

GUIDELINES

(updated March 2018)

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All Assembly decisions are operative until they are superseded or replaced by another decision. A decision of Assembly may be preserved in the Code

in the form of a Guideline if so decided by the Assembly. Such a Guideline in terms of its content is operative until the Assembly departs from it in any way it deems fitting. Guidelines are not subject to Barrier Act Procedure or any requirements which relate to regulations and constitutions.

GUIDELINE 201 AMALGAMATION OF CHARGES SEE RULE 4.30

The Presbytery may take the following guidelines into consideration when reaching the decision to amalgamate:

1. Presbytery shall appoint a Minister and two Elders from outside the Charges to oversee the necessary meetings required.
2. A combined statement of proposed income and expenditure for the proposed amalgamated Charge shall be submitted to the Presbytery and the Committee on Ministry Resourcing for approval.
3. If the Presbytery and the Committee on Ministry Resourcing approve the proposed budget, the budget will be approved by the Congregation after the amalgamation has taken place.
4.
 - (i) The Minister appointed shall issue an edict to the various Congregations to be read with at least 8 days' (to include two Sundays) notice and this edict will clearly state the purpose for which the meetings are called.
 - (ii) The duly called Congregational meetings may be held as a combined meeting provided the voting on amalgamation of the Charges is separately counted.
5. All Communicants and Adherents will be entitled to vote.
6. The vote will be taken by secret ballot.
7. A majority of three-quarters of Communicants and three-quarters of Adherents, present and voting, will be sufficient to declare the vote carried.
8. The Minister appointed will declare the vote, and report to the Presbytery.
9. Following the report, the Presbytery may:
 - (i) Declare the existing boundaries of the Charges amalgamating to be the boundaries of the new Charge.
 - (ii) Declare the name of the new Charge.
 - (iii) Declare the existing Ministers as the Ministers of the new Charge.
 - (iv) Name the senior colleague.
 - (v) Declare a non-Ordained Minister who is already serving as an Assistant to be the Assistant in the new Charge subject to the approval of the Charge.
 - (vi) Declare existing terms of Call as the terms of Call for each Minister.
 - (vii) Declare all Elders from the existing Sessions to be the Session of the new Charge.
 - (viii) Declare all Managers of the existing Committees of Management to be the Committee of Management for the new Charge.
 - (ix) Declare all Communicants of the existing Charges as forming the

Communicant Roll of the new Charge.

- (x) Declare all Adherents of the existing Charges form the Adherents' Roll or the new Charge.
- (xi) Declare that all debts of the existing Charges shall become the responsibility of the new Charge.
- (xii) Declare all liquid assets, including cash, investments, stocks and shares, of the existing Charges the responsibility of the new Committee of Management.
- (xiii) Declare that all real property held by the existing Charges be held by the new Committee of Management on behalf of the Presbyterian Church of Queensland.
- (xiv) Declare the date when the Charge formed by the amalgamation, shall become operative.
- (xv) Arrange a service of unification.

GUIDELINE 202

ASSEMBLY APPOINTEES AND ASSEMBLY OFFICE BEARERS

(A) ASSEMBLY OFFICERS

- (i) The Moderator, Clerk, Treasurer and Deputy Clerk are the Officers of the Assembly and of these officers, all except the Deputy Clerk, are the Officers who form the Body Corporate. They are appointed in terms of Rules 5.7, 5.8, 5.10, 5.11, 5.12, 13.9, SO 8.
- (ii) The Business Convener is appointed in terms of Rule 5.19.
- (iii) With the exception of the Moderator, the positions of Clerk, Treasurer, Deputy Clerk and Business Convener, when vacant, shall be filled EITHER by nominations made by the Commission of Assembly meeting with its full membership (and after the position has been advertised) OR by nominations made to the Assembly.

(B) ASSEMBLY APPOINTEES

- (i) Assembly appointments shall be for a period of 5 years, and may be extended upon the recommendation of the relevant Committee, or apart from the relevant Committee, by a simple majority decision of the House. The Commission of Assembly shall not make or extend such appointments.
- (ii) All proposed appointments shall include the terms of appointment for Assembly approval, and any remuneration package shall be in accord with the determination of the Stipends Commission.
- (iii)
 - (a) The Director of Christian Education, and the Director of Ministry Resourcing (or any subsequent title) shall be recommended by the Joint Committees on Ministry Resourcing and Outreach and Nurture (or their successors).
 - (b) Professors and/or full-time Lecturers at the Queensland Theological College (or its successor) shall be recommended by the Committee on Ministries Training (or its successor) in terms of Rule 6.6, 6.7 and 6.8.
 - (c) The position of General Manager may be excluded from the 5 year term requirement of B (i) above; however, if the appointment is for a fixed term, the terms of appointment shall take into consideration the commercial basis of such appointment. The appointment of General Manager shall be upon the recommendation of the Finance and Administration Board.

(C) GENERAL

- (i) Nominations concerning the appointments of Clerk, Deputy Clerk, Treasurer, Business Convener shall include all nominations submitted by members of the Assembly in proper form.

