taken.
- (xiii) The Court, if it decides not to grant the prayer of the petition, will move a motion to dismiss the petition.
- (xiv) The Moderator will advise the petitioner of the decision taken.

## OVERTURES

### Overtures

- 13.25** (A) The rules of the Church may only be enacted, amended or repealed (whether wholly or in part) by overture. However, the Code and Legal Reference Committee shall have the power to amend the rules of the Church when the amendment is of a minor nature, and/or necessary for consistency in the rules, because of:
- (i) typographical error;
  - (ii) change in literary convention;
  - (iii) oversight in amending every reference to a matter within the Code;
  - (iv) amendment to another document referred to within the Code.
- (B) (a) An overture is a formal written proposal presented to the Assembly in the form (as nearly as the circumstances of the case permit) set out in the schedule hereto. It is a proposal for the enactment, amendment or repeal of a rule of the Church, or for the interpretation or declaration of any of the rules of the Church.
- (b) An overture must state clearly the rule it is proposed to repeal or amend, and when an overture proposes to amend or enact a rule, the proposed enactment or amendment must be set out in full.
- (c) Every overture must contain a concise statement of the grounds upon which the proposal is based.
- (d) Every overture must be accompanied by a report from the Code

and Legal Reference Committee.

- (C) An overture may be presented by:
  - (a) a Session, or
  - (b) a Presbytery, or
  - (c) a Committee of the Assembly, or
  - (d) any two members of the Assembly.
- (D) In any case where an overture is proposed by a Session, Presbytery or Committee of Assembly, that Session, Presbytery or Committee of Assembly as the case may be, shall appoint no more than two of its members to argue its case for the overture.
- (E) No Court of the Church inferior to the Assembly may resolve to present an overture unless notice of its terms is given -
  - (a) at a previous ordinary meeting of the Court, or
  - (b) by notice in writing sent to all members thereof not less than seven days prior to the meeting at which the resolution is passed.
- (F) An overture presented by or at the instigation of the Assembly itself may not be considered at the same sederunt at which it is presented.
- (G)
  - (a) Subject to sub-rule (c), an overture shall not have any force or effect until it has been received and sustained by the Assembly and remitted without any alteration whatsoever for consideration by the Presbyteries and Sessions of the Church and received the assent of not less than three-fifths of the Presbyteries and three-fifths of the Sessions.
  - (b) If the subject matter of any overture is concerned with matters of finance or property then it must be remitted without any alteration for consideration by the Committees of Management of the Church as well as the Presbyteries and Sessions and shall not have any force or effect until it has received the assent of not less than three-fifths of the Presbyteries, three-fifths of the Sessions and three-fifths of the Committees of Management.
  - (c) If an overture is sustained by the Assembly, it may be declared by the Assembly to have interim force and effect until the next annual session of the Assembly but no longer.
  - (d) Any Session or Committee of Management failing to lodge a return to remit by the due date shall be deemed to have acquiesced in the remit.

- (H) (a) In any case where it is provided that regulations of the Church or Constitutions of Corporations or unincorporated associations in respect of which the Assembly has jurisdiction may be amended or repealed by overture, then the provisions of the rules in this chapter apply as though the reference therein to the "Rules of the Church" were a reference to the Constitution of the Corporation or the unincorporated association or regulation as the case may be.
- (b) In any case where it is provided that a Constitution of a Corporation or an unincorporated association in respect of which the Assembly has jurisdiction may be amended or repealed by overture, then, in addition to the bodies listed in Rule 13.24 (C) hereof, an overture may be proposed by any two members of the governing body of the Corporation or unincorporated association.

## **REFERENCES**

### **References**

- 13.26 (A) A reference is a document (containing the facts of a case) which is stated and referred by resolution of an inferior Court for the opinion, advice, direction or judgment of its superior Court.

### **Kind of Cases Referred**

- (B) A Court refers a matter to its superior Court when it is in doubt as to the correct procedure of the law of the Church in relation thereto, but it may refer other matters only for sufficient cause. Cases of particular difficulty or delicacy, the decision on which may establish an important precedent or on which the members of a Court are much divided, in opinion or on which, for any reason, it is desirable that a larger body should first decide, are proper subjects for reference.

### **Evasion of Responsibility**

- (C) A Court may not state a reference merely to evade its proper and ordinary responsibility, and in any such case the superior Court declines to enter into the substance of the reference and directs the inferior Court to deal with the matter.

