

# **PRESBYTERIAN CHURCH OF QUEENSLAND**



## **STANDING ORDERS AND RULES AND FORMS OF PROCEDURE**





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# A. THE CHURCH

## **The Church**

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

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

The Presbyterian Church of Australia was constituted in Sydney on the 24th day of July, 1901, by the Union of The Presbyterian Churches of New South Wales, Queensland, South Australia, Tasmania, Victoria and Western Australia. At that date The Presbyterian Church of Queensland, under the "Deed of Union", surrendered to The Presbyterian Church of Australia the power to determine finally in matters of doctrine, worship, and discipline.

## **Standards**

- (a) The Supreme Standard of the Church is the Word of God contained in the Scriptures of the Old and New Testaments, and which this Church regards as the only rule of faith and practice. This definition of the Supreme Standard is derived from the Westminster Shorter Catechism, and is understood by this Church in the light of the doctrine taught in Chapter One of the Westminster Confession of Faith.
- (b) The Subordinate Standard of the Church is the Westminster Confession of Faith, as amended by the General Assembly of Australia and read in the light of the Declaratory Statement contained in the Basis of Union.

## **Westminster Confession of Faith and the Declaratory Statement**

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

That the Assembly:-

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

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

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

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

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

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

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

The only King and Head of the Church is the Lord Jesus Christ, from whom its powers and prerogatives are derived, so that all its functions are to be exercised in His Name, under the guidance of His Word and Spirit, and in subjection to His authority alone.

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

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

### **Law of the Church**

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

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

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

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

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

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

### **Church Crest**

During its first session, 1901, the General Assembly of Australia adopted as its "emblematic device" the one in use in the Churches of New South Wales and Queensland, substituting the word "Australia" for the names of these States. The crest was approved by the New South Wales Assembly in 1883, and was first used in 1884. The Queensland Church adopted it in 1895.

Besides the words "Presbyterian Church of Australia" and "Nec tamen consumebatur", the crest consists of the Burning Bush, St Andrew's Cross, the Southern Cross, a Latin Cross, the Rose, the Thistle and the Shamrock.

### **Non-profit Status**

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

## B. LETTERS PATENT

### THE CORPORATION OF THE PRESBYTERIAN CHURCH OF QUEENSLAND

#### V. – LETTERS PATENT

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

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

#### Greeting -

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

In Testimony whereof We have caused these **OUR LETTERS PATENT** to be sealed with the seal of the said Colony.

Witness our Trusty and Well-beloved William Wellington Cairns, Esquire, Companion of

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

By Command

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

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

H.H. MASSIE,

For the Colonial Secretary and Registrar.



# C.1 SAFE MINISTRY WITH CHILDREN POLICY

## To be read in the light of Queensland Code Rule 13.73, Regulation 110 Clause 11 and GAA Code of Discipline 3.12 and 5.01(a)

The Presbyterian Church of Queensland [The Church] recognises its duty of care and responsibility for the welfare of all persons within the church including children (persons under 18 years). All employees and volunteers, have a duty to create a safe environment for children, safeguarding them from harm including neglect, emotional, physical and sexual abuse.

### Governance

#### Roles and Responsibilities

The **Assembly** has specific responsibility to approve policies and ensure appropriate consultation, information, training, instruction, supervision, monitoring, audit and resources are available for child safety matters.

The **Office of the Clerk of Assembly** is responsible for the overall governance of this policy, the approval of procedures including the Code of Conduct for interacting with Children. The Office of the Clerk also has responsibility for the management of all Ministers and Accredited Ministry Workers required under Working with Children legislation and this policy.

The **Safe Ministry with Children Risk Management Officer** is appointed by the General Assembly of the Presbyterian Church of Queensland to provide oversight of the Safe Ministry with Children Policy and Procedures.

The **Safety Administrator** is appointed by the Commission of Assembly to implement and maintain the necessary administrative procedures required under legislation and this policy.

The **Presbytery** is responsible for the appointment of all employees involving children's ministry in terms of the Code of the Presbyterian Church of Queensland and to ensure all instructions of the Assembly are observed.

The **Kirk Session** is responsible for all activities, the appointment, training and management of voluntary leaders involved in children's ministry, and to ensure compliance with all Church and civil legislation concerning children's ministry.