- (ii) Additional nominations for any Assembly appointment or Assembly Officers may be made from the floor of the Assembly or by notice of motion.
- (iii) Where the Assembly is required to vote in the case of there being two or more nominations, the election shall be carried out by secret preferential ballot, except where the rules of the Church lay down a specific mode of election.

GUIDELINE 203

THE BARRIER ACT 1697 AND EXPLANATION

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

EXPLANATION TO THE BARRIER ACT

Before any change can be made which affects the Constitution of the Church in its doctrine, government, worship, or discipline, a certain procedure must be followed, and the approval of the whole Church must be obtained through the Presbyteries and Kirk Sessions. The General Assembly cannot of itself alone effect such a change.

The procedure is known as the operation of the Barrier Act. This Act which is printed above was passed by the General Assembly of the Church of Scotland in

1697. Its intention was to prevent hasty and ill-considered legislation, which might appear at the moment to be of value, but might prove to be really not in the best interests of the Church.

When the General Assembly approves of a proposal for fresh legislation made in an Overture transmitted to it through the Code and Legal Reference Committee, or prepared by another Committee, according to the Assembly's instructions, it is not permitted to pass the proposal at once into a rule that shall have permanent effect. It can only agree to remit the same in the form of an Overture to the Presbyteries and Kirk Sessions of the Church for their comments.

Each Presbytery and Kirk Session thereafter considers the Overture and gives its comments to the Officer of the Church (the Clerk of Assembly) by the time set by the

Assembly. The Clerk of Assembly then submits the comments to the Code and Legal Reference Committee which carefully considers the comments and revises the Overture as it deems fit.

Thereafter the Code and Legal Reference Committee transmits the revised Overture to the following Assembly or Commission of Assembly. The Overture is then remitted again under Barrier Act procedure to Presbyteries and Kirk Sessions for approval or disapproval.

Each Presbytery and Kirk Session, in giving its opinion, must either approve the Overture simpliciter without alteration or disapprove of it. Any Presbytery or Kirk Session altering the Overture in any way will be held as disapproving of it.

If three-fifths of Presbyteries and Kirk Sessions have approved of the Overture, the General Assembly may pass the Overture and enact the rule of the Church. Alternatively, if three-fifths of the Presbyteries and Kirk Sessions have not approved simpliciter without alteration any Overture, the Assembly may either pass from the subject or retransmit the Overture either in the same form as previously or with alterations. In this case, however, the Assembly has no power to approve a new rule.

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. (Rule 13.25 G (d)).

If an object of an Overture remitted to Presbyteries and Kirk Sessions appears to any General Assembly as of urgent practical importance, it is competent for that Assembly, while transmitting the Overture, to approve it at the same time with interim authority. Such interim authority has effect until the next General Assembly.

GUIDELINE 204
CHURCH POLITY
GLOSSARY OF TERMS

Acquiesce	To give legal assent to a judgment – thereby disqualifying to object.
Ad vitam aut culpam	For life or until fault. Used of tenure of office.
Apud acta	In the proceedings, in presence of the Court.
Attestation	Evidencing or authenticating, by signature of officials or witnesses, with or without relative explanatory words, as the case may be.
Bona fide	In good faith, honestly.
Contumacy	The ecclesiastical offence of contempt of court, stubbornness.
Cum periculo	With awareness of the risk involved.
De fideli (administracione officis)	Of the faithful discharge of duty.
De jure	Of right.
De novo	Anew.
Deposition	(1) Statement of a witness on oath; (2) Judicial removal from office.
Edict	A legally authoritative public intimation.
Ex gratia	From favour – not from right.
Ex officio	From his office – in virtue of the office held.
Extract	A part taken from the minutes of a Court by the authorised official (the legal extractor).
Fama	A scandalous report.
Fama clamosa	A clamorous, scandalous report.
First instance	The Court of the first instance is the Court before which a matter must first be brought.

Formula	A set form of words necessary or prescribed for a certain purpose.
Heresy	Opinion at variance with the doctrine of the Church's standards.
In hunc effectum	For this purpose only.
In retentis	Among things preserved. Used of papers not recorded but kept.
Inter alia	Among other things.
Ipso facto	By the very fact or deed.
Jurisdiction	The authority which a Court has to entertain and decide a case. It flows from the supreme power, from which also comes the right, or the freedom, to exercise it; the voluntary consent of persons to accept certain others for their judges do not give jurisdiction to those others.
Jus devolutum	A right devolved on a party because of its not having been exercised within the appointed time by those having priority.
Nobile officium	There is a species of authority or power admitted to belong to the General Assembly, which is called the <i>nobile officium</i> . In the General Assembly it is without definition or rules of action. But it is in short the power, which would seem naturally and necessarily to belong to a Supreme Court to determine, and order such things as are necessary to be done in a pending case, and for which there is no legal provision. It cannot overrule law but can only supply the want of it when necessary; and it belongs only to the Supreme Court.
Pari passu	With equal pace.
Prima facie	At first sight.
Privilege	Protection from penalty for defamatory statements made without malice in discharge of duty. For example, statements in one's duty to a Court, or in taking part in its business, or in business ordered by it, are privileged.