### **Effect of Referring the Case**

- (D) The reference of a case either simpliciter or otherwise to a superior Court temporarily stops procedure in the inferior Court until the superior Court has given its decision.

### **How Transmitted**

- (E) 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 parties in the case, they must be cited by the Court referring that they may appear for their interests.
- (F) A reference, when it is taken up, is stated by one or at most two members of the Session or Presbytery from which it has come, and who have been appointed for the purpose. No question on a point of form or order can be raised, except by the Moderator, until the reference has been stated but it may thereafter be resolved not to receive the reference on the ground that it is irregular or frivolous.

If it is deemed that the reasons stated for the reference are sufficient, the reference is sustained and the Commissioners are heard thereon, and the matter discussed on its merits. If the reference is not sustained, the matter is sent back with instructions or may be disposed of otherwise as is deemed proper.

### **How Presented**

- (G) A reference does not place the inferior Court at the Bar, but only such of its members as, not being members of the superior Court, may have been appointed by the lower Court to present and state the reference. In all such cases the members of the lower Court retain their right both to deliberate and vote.

In representing and stating a reference, it is necessary to show what the case is and why it has been referred.

### **Disapproved but not taken up**

- (H) A Court may find that there was not sufficient ground for referring the case, and that the lower court should have addressed itself to the adjudication of the same; but, considering the hardship of delay to any person having a direct interest in the matter, it may proceed with the case.

### **Cost of Printing**

- (I) A lower court is required to pay the cost of printing a reference transmitted therefrom unless the superior court otherwise decides.

## DISSATISFACTION

### Dissatisfaction

- 13.27 A party at the bar of a court, whether or not a member thereof, may appeal against its decision to the superior court but cannot dissent or complain. A member of a court, other than a party at its bar, if dissatisfied with its decision on a matter on which he has voted with the minority may, if the conditions set out under "Dissent" and "Complaint" in the rules following are fulfilled, enter his dissent (with or without reasons) or, alternatively, he may dissent and complain to the superior court.

## DISSENT

### Right of Dissent

- 13.28 (A) (a) Any member of a court, other than a party at its bar, is entitled to have his dissent recorded in respect of a decision against which he has voted, provided such a decision-
- (i) has been made after a show of hands "for" and "against", or a division;
  - (ii) is not a resolution of the "committee of the whole";
  - (iii) is not a decision on an amendment or part of a case.
- (b) The dissent shall be given in when the decision is announced, and shall not be against carrying out an instruction of a superior court.

### Effect of Dissent

- (B) A member of a court who dissents from a decision relieves himself from responsibility for the decision and its consequences and protects himself from censure on account of it; but he is still under obligation to comply with the decision itself unless or until it is reversed or altered.

### Adherence to Dissent

- (C) When a member of a court has entered his dissent, it is competent for other members to signify their adherence to such dissent, and to have their names recorded as dissentients but only if they were present and voted with the minority.

### Reasons for Dissent

- (D) Reasons for dissent need not be given. However, when a member is entering his dissent he may also, at the same time, give in brief reasons which are not a discussion of the subject, but serve to state and justify his position as dissentient, and these are recorded without comment or

debate provided they are not disrespectful to the court or injurious to a party or involve a breach of privilege. (See SO 84, 85, 86).

## **APPEAL**

### **Appeals**

- 13.29 (A) An appeal is a signed document containing the grounds of objection to a decision of a Court or a Committee and is designed to bring that decision under review of a superior Court.

### **Right of Appeal**

- (B) All decisions of a Session, Committee of Management, or of a Congregational meeting may be appealed against to the Presbytery and decisions of a Presbytery and Assembly Committees may be appealed against to the State Assembly, except in cases in which an appeal is specifically forbidden by a definite rule.
- (C) The right of appeal may be exercised by any member dissatisfied with the decision, by parties in a case, or by petitioners, and may be concurred in by other members; but no member can appeal unless he has voted relative to the decision appealed from and recorded his dissent.

### **Notice of Appeal**

- (D) Any party appealing must either give in his appeal at the time the decision appealed against is announced to him or else at that time state that he intends to appeal and a lower Court must inform any parties at its Bar of this requirement when judgment is given.