## Statement of Commitment

The Church will uphold the following principles to safeguard children and vulnerable persons and to ensure legislative requirements are met. The Church is committed to the safety and holistic wellbeing of all children involved in its events. The Church takes child protection and safety seriously and therefore has policies and procedures in place to safeguard children from harm including emotional, physical, neglect and sexual abuse. The Church will not tolerate any form of child abuse or sexual exploitation

The Church will demonstrate commitment, capability and consistency in the provision of children's ministry and:

- Provide a Code of Conduct for interacting with children;
- Select, train and manage those with responsibility within the church in children's ministry;
- Provide policy and procedures and management systems to ensure compliance with the blue card system and Church policy and procedures;
- Communicate the Church's Safe Ministry with Children's Policy, Procedures and Code of Conduct to all employees, volunteers and others involved in children's ministry;
- Require all Ministers and other ministerial type appointments under Rule 13.73 to hold as a necessary pre-condition to their initial and ongoing appointment a Positive Blue Card Notice and agree to adhere to church policy, procedures and the Code of Conduct and undergo training in Child Safety.
- Require all Elders and Managers, employees and children's ministry volunteers to hold, as a necessary pre-condition to their initial and ongoing appointment or engagement in any role or work, in any such capacity, to hold a Positive Blue Card Notice (unless exempt under legislation) and agree to adhere to church policy, procedures and the code of conduct when working with children and undergo training in child safety. (see Rule 13.73)
- Conduct risk management of high risk activities and special events to ensure the safety of children and young persons;
- Protect survivors of sexual abuse from further harm and provide appropriate support;
- Offer pastoral care and support to any member of The Church known to have offended against a child or vulnerable person.

To ensure children and young people are kept safe The Church upholds the following policies for disclosing and investigating suspicions of harm and abuse and managing breaches of Policy, Procedures or the Code of Conduct:

- Any allegation of sexual abuse made against a Minister, Elder, Manager, paid work or volunteer will result in immediate advice to the Safe Ministry with Children Risk Officer and the Office of the Clerk of Assembly to consult with the Queensland Police Service concerning the investigative needs and immediate suspension of the person by the appropriate Court of the Church from working with children and any ministerial or leadership function until the matter is investigated by the police;
- Under Rule 13.73 of the Presbyterian Church of Queensland Code a Minister only qualifies to enter and remain involved in his ministry as long as he holds a Positive Blue Card Notice (unless he meets the exemption created by Min 15/35 on 30 September 2015). If a non-exempt Minister ceases to hold a current Positive Blue Card Notice, as required by the Working with Children (Risk Management and Screening) Act 2000 (Qld):
  - his employment, if he is an employee, will automatically end;
  - he will immediately cease to have any role within his Charge or entitlement to receive any salary, stipend or emolument; and
  - the Presbytery will take any necessary remaining steps to sever the pastoral tie.
- The Presbytery in the case of paid workers or leaders, and the Kirk Session in the case of Elders, Managers, leaders or children's ministry volunteers will immediately remove from office any leader or volunteer issued a Negative Blue Card Notice or whose Positive Notice is withdrawn, as an administrative procedure under Divisions Three, Four, or Five and Sections 194 and 356 of the Working with Children (Risk Management and Screening Act) 2000.
- Any breach of Policy, Procedures or the Code of Conduct is to be reported to the Charge Moderator or delegated Ministry leader and actioned according to Policy, Procedures and the Code of Conduct in consultation with the Safe Ministry with Children Risk Management Officer.
- The appropriate Court of The Church may instigate Disciplinary proceedings against a member under the provisions of the Code of Discipline of the General Assembly of Australia (GAA). The Church will not conduct investigations into allegations until the conclusion of the Civil Judicial Process; however this does not prevent proceedings commencing under the Code of Discipline (GAA).

Any person issued a Negative Blue Card Notice or whose Positive Notice is withdrawn or known to have offended against children will be monitored by the Kirk Session under the provisions of a Management Plan which ensures no contact between the person and children, and if a plan is not agreed to, appropriate ministration may be offered in the persons home or other suitable location.

## **ADDENDUM**

### **CHILD SAFE STANDARDS**

1. Child safety is embedded in institutional leadership, governance and culture.
2. Children participate in decisions affecting them and are taken seriously
3. Families and communities are informed and involved
4. Equity is upheld and diverse needs are taken into account
5. People working with children are suitable and supported
6. Processes to respond to complaints of child sexual abuse are child focused
7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training
8. Physical and online environments minimise the opportunity for abuse to occur
9. Implementation of the Child Safe Standards is continuously reviewed and improved
10. Policies and procedures document how the institution is child safe.

## C.2 WORK HEALTH AND SAFETY POLICY

The Presbyterian Church of Queensland [The Church] is committed to providing a safe and healthy environment while on Church property and while undertaking Church related activities. The Church will strive to provide a risk free environment across all our churches and places and all the activities we conduct.