Pro re nata	For unforeseen business that has arisen.
Pro tempore	For the time.
Sederunt	“They sat”, those of whom the meeting consisted. It is the first word of a Latin sentence, <i>There sat So-and-So</i> .
Seriatim	One by one in succession.
Simpliciter	Simply, neither more nor less.
Sine Die	Without a time appointed, indefinitely.
Sine mora	Without delay.
Sist procedure	To stop in the meantime.
Sub judice	Under the judge, in course of being tried.
Ultra vires	Beyond the legitimate power of a court.

GUIDELINE 206

EDUCATIONAL AIMS

The Presbyterian Church of Queensland declares that the following are its aims in education seen holistically from a Biblical perspective.

1. To lead and nurture students in their knowledge, understanding and experience of the Christian faith:
To lead and nurture students in their knowledge, understanding and experience of the Christian faith, reminding them that God is the Creator of all things and has revealed Himself in creation, and that His will is to be served and glorified throughout the entire creation.
 - (a) This knowledge, understanding and experience is rooted in faith in a sovereign God who reveals himself as Father, Son and Holy Spirit.
 - (b) The authority of this faith is based upon the Bible as infallible, inerrant Word of God written.
 - (c) The core of this faith is seen historically in the living, crucified, risen, reigning Lord Jesus Christ who is God's only provision for salvation.
 - (d) This faith can only be experienced in all of its fullness within the life and fellowship of the body of Christ, the Church.

2. To seek excellence in the provision of quality teaching and learning:
 - (a) All aspects of school life be they academic, cultural, social or religious shall seek to develop in excellence.
 - (b) All of the schools interests and actions shall seek to be in line with a Christian worldview and a Christian ethos.
 - (c) The school shall ever be in a process of learning and shall always seek professional development for all those involved in the teaching process.

3. To provide an environment that offers opportunities for students to grow, extend and enrich their God-given talents:
 - (a) There is a recognition that all of life is a gift of God and all areas of learning are within the sovereign will of God.
 - (b) In the process of teaching students it is acknowledged that academic, social and cultural activities shall be taught and shown to be within the totality of a God honouring ethos.

4. To develop contributing members of future communities through providing rich and diverse experiences of leadership, service, and learning – all within the context of the Gospel message:

- (a) To equip young people to be leaders of the future by using their God-given skills, abilities and talents to lead and influence the world in which they live.
- (b) To do all possible so that students shall in the present and the future be seen as lights in the world and the salt of the earth.

GUIDELINE 207

ISSUING OF PUBLIC STATEMENTS BY SESSIONS AND PRESBYTERIES

Sessions and Presbyteries should consider the following principles when making public statements on issues:

1. The Courts of the Church should normally reflect their place within the polity of the Church when making public statements:
Sessions address local issues;
Presbyteries address regional issues;
State Assemblies address State issues;
The GAA addresses national issues.
2. Sessions and Presbyteries may, with care, make public statements in order to address State and national issues.
3. When addressing State and national issues, Sessions and Presbyteries should:
 - (a) Ascertain whether the GAA or State Assembly has made a declaration on the matter and, if so, shall concur with that declaration;
 - (b) Ascertain whether the Moderator of the State Assembly has made a statement on a matter under Rule 5.13 and, if so, shall concur with that statement.
4. Sessions and Presbyteries may decide to apply a declaration by the Assembly or an official statement of the State Moderator to a particular circumstance.
5. Sessions and Presbyteries may express their own opinion when an Assembly or the State Moderator has not made an official declaration or statement on the matter on behalf of the Church.
6. Sessions and Presbyteries, when expressing their own opinion, should realise that both the PCQ, and they as individual members, are personally responsible and may be liable for any implications which follow from the statement made and therefore extreme caution should be exercised when making comment on sensitive issues.
7. It would be prudent for Sessions and Presbyteries to ensure, before making a public statement, that:
 - (a) they have consulted with the Gospel in Society Today Committee;
 - (c) there are clear scriptural grounds for making such a statement;
 - (d) it is not contrary to the official position of the Church;
 - (e) it is in keeping with the general principles upon which the Church has developed its theological and ethical standards.