### **Procedure on Notice of Appeal**

- (E) When notice of appeal is given, the Clerk or Secretary shall immediately copy the decision in duplicate in the form of an extract minute, and the Court or Committee shall forthwith confirm the minutes which shall be signed by both Moderator and Clerk, or Chairman and Secretary, and one copy shall be handed to the appellant.

## **DISSENT AND COMPLAINT**

### **Complaint Defined**

- 13.30 (A) A dissent and complaint (also referred to herein as a 'complaint') is a signed document given in by a member of a Court who neither is nor was at its bar in a case before the Court; it contains his reasons for dissenting and complaining against a decision of the Court on which he

has voted in the minority and is designed to bring that decision under review of a superior Court.

- (B) Separate reasons for dissent are not given in. The members says, "I dissent and protest for leave to complain", and the complaint is either given in at that time or within the period hereinafter provided.
- (C) When any individual or individuals:
  - (a) have been obstructed in the exercise of their right to appeal from an inferior Court by that Court; or
  - (b) are aggrieved by the actions or decisions of an inferior Court but have no right of appeal.

they may present in writing to a superior Court a complaint.

This right of complaint shall stand irrespective of whether the person would ordinarily be entitled to such a complaint in terms of 13.30(A).

### **APPEAL, DISSENT AND COMPLAINT - GENERAL**

#### **When Appeal or Complaint Made**

**13.31** Reasons of appeal or complaint maybe such as these:

- (a) irregularity in the proceedings of the Court;
- (b) refusal of reasonable indulgence to a party in the conduct of the case;
- (c) reception of irrelevant evidence;
- (d) refusal to receive relevant evidence;
- (e) mistake or injustice in the judgment;
- (f) undue haste in proceeding to judgment;
- (g) judgment against evidence or the weight of evidence; or
- (h) denial of natural justice.

#### **Effect**

**13.32** Unless, where otherwise expressly provided, an appeal stays procedure and the decision appealed against is not to be acted on until the appeal is determined.

**13.33** An appeal against a decision on a part of the case or on a point of procedure does not prevent consideration of the whole matter, and or maturing it for a final decision. If no appeal is taken against the final decision on the whole matter all appeals taken during the proceedings fall.

### **Respondents**

- 13.34 Upon receiving intimation of an appeal or a complaint against one of its decisions, the Court appoints two of its members to act as respondents and to defend its decision in the superior Court.
- 13.35 When an appeal is taken against the decision of a lower Court, Committee or Congregational meeting, two members of the body are appointed to act as respondents and defend its judgment. The appellant or complainant and the respondents have alone a right to speak on the case in the superior Court. (See SO 92.)

### **Proper Form**

- 13.36 A Court may decline to receive a disrespectful or improper appeal or complaint, but it grants, through its Clerk, advice as to drawing up a document in proper form.

### **Right to Proceed**

- 13.37 If an inferior Court against whose decision an appeal or a complaint has been taken considers the action of the appellant or complainant frivolous or vexatious, it may proceed without regard to the appeal or complaint, but it does so at its own risk, the rights of appellants and complainants being always reserved.

### **Time Limits**

- 13.38 Members who appeal crave extracts from minutes and documents which are granted on terms that may be fixed, and all reasons of appeal have to be lodged with the Clerk within ten days, or else the appeal is held to be fallen from.

### **Papers Transmitted**

- 13.39 It is the responsibility of a Court or Committee to transmit to its superior Court any appeal or complaint which it has received against one of its own decisions together with all records and documents connected therewith, but the appellant or complainant should satisfy himself that all documents necessary have been transmitted.

### **Documents Allowed**

- 13.40 No document shall be read or appear among the papers in an appeal, complaint, petition or reference unless it was before the Court of first instance or was offered to it and rejected.

### **Printing Costs**

- 13.41 In appeals, complaints, petitions, etc., the expense of printing or copying is, in the first instance, borne by the appellant, complainant, petitioner, etc, and by

the party losing when the case is finally decided, unless remitted or distributed by the Assembly. (See SO 97.)

### **Parties at the Bar**

- 13.42** When an appeal is being heard, the appellants and respondents are at the Bar and speak when called upon by the Moderator. If the appeal is against a decision of a Session, or a Presbytery, the members of the Session or Presbytery concerned do not vote on the issue. This includes those persons who may become members of the Session or Presbytery after the appeal was made.

### **Arguments**

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

### **Documents**

- 13.44** 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.