### Governance

#### Roles and Responsibilities

The **Assembly** has specific responsibility to approve policies and ensure appropriate consultation, information, training, instruction, supervision, monitoring, audit and resources are available for health and safety matters.

The **Office of the Clerk of Assembly** is responsible for the overall governance of this policy and the approval of procedures and guidelines.

The **Trustees, Property Board and Committee of Management** have specific responsibility to provide and maintain a safe church environment, with safe systems of work, plant, substances and structures.

The **Safety Administrator** is appointed by the Commission of Assembly to implement and maintain the necessary administrative procedures required under legislation and this policy.

The **Presbytery** is responsible to ensure all instructions of the Assembly are observed.

The **Kirk Session** is responsible to exercise general supervision of the charge including the Committee of Management.

The **Committee of Management** has responsibility for ensuring all civil legislation pertaining to property of the church and activities undertaken within properties of the Church is complied with.

Our **Ministers, Elders, Managers and Leaders** have specific responsibility to:

- Help implement an effective health and safety program which promotes a positive culture of safety and wellness;
- Ensure a risk management approach in all Church places and activities to identify and control hazards;
- Adopt early intervention, injury management and rehabilitation practices;
- Monitor the health and welfare of everyone involved in Church activities and verify all necessary facilities are available and maintained;

- Make certain all incidents, injuries, illnesses, hazards and risks are reported, investigated and managed appropriately;
- Provide appropriate instruction in health and safety matters.

Our staff and volunteers, students, members and visitors, and contractors have specific responsibility to

- acquire knowledge of health and safety issues and practices applicable to church;
- take reasonable care for their own health and safety and that of others that may be affected by their actions or omissions;
- report all incidents, near misses, injuries and identified hazards promptly and participate in preventative actions;
- cooperate with all reasonable policies, procedures or instructions relating to health, safety and welfare; and
- participate in consultative processes, share information and contribute ideas

## **Principles**

- Providing a safe and healthy environment in which to work and in all aspects of Church activity;
- Communicating the Church work health and safety policies and procedures to all workers and others impacted by the Church's activity;
- Complying with relevant work health and safety legislation and providing adequate resources to achieve the same;
- Establishing and maintaining a work health and safety management system that integrates Church activities;
- Promoting work health and safety awareness across all levels of the Church to achieve the commitment and adherence of workers, worshippers, visitors and other persons to the Church's work health and safety policies and procedures;
- Establishing measurable targets aimed at preventing injury or illness from Church activities;
- Maintaining, monitoring, auditing and improving work health and safety performance across the Church;
- Periodically reviewing and amending where applicable, work health and safety policies and procedures to maintain consistency and relevance to its activities and legislative requirements.

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

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

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

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

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

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

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



## F. PRIVACY POLICY FOR PRESBYTERIAN CHURCH OF QUEENSLAND

### **Our Privacy Commitment**

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

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

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

### **Your Personal and Sensitive Information**

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

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

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

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

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

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

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

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

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

### **Disclosure Generally**

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

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

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

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

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

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

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

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

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

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

The Presbyterian Church acknowledges that information and/or images may be

disclosed by third parties on Social Media platforms without the knowledge or consent of the Church. However, such information and/or images will be removed from all Social Media platforms controlled by the Presbyterian Church upon request.

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

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

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

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

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

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

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

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

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

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

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

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

### **Changes to this Policy**

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

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

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

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

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

Or write to us at:

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

# **G. DATA BREACH POLICY**

## **Scope**

The scope of this policy has application for all activities and personnel involved with the collection, storage, use and disclosure of both personal and denominational information as part of the Presbyterian Church of Queensland (PCQ).

PCQ recognises that the privacy of all people and entities that we intersect with is important and we are committed to protecting the information we collect. We manage all personal information in accordance with the Privacy Act 1988 (Commonwealth) (Privacy Act) and Australian Privacy Principles, as set out in our Privacy Policy and this Policy. This Policy is to be read in conjunction with the PCQ Privacy Policy.

Where a PCQ Board or Committee has invoked its own Data Breach Policy, that Board or Committee's Data Breach Policy will take primacy as far as it is in conflict to this policy.

## **Policy**

PCQ is committed to ensuring that each individual's right to privacy and confidentiality is respected and protected, and that confidential organisational documents are protected.

PCQ will ensure that any process for the collection, storage, use or disclosure of personal information will comply with the Commonwealth Privacy Act 1988 ("the Privacy Act") and the Australian Privacy Principles.