GUIDELINE 208 PETITIONS

In the preparation of Petitions, the following steps shall be taken:

1. Determine that petition is the correct way to proceed.
2. Determine which Court of the Church is to be petitioned and the pathway of the petition.
3. Prepare the petition in accordance with Form XVII.
4. Ensure that all material relevant to the petition is included in the WHEREAS clauses.
5. Ensure that the prayer of the petition is within the power of the Court petitioned and is a practical solution to the concern raised in the petition.
6. Determine whether the petition affects the interests of other people and determine who those people are.
7. Meet with the Clerk of the Court to be petitioned to ensure that steps 1-6 have been complied with.
8. Forward a finalised copy of the petition to the Clerk of the Court petitioned and a copy of the petition by registered mail (or its equivalent) to all other people whose interests are affected by the petition.
9. Meet with a Pastoral Care Committee if appointed to meet with them.
10. If there is no Pastoral Care Committee appointed, or if meeting with the Pastoral Care Committee does not lead to a resolution of the concerns raised in the petition, inform the Clerk of the Court petitioned and all other people whose interests are affected by the petition that the petition is proceeding and the time, date and place of the meeting at which the petition will be heard.
11. Meet with the Clerk of the Court petitioned to ensure that steps 7-10 have been complied with.
12. Petition is heard in accordance with Rule 13.24 (J).

GUIDELINE 209

PRESERVATION OF CHARGE RECORDS

PREAMBLE

People are more conscious than they used to be of the need to keep and look after the records of organisations, but church records are still often vulnerable because of lack of knowledge, turnover of voluntary office-bearers, or lack of interest.

Every Charge needs to assume responsibility for ensuring that the records of all its organisations are kept, are stored properly, and give a true picture of its history.

WHAT SHOULD BE KEPT?

(i) Up to 7 years

Each Charge should adopt its own policy, but every organisation would be well advised to keep for 7 years the following:

- Minutes of meetings
- Correspondence
- Ledgers
- Receipts and bank statements
- Periodic financial statements
- Annual reports and financial statements

(ii) After 7 years

Receipts and bank statements can be discarded.

Correspondence should be weeded; only documents of significance, related to people, property, and events, need to be kept. Sorting would best be done by at least two people.

Periodic financial statements may be kept, but if the annual statements are detailed enough, they would be sufficient.

Other records should be preserved.

WHO SHOULD KEEP THE RECORDS?

- (i) Documents up to 7 years old are probably best kept by the office bearers of each organisation - this is a matter for negotiation within the Charge.
- (ii) After 7 years they could be handed over to the Session Clerk or a person appointed as Charge Archivist. Communion Rolls, Baptismal and Marriage Registers are the concern of the Session.

There are other documents and objects of historical importance as well as records of organisation that need preservation; for this reason there is a strong argument for appointing a local Archivist.

WHERE SHOULD RECORDS BE KEPT?

The following criteria should be applied to a storage place:

Somewhere secure - able to be locked up; Weatherproof - well protected from damp;

Fireproof if possible - steel cupboard or trunk;

Free of insects - regularly checked and treated for insect pests;

Preferably not on private property but kept in church vestry or a specially allocated room/area in church hall.

HOW SHOULD THE RECORDS BE KEPT?

- (i) Prepare the documents: Remove metal staples, pins, paper clips etc. Straighten out papers: Remove dog-ears on corners, have as few folds as possible.
- (ii) Organise documents in folders or envelopes. Label according to organisations, type of document, inclusive dates.
- (iii) Make sure all ledgers, minute books and other book-type records are similarly labelled (office bearers need to be instructed about this).
- (iv) Wrap documents in parcels according to some system: years, organisations, etc. Use brown paper and tie with tape. Label clearly.

POLICY OF CENTRAL HISTORICAL RECORDS.

Where a Charge wishes to keep its own records of history, this should be encouraged. It is in fact preferable, as we could not possibly store all the Queensland records in a central place. If there is a danger of loss of records, then it would be better for them to be sent to Brisbane.

We should like eventually to be able to establish as full an information bank as possible in our holdings, especially for baptisms, marriages, and communion rolls but also for early Session minutes. What we should like to do is borrow these registers and minutes books when we are ready to deal with them, film them, and then return them to the Charge.

GUIDELINE 210

REQUIREMENTS FOR MANSES

The Manse

In the design of a manse it is important to recognise that the building will be required to meet two fundamental requirements.

- (a) It will serve as the private residence of the Minister and his family. In this regard it must be:
 - (i) Planned to provide adequate and normal accommodation for an average family;
 - (ii) Convenient in plan layout, oriented to the favourable aspect, economic in construction and maintenance;
 - (iii) So situated as to be in the proximity of other church buildings but far enough away to preserve its function of private home. A separate enclosed site is preferable. The siting of the manse within a general master plan may be of primary importance.
 - (iv) Provided with a kitchen large enough for necessary entertaining;
 - (v) Provided with fences and the like to permit the broadest range of occupants possible;
 - (vi) Provided with security at entrance doors, and windows of inhabitable areas on ground level.

- (b) It will serve as part of the church complex providing facilities for administration of the parish by the Minister. In this regard it should be:
 - (i) Planned to include a study, with access from a front entrance without the need to enter the main part of the house. The study needs to be large enough for interviews. This should have sound and temperature control as is appropriate for the study position and situation of the manse.
 - (ii) Provided with secondary living-type accommodation, large enough to cater for gatherings or meetings related to church activities or for family use while gatherings are being conducted.
 - (iii) So arranged that the use of study and other rooms used for church activities will not unduly interfere with the normal running of the home. Kitchen/bedroom/bathroom access must be independent of entrance/study areas;
 - (iv) Provided with phone extension outlets, bookshelves, built-in fixtures etc. necessary for its dual function of home-administrative centre (intercom from front door is applicable);
 - (v) Soundproofing between family areas and church activities areas.