### **Procedure**

- 13.45** In dealing with an appeal or a complaint transmitted for its judgment, a Court -
- (a) calls the parties (ie appellants or complainants and the respondent Court) to its Bar;
  - (b) hears read the record of the case in the lower Court, and relative documents;
  - (c) hears the appellants or complainants or, if there are more than two, their representatives to a number it determines;
  - (d) hears the respondents appointed by the lower 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 judgment, parties shall be recalled to the Bar by the Moderator, who shall then announce to them the decision or judgment of the Court.

### **Sustained or Dismissed**

- 13.46** Appeals and complaints are either sustained or dismissed, but in either case the decision appealed against is modified or altered, if necessary, as may be

found expedient.

### **Sustained**

**13.47** Appeals or complaints are sustained

- (a) because the decision is disapproved; or
- (b) because of irregularities or informalities in the procedure.

The sustaining of an appeal or complaint on the ground of irregularities or informalities does not necessitate the reversal of the decision appealed against, unless it is considered that substantial injustice has been done to the appellant through such irregularities; yet, in consequence of irregularities and without entering on the merits of the decision appealed against, or pronouncing a judgment in regard to it, the matter may be sent back with instructions to have it taken up "de novo", and disposed of in accordance with the laws of the Church.

### **Dismissed**

**13.48** Appeals or complaints are dismissed if the Court finds the decision of the lower Court to have been reasonable upon the information before that Court, and its procedure not to have been such as to prejudice the right determination of the case.

When an Appeal or Complaint is dismissed, the decision of the lower Court stands affirmed. Dismissal on the ground of incompetency is not permissible without the appellant or complainant being heard in respect thereof.

### **Decision Announced**

**13.49** When the Court has reached a decision, parties are recalled to the Bar and the decision is announced to them.

### **Withdrawal**

**13.50** An appellant or a complainant may withdraw his appeal or complaint at any time and, having formed the intention of withdrawing, he ought to do so without delay.

When an appeal or a complaint is not proceeded with, a member of the Court whose decision was appealed or complained against, or a party, should take protestation in the superior Court that the appeal or complaint has been fallen from, and that the decision of the lower Court has become final, and should crave extracts. This protestation, after being recorded in the minutes, is supplied by the Clerk as an extract minute.

### **Failure to Appear**

**13.51** If an appellant or complainant fails to appear at the Bar at the time appointed, he is held to have fallen from his appeal or complaint unless the Court, for due cause shown, otherwise orders.

Where sickness is relied upon as the reason for failure to appear, a medical certificate must be produced.

### **Death of Appellant**

- 13.52 In the event of the death of an appellant, the appellate Court may allow his representatives or a member of the Court authorised in that behalf, to appear in the interests of the good name or the estate of the appellant, should such matters be involved in the appeal.

## **CITATIONS**

### **Citation**

- 13.53 (A) Citation is an official act of a Court authoritatively and distinctly calling those cited to be present at a particular place and time for a specified purpose.

### **Who is Cited**

- (B) A Court cites a party to appear in his own interests in any particular case pending before it, and may also cite any person or Court or body who is within its jurisdiction and who may be affected by its decision thereon, or whose evidence or presence it desires.

### **Method of Citation**

- (C) If a Court decides to cite a person who is present in the Court, it he be cited by written citation in the prescribed form (see Form XXIV) delivered to him by an officer or deputed member of the Court either into his hands or to his usual or last known place of abode or sent by registered post to that address.

If a Court decides to cite a lower Court, Congregation or other body, it directs that the citation be by edict in the prescribed form read by a person appointed by the Court at the regularly appointed time and place of meeting of the Court or body to be cited.

### **Proof of Citation**

- (D) Proof of service of citation shall be made to the Court by certificate in the prescribed form (see Form XXIV) of the officer or deputed members of the Court who served the citation or by official receipt of postal registration.

### **Effect of Citation**

- (E) Citation protects a Court from a charge of failing to give a party an opportunity to be heard in a matter pending before the Court.

Members of the Church, when duly cited by a Court to appear either as parties or as witnesses are bound to obey the citation; and if, after a second citation, they do not appear or furnish satisfactory reason for non-appearance, they shall be dealt with as contumacious.

When a party fails to appear after two citations, the Court is free to determine the matter without further reference to the person cited, except where otherwise provided.