PCQ also recognises that there may be instances where a breach of the data they hold under the Privacy Act occurs through loss, unauthorised access, unauthorised disclosure or another form of systems failure.

PCQ will act in accordance with the Privacy Act to ensure that breaches are managed in a transparent, timely and appropriate manner and where required, such breaches are reported to the Office of the Australian Information Commissioner. We will work with all relevant parties to ensure that the effect of any Data Breach is managed appropriately.

In protecting the information of our members and our denominational information, PCQ will ensure it is able to:

- Identify actual and potential breaches;
- Contain any breaches and assess the extent of the breach;
- Evaluate the risks relating to the breach;
- Notify the relevant stakeholders;

- Take immediate steps to remediate the breach; and
- Undertake a continuing process of evaluation and improvement process in relation to PCQ's data management.

## **Definitions**

**Data Breach:** means an incident in which sensitive, protected or confidential data is copied, transmitted, viewed, stolen, retained or used by an individual unauthorised to do so.

**Personal Information:** means information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether the information or opinion is true or not, and whether the information or opinion is recorded in a material form or not.

**PCQ:** includes all Congregations and other Ministries conducted by the PCQ, including all related entities under the control of the PCQ.

**PCQ/People:** means members, volunteers, trainees and paid employees of PCQ.

**Privacy Act:** means the Privacy Act 1988 (Commonwealth)

**Unauthorised access:** occurs when personal information that an entity holds is accessed by someone who is not permitted to have access. This includes unauthorised access by an employee of the entity, as well as unauthorised access by an external third party (such as by hacking).

**Unauthorised disclosure:** occurs when an entity makes information accessible or visible to others outside the entity and releases that information from its effective control in a way that is not permitted by the Privacy Act. This includes unauthorised disclosure by an employee of PCQ.

## **Related Policy, Procedure, Legislation and Professional Standards**

- The Privacy Act 1988
- Australian Privacy Principles: Privacy Amendment (Enhancing Privacy Protection) Act 2012
- Commonwealth of Australia Privacy Regulation 2013
- Privacy Amendment (Notifiable Data Breaches) Act 2017
- PCQ Privacy Policy
- PCQ Systems Data Breach Response Plan
- PCQ Non Systems Data Breach Response Plan

- Protection of Confidential Information Procedure
- Freedom of Information Act (Commonwealth) 1985
- Document Control Policy
- Control of Records Policy
- Client Protection and Harm Prevention Policy
- Freedom of Information Policy



# STANDING ORDERS

updated as June 2023



# STANDING ORDERS

## DEFINITIONS

1. (a) **"Assembly"** means the General Assembly in session.
- (b) **"Court"** means General Assembly, or State Assembly, or Presbytery, or Session.
- (c) **"House"** means a Court, either in session or in Committee of the Whole.
- (d) **"Chair"** means either the Moderator or the Chairman of the Committee of the Whole.
- (e) **"Leave of the House"** means leave without any negative voice, except when otherwise stated.

## THE GENERAL ASSEMBLY

### Quorum

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

### Meetings, How Constituted

3. All meetings of the General Assembly and their Committees shall be opened and closed with prayer, and the fact of their having been so opened and closed shall be recorded in the Minutes.

### Sittings of Inferior Courts

4. No inferior Court of which a member has been commissioned to the General Assembly, shall sit during the sittings of the General Assembly, except by permission of the General Assembly.

### Moderator

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

### **Moderator Absent**

6. In the General Assembly, the Moderator for the current term shall preside, or in his absence or at his request, the Chair shall be taken by a former Moderator or a member appointed by the Court.

### **Recognising the Chair**

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

### **Clerk**

8. The General Assembly shall have its Clerk, usually, but not necessarily, a member of the Court, who shall keep an accurate record of its proceedings, and supply extracts of the proceedings when duly called for. The Clerk is elected by and holds office at the will of the Court.

A Clerk, in accepting office, shall make the declaration de fideli (which is as follows: "I do solemnly affirm and declare that I will faithfully discharge the duties now entrusted to me".)

### **Associated Members**

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

### **Privileges of Associates**

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

### **Minutes Confirmed**

11. When the Minutes are submitted for confirmation, no question shall be raised regarding them except such as concerns their accuracy as a record of the proceedings.