Essential Accommodation

<u>Bedrooms</u>	Bedroom 1	11m ²	(2.4m of built-in)
	Bedroom 2	10.5m ²	(1.8m of built-in)
	Bedroom 3	10.5m ²	(1.8m of built-in)
	Bedroom 4	10m ²	

<u>Living Areas</u>	Lounge	} May be combined
	Dining	

Work Areas Kitchen - 14m² with 5m of bench space (includes casual eating);
Laundry - ironing, washing machine, tubs, dryer.

Other Services Bathroom - separate shower and bath, 1m vanity bench, mirror, wall cabinet.

WC - separate from bathroom.

Car accommodation - carport or lock-up garage. Linen, storage cupboards 2m x 450mm deep.

Administrative

Facilities Study - 14m² minimum with separate entrance from outside, 7 x 2.5 metres of bookshelves. Study to be air-conditioned.
Secondary living area or rumpus room - 16m² minimum, access to be gained without upsetting privacy of family areas.

Desirable Accommodation

Verandah or open courtyard

Family room off kitchen (kitchen size may be reduced) Workshop area (may be in garage)

Separate shower, WC, basin (may be in one room, locate near rumpus room) Storage area (4.5m² - may be off garage)

Ensuite bathroom and WC (off main bedroom)

Checklist for Manse Buyers

Bearing in mind that the manse has to fulfill two important functions, it is necessary to consider the following items carefully. It will be readily observed that just any house will not suffice as a manse.

Whilst it may not be possible to achieve the ultimate in all categories, it is often possible to carry out modifications to improve various aspects.

Failure to observe these guidelines may result in the Property Board giving an unsatisfactory report.

- Site:
- General geography - does it have good breezes? Does it have a pleasant aspect? Will it be hot in summer?
 - Is it wet, soggy?
 - Are fences in good condition?
 - Is car access good?
 - Visitors' cars - can they park safely?
 - Is it noisy?

- Location:
- it easily accessible by public transportation?
 - Is it within walking distance of church?

- Appearance:
- Is it pleasant?
 - Is it inviting?

Standard of Building:

- Is it in good condition generally?
- Roof – is it in good condition?
- Gutters, downpipes – are they in good condition?
- External paving – is it in good condition?
- Paint work - is it in good condition?

General Design:

- Are rooms generally sufficient in size?
- Is study accessible from front porch so as to not disadvantage the manse family?
- Is study soundproof, of adequate height?
- Are bedrooms adjacent to bathrooms?
- Can family use a private space, e.g. rumpus, family type room?
- Can the premises be maintained easily?

Fittings:

- Floor coverings - are they clean? Are they in good condition?
- Blinds and curtains - are they necessary for privacy?

GUIDELINE 211

ST ANDREW'S MISSION FUND

St Andrew's War Memorial Hospital was a hospital to whose Board governors were appointed solely by the Presbyterian Church of Queensland. Following the establishment of the Uniting Church in 1977, both Churches had the power to appoint governors. It became evident that for the hospital to remain viable, an injection of substantial capital would be required. The Uniting Church indicated that it was prepared to inject that capital and continue to support the hospital whilst the Presbyterian Church resolved not to continue its support of the hospital and desired to apply the funds which would have been available on dissolution to other purposes. As a consequence, in 1999, the Presbyterian and Uniting Churches reached an agreement to amend the Constitution to enable the Uniting Church to have the sole power to appoint to the St Andrew's Board. The Supreme Court of Queensland made a cy pres order which allowed funds (\$9.4M) from St Andrew's Hospital to be applied to PresCare. Upon a decision of the State Assembly, PresCare applied those funds toward the acquisition of the interests of the Presbyterian Church's Department for Social Mission. The St Andrew's Mission Fund was established out of those funds.

The following are the Guidelines for the administration of the Fund:

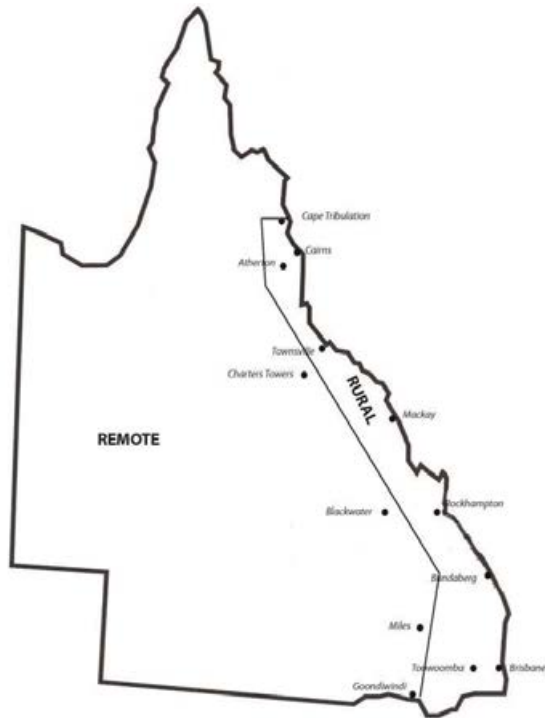
- (i) The Church acknowledges the provision of Almighty God of these funds and will strive to be a good steward of these resources to benefit the Statewide Church and bring glory to His Holy Name.
- (ii) In considering applications for grants, loans and ministry projects, the Assembly or its Commission will take into account the benefits that any grant of funding or loan will make to the overall ministry of the Presbyterian Church of Queensland.
- (iii) The State Assembly or its Commission will, after a report from any other body or person it deems prudent to consult, determine the outcome of applications.
- (iv) Applications should be fully documented to demonstrate the merits of the application.
- (v) If loans are made from the fund, the terms and interest rates will be determined by the Finance and Administration Board to ensure the real value of the loan does not become eroded.
- (vi) Each year, the Finance and Administration Board will report to the State Assembly on the state of the fund, while the Commission of Assembly will report on the ministry projects that have been beneficiaries.
- (vii) The Finance and Administration Board should ensure these guidelines are reviewed from time to time to ensure they remain realistic in the light of changing circumstances and bring to the State Assembly any recommended variations.

GUIDELINE 212

STATEMENT ON GROW 21

Repealed by 2011 Assembly. BB 2011 Minute 115.4.

GUIDELINE 213 STIPEND ZONES MAP (1 JANUARY 2012)



Zone	Description
Urban	All locations in the local government areas of Gold Coast, Scenic Rim, Logan, Redlands, Brisbane, Ipswich, Moreton Bay, Sunshine Coast and Noosa.
Provincial	The provincial centres of Cairns, Townsville, Mackay, Rockhampton and Toowoomba.
Rural	The area to the east of the line defining the remote zone, excluding the areas described as defining the urban and provincial zone.
Remote	All that area of Queensland north of latitude 16° and west of a line from the junction of longitude 145° and latitude 16° to the junction of longitude 145° and latitude 18° to the junction of longitude 150°30' and latitude 25° then directly south to the border along longitude 150°30'.

**GUIDELINE 214
THE PRESCARE PHILOSOPHY**

Repealed by 2014 Assembly. BB 2014 Minute 121.19.

GUIDELINE 215
GOVERNING RULE 2.10 AND RULE 2.10A

- a. No one person shall be encouraged, rostered or ordinarily permitted to be the regular person to transfer offerings from the place where they are collected to the place where the offering is counted.
- b. No two people shall be encouraged, rostered or ordinarily permitted to count the offering on a sequence of weeks or count the offering together on a sequence of occasions.
- c. The Committee shall prepare a summary sheet of the offering particulars to be completed and to accompany the offering when banked.
- d. No person shall be encouraged, rostered or ordinarily permitted to be the person to bank the offering when they have participated in the counting of the offering.
- e. Offerings are not to be held on church or private property for any longer than absolutely necessary and the banking of the offering shall be a high priority for the person designated with that task.
- f. The Committee shall ensure that a minimum of two Committee members, in addition to the Treasurer, shall have access to bank statements to ensure that monies banked correlate with offerings recorded in the Worshiping Offering Book.
- g. Married couples or close relatives shall not be encouraged, rostered or ordinarily permitted, to count the offering together or to be the signatories on any particular cheque.

GUIDELINE 216

CONFLICT OF INTEREST – WHAT YOU NEED TO KNOW

Conflicts of Interest at Common Law

The highest formulation of the rule against conflicts of interest is that a person “...is not allowed to put himself in a position where his interest and his duty conflict”.¹ The fundamental rule of equity is said to be that a person acting in a fiduciary capacity must not make a profit out of his trust which is part of the wider rule that a trustee must not place himself in a position where his duty and his interest may conflict.²

This strict interpretation is not generally applied because the courts take a more practical approach to conflicts of interest in a commercial setting. The fundamental issue that arises for members of boards and committees is whether, in fact, there is any conflict of interest in duty even applying the most strict formulation of the rule.

A conflict of interest does not arise simply because a person is “interested”. A conflict arises when one has a personal, usually pecuniary, interest in the outcome of a decision. It arises in particular when one will profit personally from involvement in a decision or activity. The following examples are offered merely to assist committee members to understand conflicts. It is issued for general guidance only and should not be taken as formal legal advice. Anyone who is doubtful about conflicts in any given circumstance should contact the Code and Legal Reference Committee for an opinion.

Examples

The examples below are provided to illustrate situations where some might think a conflict of interest arises, but one does not. In the great majority of cases when a person is serving on boards for the Presbyterian Church of Queensland there will be no conflict in serving on another board. If there is any question of a conflict of interest it should be raised with the entirety of the Board so that the Board can consider the question.