## **COURTS**

### **Relations Between Courts**

- 13.54** A lower Court does not interfere with or review the proceedings of a Court of equal standing. It may endeavour to put any matter right by friendly representation. If this is ineffectual, the Court which feels aggrieved may ask, through a higher Court, for information relative to the alleged action of the other Court.

### **Formulation of Charge**

- 13.55** If any charge founded on such information is brought against a lower Court, it has to be definitely formulated and committed to writing, and the defendant Court requires to have an opportunity of meeting and appointing respondents to defend its action, before the charge is taken up by the higher Court.

### **Procedure**

- 13.56** The charge, as thus formulated, is dealt with in the same manner as an appeal, the members of the lower Courts concerned having no right to vote or to take part in the deliberation except as appellants and respondents.

### **Incompetent Motions**

- 13.57** A motion which violates a law of the Church or the decision of a superior Court, or infringes on the privileges of a Court is incompetent.

### **Instructions to Parties**

- 13.58** It is the duty of the lower Court, when requested to do so, or when it thinks it necessary, to instruct parties on the relevant rules and forms of procedure, through the Clerk, who shall give whatever assistance is reasonable, to the parties, in the preparation of their cases.

### **A Party Not To Vote**

- 13.59** A member of a Court is not entitled to deliberate or vote in a case in which he is a party or in which he is a candidate for an office.

### **Parties Hear Deliberations**

- 13.60** When parties are removed from the Bar, it is at the discretion of the Court

whether they shall hear the deliberation on their case.

### **Petition to Re-open Case**

- 13.61 When a member of any Court has entered a dissent against a decision, he may also petition to have the matter re-opened if he can produce new evidence materially bearing on it, or if he can show to the satisfaction of the Court that the rules of procedure have been so violated or departed from as to involve substantial injustice. Due notice has to be given of such a petition and of the grounds on which it is based. Petitions to re- open a matter, without sufficient grounds, may be dismissed as frivolous and vexatious.

### **References and Appeals to Presbyteries**

- 13.62 All references for advice from and all appeals against the proceedings and decisions of Sessions, and Committees of Management, or of until they have been so submitted and dealt with, they cannot be forwarded to the State Assembly. All appeals, or references, not presented within the specified time are liable to be held as fallen from; but appeals or references may be presented afterwards, provided sufficient cause can be shown why they were not lodged at the time specified.

### **Documents Not Received**

- 13.63 Every Court is entitled to protect itself from evident insolence and contumacy, and outside parties from unnecessary injury, and may refuse to receive any documents which commit such offences.

### **Distribution of Papers Forbidden**

- 13.64 Parties in any case are forbidden to distribute papers bearing on the case to the members of the Court before which the case comes.

### **Canvassing**

- 13.65 Canvassing on the part of a candidate for an office or appointment disqualifies him for the office.

### **Associate**

- 13.66 When a member of one Court is present at the meeting of a Court of an equal standing or lower Court, he may be associated unless when a judicial process is before the Court.

### **Assessors**

- 13.67 (a) Any Court may apply to its superior Court for Assessors to be appointed to sit with it to assist with any particular matter, and any Court may, at its discretion, appoint Assessors to sit with a lower Court to render such assistance notwithstanding that no request for such Assessors may have been made.

- (b) Unless otherwise expressly provided in the law of the Church, or by the superior Court when appointing him, an Assessor, during his period of duty, enjoys the full rights, powers and privileges or membership in the Court to which he is appointed, except that in any superior Court of which he is a member, he may take no part in any proceedings resulting from an appeal or a dissent and complaint originating in the Court in which he is an Assessor, and if that Court is at the Bar of a superior Court, he will likewise be at its Bar.
- (c) It is the duty of Assessors appointed for a particular task, when that task is completed, to inform the appointing Court, which thereupon discharges them.

### **Commissions**

- 13.68** (a) A Court may, from time to time, appoint Commissions from among its own members, unless otherwise provided for, to discharge particular business and grant to such Commissions such of its own powers as are necessary to discharge the duties prescribed, except that in certain matters a Presbytery may not act through a Commission (see Rule 5.13).

### **Committees**

- (b) A Court may also appoint any necessary Committees, consisting of persons within its jurisdiction, and may remit to these Committees such duties as it sees fit.

Commissions and Committees (which term includes Boards and Councils) of lower Courts report upon their proceedings to the Court which appointed them; those appointed by a General Assembly report to the next General Assembly unless otherwise directed.