Example 1

Remembering that a body like PresCare and the PCQ are one corporation, the fact that a trustee serves on the Board of PresCare, the Finance and Administration Board and the Commission of Assembly, will not necessarily create a conflict. A conflict may arise if a person has a personal interest which they seek to exercise, such as obtaining a contract with the organisation for services. They would not need to be excused from a meeting where they did not have a personal interest. This means that the member would have the right to debate and vote even on issues which affected another of the organisations on whose board they sat.

¹ *Bray v Ford* [1896] AC 44 at 51.

² *Boardman v Phipps* [1967] 2 AC 46 at 123.

Example 2

A lecturer at the Theological College may serve on the faculty and also as a member of the Committee on Ministries Training. Unless he had a personal interest in a debate, such as his own position, he would not be required to absent himself from meetings which debate other issues in either of these bodies. This would also be true where he was a member of another committee such as the Commission of Assembly or the Finance and Administration Board.

Example 3

There are some officers of the church, such as the Director of Ministry Resourcing/Director of Christian Education, who have a seat on their respective committees. Often those committees will ask for approvals of financial issues from the Finance and Administration Board or they may even be asking for approvals from the Commission of Assembly. The Director/Administration Manager could be involved at both the Standing Committee level and the Finance and Administration Board and/or the Commission of Assembly. The officer concerned has no personal involvement and therefore would not need to excuse himself from consideration of that issue. The committee or office may benefit, but he, as an individual would not have any personal interest.

Example 4

When a person's position is being considered in relation to an appointment or a call, that person must absent themselves from the debate and the decision making process. This is because he has a personal interest in the outcome of the decision. A person who has supported or acted as a referee for the person being considered has no personal interest and so is entitled to remain and participate in the decision making process.

Example 5

A person may have a relative employed within one area of the church while he or she is serving as a member of the board or committee supervising that area of the Church. It would be essential for him or her to declare his or her interest. It would be practical for that person not to participate in the actual debate process, but he is not obliged to leave the meeting in that circumstance. It is a matter for each individual whether they feel it would be better for them to leave the room or not. It is important to realise that if a person leaves the meeting of his or her own volition, he or she will not have the ability to appeal that decision if the vote is taken in his or her absence. The only way he or she can appeal any process would be by taking part in the actual vote. There will be occasions where a person may wish to have inserted in the minutes the fact that he did not vote on an issue. This is a form of protection if it is thought that there is a personal interest involved.

Example 6

An officer of the church may be a member of several of committees and courts which are required to review, approve or concur with decisions of other committees and courts of which they are also a member. Unless the officer has a personal interest in the decision being reviewed, there would be no conflict of interest which arose in the circumstances because the member would gain no personal benefit from either the initial approval or the outcome of the subsequent review approval or concurrence.

Dealing with a Conflict

Once a conflict of interest has been established, it should be declared by the committee member immediately at the meeting in which he or she is participating. When the conflict of interest has been declared, the committee member involved should either:

- leave the room while discussion continues or until the matter being discussed is resolved; or
- cease to participate in the discussion and not vote on the issue at hand.

The fact that the conflict of interest has been raised, discussed and determined; and the committee member involved has either left the room or refrained from participating in the discussion or decision should be recorded in the minutes of that meeting. The time of the committee member's leaving and re-entering the room or refraining from and then re-joining the meeting's procedure should also be entered into the minutes.

(COA 13/53)

GUIDELINE 217
APPOINTMENTS TO EMMANUEL COLLEGE, GRACE COLLEGE
AND PMSA

Rules 5.51 and 12.2(c) outline the principles concerning the Assembly's appointments to other constitutional bodies where no reference to any process is contained in the constitution.

This guideline outlines a process in which the Assembly deems the method by which appointments shall be made to the bodies referred to in the title and any other new bodies which shall fall under Rule 12.2(c).

- (a) Nominations for an appointment or for the continuation of appointment ordinarily are brought before the Assembly in the report of the body concerned and in a clause in that bodies' deliverance to the Assembly.
- (b) Other nominations may be advised to the Board or Council or Body concerned in order for them to report to the Assembly on the proposed nomination. The Board's nomination is contained in the deliverance, however, any member of the Assembly may move an amendment to change that nomination. Since the alternate nomination has been advised to the body concerned it should report on that alternate nomination/s. The Assembly shall then make a decision.
- (c) Should an alternate nomination to that of the body concerned be brought direct to the Assembly both of the nominations shall be forwarded back to the body concerned for that body to report thereon to the Assembly.
- (d) Should it not be possible to deal with the process in clause (c) above at that Assembly the report shall be remitted to the Commission of Assembly which shall make the decision.

GUIDELINE 218

ASSEMBLY PAPERS, OTHER DOCUMENTS AND PRIVILEGE

1. In normal practice material to come before the Assembly should do so in terms of Rule 5.9(b)(i) and Rule 5.20.
2. Should a body anticipate that some matters may not be completed in terms of clause 1 then reference to the matter should be made in the report to the Assembly and the matter dealt with in an Assembly Paper. If questioned by any member of the House the Assembly shall determine whether Commissioners have had sufficient time to deal with the Assembly Paper and it shall be dealt with at a time in keeping with the Assembly's determination.
3. Appeals, Complaints or references may, in some circumstances, be accepted beyond the specified time for lodgement in terms of Rule 5.20 (clause 1).
4. Should a body wish to present a document in private where the House has not yet received such a document then the Business Convener, the Moderator and the Clerk shall ensure:
 - (a) That such document shall be distributed at a Sederunt as early as possible so that the document may be read by Commissioners and then returned for future use and debate by the House.
 - (b) Sufficient time shall be provided in terms of (a) above to enable any member of the House to present a Notice of Motion in any form acceptable to the Assembly for such presentation.
 - (c) The document shall be taken up for debate at a time after (a) and (b) have been satisfactorily carried out.

GUIDELINE 219

FLYING MINUTES

The Assembly of the Presbyterian Church of Queensland declares that the following are the issues in relation to flying minutes:

1. Establishing a decision through a flying minute has for several years been the unprescribed practice of various bodies within the Presbyterian Church of Queensland.
2. The actual practice of decision making via a flying minute was first identified with a Code revision and appeared in a new Rule 5.37(d) and was applied to Standing Committee Executives.
3. It is a fundamental practice that a lower court or body may follow a regular practice undertaken by the superior court or body.
4. Affirm that anybody or court within the Presbyterian Church may use what has come to be called a flying minute when a matter is urgent and emergent and requires an immediate decision, but which would not normally require significant debate. In such a process the mind of a body can be determined by asking them to vote for or against a particular proposal. A verbal response shall not be accepted. A decision of such a flying minute must be recorded at the next meeting of the body concerned. Any members who do not vote shall be recorded as an abstention. Any member of a body concerned may object to the process of a flying minute and as a result the matter may not be dealt with by flying minute and the normal process of calling a special meeting shall take place.

GUIDELINE 220

MEETINGS CONDUCTED BY ELECTRONIC CONFERENCE

1. In relation to the Commission of Assembly meetings may be carried out by electronic conferencing (eg video or audio teleconferencing) if the matter is exceptional.
2. In other circumstances there are specific situations where a body may meet by electronic conferencing whereby some members of the committee may participate remotely without actually attending the meeting.
3. The Assembly declares that any use of audio or video conferencing for the conducting of meetings within the church are permissible, but must take into consideration the following:
 - (i) The body concerned needs to make prior arrangements for such a meeting.
 - (ii) Any court of the church or any committee of the church at whatever level is able to conduct a meeting by such means with the exception of a congregational meeting.
 - (iii) Should it not be possible for the committee or body to decide in advance to conduct the meeting by audio and video conferencing, the process may be followed provided the Moderator, Convener or Chairman deems the matter to be of an exceptional nature.

Should the body meet in private whilst teleconferencing every reasonable means must be taken to ensure that the area in which participants are taking part in the meeting are secure and that voting must always be carried out by a show of hands to enable dissents to be declared.

GUIDELINE 221

CLARIFICATION OF APPROVAL PROCESS FOR RULE 5.26

New expenditure is dealt with under Rule 5.26.

Sub clauses (b) and (c) deal with the processes related to the basic issue in sub clause (a). The key aspects of 5.26(a) are first that the policy or project is new and second there are no funds allocated for this new matter. Clearly the need to report on the policy or project is only necessary if funds are not at that point in time allocated. The Assembly may need to give an approval but if funds are available then the report under that clause is not required.

In an adjustment to the rule, clause (d) was added in 2011. In effect clause (d) clarifies where sub clauses (a), (b) and (c) do not apply. Hence a project or a policy can go ahead without (a), (b) and (c) where the Assembly has already given a decision or the operation is carried out in terms of clause (d)(ii). The only significant matter is there needs to be a demonstration that funds are available for the project.

To make the procedure abundantly clear the following processes should be followed in relation to Rule 5.26:

1. To follow a project or a new policy (outside of an Assembly decision or for which no rule, regulation, constitution or guideline is in place) the Assembly shall require a report from the FAB.
2. Where Rule 5.26(d) applies a report from the Finance and Administration Board is not required and the Assembly can approve a policy or a project or authorise the Commission to do so subject to the body concerned demonstrating to the Finance and Administration Board that funds are available:
 - (i) Through an approved budget;
 - (ii) Some other form of funding if capital expenditure is required;
 - (iii) Some form of financial arrangement to be entered into in terms of details supplied to the Finance and Administration Board and approved by the Finance and Administration Board.
3. Where a body is clearly following an authorization provided in a constitution or a rule under which the body concerned is governed and funding is available then no decision is required at an Assembly level.
4. When a body is coming to the Assembly or the Commission seeking approval for a project it should request the Assembly or Commission to approve the project subject to the relevant section of Rule 5.26.