- (c) A Commission appointed by a Court may not itself appoint a Commission, but unless precluded by the terms of its appointment, it may appoint a Committee or Committees to perform specified duties, for whose actions, however, it remains responsible and which it may set aside or vary.

### **Visitors to Inquire**

- 13.69** Every Court has power to send forth visitors to inquire into and report upon any matter within its jurisdiction.

### **Counsel or Church Adviser**

- 13.70** Except as may be otherwise expressly provided, a Court decides whether or not a party may appear by or have the assistance of counsel or a church adviser in any particular process pending before it, but it may allow the

appearance of counsel or a church adviser only if he is a Communicant of The Presbyterian Church of Queensland.

### **DENOMINATIONAL ACTIVITIES**

#### **Gambling**

- 13.71** All forms of gambling on premises which are the property of the Church or in connection with any functions held for the church or by any Committee or organisation thereof are hereby expressly forbidden.

#### **Amusements**

- 13.72** While the Church recognises the liberty of Christians in matters not expressly forbidden by the Word of God, her Ministers, Office Bearers and people are enjoined to discourage all forms of amusement which are injurious to the moral and spiritual life, either in themselves or in their associations. They are also enjoined not to permit questionable forms of amusement to be used as a means of raising money for Church purposes.
- 13.73** Since all leaders of the church take part in decision making involving children and young people up to the age of 18, it is mandatory that all ministers and serving elders and managers of the church together with any others involved in decision making involving children and young people up to age of 18 shall hold a current Positive Notice Blue Card (or any subsequent updating of that document). Amend all other related rules by inserting a reference to Rule 13.73.

Note that the Commission of Assembly (Min 15/35 30 September 2015) approved the following statement for administrative purposes with respect to this rule:

*“However exemption shall be granted provided it can be clearly established that there is no specific or ongoing ministry involved within the charge in relation to persons under the age of 18.”*



## CHAPTER 14 - APPEALS COMMISSION

- 14.1** There shall be an Appeals Commission of the State Assembly which shall have power to deal with appeals and complaints to the State Assembly and petitions which deal with matters which would normally be dealt with by appeal.
- 14.2** The composition of the Commission shall be made up of:  
The Moderator, Moderator Elect, Deputy Clerk and Presbytery Clerks; however, a Presbytery may resolve to appoint another of its members in lieu of its Clerk for any particular meeting of the Commission.
- 14.3** The Clerk of Assembly and Treasurer shall not be members of the Commission, but shall be available to the Commission as Trustee advisors upon the request of the Commission.
- 14.4** The Clerk of Assembly shall serve as Secretary to the Commission.
- 14.5** Provisions for the recusing of members of the Appeals Commission to uphold the principle of procedural fairness shall be as follows:  
Moderator – the past Moderator or a past Moderator appointed by the Commission.  
Moderator Elect - the past Moderator or a past Moderator appointed by the Commission.  
Deputy Clerk - the Clerk or a member of the Pastoral Care Committee appointed by the Commission.  
Presbytery Clerks – a member of the Presbytery or a member of the Pastoral Care Committee appointed by the Commission.
- 14.6** Should the Deputy Clerk recuse himself in order to uphold the principle of procedural fairness, the Clerk may confer upon the Deputy Clerk the responsibilities of Secretary of the Commission, including the responsibility to record its proceedings.
- 14.7** The Commission shall first receive a report from the Pastoral Care Committee of the State Assembly before hearing an appeal, complaint or petition.
- 14.8** The Commission shall follow the Rules and Forms of Procedure of the Presbyterian Church of Queensland, particularly those related to appeals, complaints and petitions, and the Standing Orders of the Presbyterian Church of Queensland when hearing any appeal, complaint or petition.

- 14.9** In particular, the Commission shall hear from both the appellant or complainant and respondent, and both parties shall be at the bar of the House, in accordance with the Rules and Forms of Procedure of the Presbyterian Church of Queensland and the Standing Orders of the Presbyterian Church of Queensland.
- 14.10** The appellant, complainant or respondent shall have the right to appeal any decision of the Appeals Commission to the next State Assembly. Any appeal from the Appeals Commission to the State Assembly shall be heard in accordance with the Rules and Forms of Procedure of the Presbyterian Church of Queensland and the Standing Orders of the Presbyterian Church of Queensland.

(COA Minute 12/66)