### **Permanent Records**

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

### **Extract Minutes**

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

## **BUSINESS PROCEDURE**

### **Order of Business**

14. In the General Assembly, after the First Sederunt, the order of business shall be:
  - (a) At forenoon sederunts:
    - (i) Confirmation of the Minutes of the Proceedings of the previous day.
    - (ii) Reasons of dissent from any of the decisions recorded in the Minutes so confirmed, and the necessary procedure connected therewith.
    - (iii) Leave to print and circulate notices of motion relative to matters to be brought forward at some future sederunt.
    - (iv) The various items of business in the order arranged by the Business Committee and approved by the Court.
    - (v) Applications from Presbyteries for authority to meet, and the announcement of meetings of committees.
  - (b) At evening sederunts:
    - (i) Report of Business Committee relative to next day.
    - (ii) Leave to print and circulate notices of motion.
    - (iii) Business as previously arranged by the Business Committee and approved by the Court.
    - (iv) Announcements relative to Presbyteries and meetings of committees.

### **Orders of the Day**

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

### **Variation of Orders of the Day**

16. The Assembly may, from time to time during a sederunt, if it deem it necessary, vary the Orders of the Day for that sederunt by a motion, without notice and without debate.

### **Orders of the Day Varied**

17. A motion to vary the Orders of the Day may be made only at the interval between items of business.
18. When the Order of the Day is reached, it shall be called for by the Moderator.
19. No business shall be introduced to the Assembly by any member until it is called for by the Moderator.

### **Reports and Deliverances**

20. Committees of the General Assembly shall submit to the Assembly a written report; recommendations for action shall be appended in a proposed deliverance; such reports and proposed deliverances shall be printed and circulated among members of the Assembly at least one day before they are considered.

### **Recommendations**

21. No recommendation in any report shall be held as adopted unless it shall have been definitely set forth in the deliverance and approved by the Assembly.
22. Printed reports shall be held as read unless the Assembly desire otherwise.

### **Questions**

23. Relevant questions may be put by any member through the Moderator to:
  - (a) the Convener of a Committee:
    - at the time when the report is before the Assembly
    - after individual clauses have been moved and seconded, and
    - when the deliverance as a whole has been moved and seconded;
  - (b) the mover of a substantive motion after the motion has been seconded.

### **Conveners not commissioned**

- 23A. Conveners of Assembly committees who have not been commissioned as a member of the Assembly shall have all the rights of members of the Assembly (except the right to vote) while presenting the report and while the Assembly is discussing the report (including deliverance) of their respective committee.

## **MOTIONS AND AMENDMENTS**

### **Substantive Motions**

24. A substantive motion refers to business which does not arise from the report of any Committee. It shall be written and handed to the Business Convener normally at least one sederunt before it is considered by the Assembly. A substantive motion may, by leave of the House, be moved without notice.

### **Character of Motions**

25. A motion shall be considered as belonging to one of the following categories, and shall be dealt with as prescribed, namely:
- (a) the original motion,
  - (b) a counter-motion - being a motion contradictory or negative to the original motion or to a substantial part of the original motion, and
  - (c) an amendment - being a motion not substantially contradictory to the original motion or counter motion, but for the purpose of:
    - (i) leaving out certain words,
    - (ii) leaving out certain words in order to insert and add other words,  
or
    - (iii) inserting or adding certain words.

The Moderator shall be the judge of the character to which any motion shall be considered to belong, and shall rule accordingly.

### **Procedure for Voting on Motions**

26. After all amendments, if any, have been disposed of, the Moderator shall take a vote between all motions in categories (a) and (b) of Standing Order 25, and in doing so shall adopt the following procedure:
- a. A vote shall be taken between all the motions in the order determined by the Moderator, beginning at the first.
  - b. Each Commissioner may vote for only one motion.

- c. If on the first vote, one motion has obtained a clear majority of votes, all the other motions shall fall.
- d. If no motion has obtained a clear majority, the motion having the smallest number of votes shall be disregarded and a vote taken between the remaining motions.
- e. The same procedure shall continue until one motion receives a clear majority on a vote.
- f. The motion that has received a clear majority shall then be put by the Moderator to the Assembly, and shall be voted on 'For' or 'Against'. If a majority vote 'for' it, the motion shall become the judgement of the Assembly. If a majority vote 'against' it the motion shall fall, and further procedure in the matter shall be as the Assembly shall determine.

### **Amendments**

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

### **Negative**

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

### **Incompetent Amendments**

- 29. No amendment shall be proposed in any part of a motion after a later part has been amended, or in any words the House has resolved shall stand part of a motion, or has inserted in or added to a motion, except the addition of other words thereto.

### **Amendments to an Amendment**

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

### **Notices of Motion**

- 31. Notices of Motion shall be written and handed to the Business Convener at least one sederunt before the matter to which it is related is before the Assembly. Amendments to a proposed deliverance, motion or amendment of which due notice has been given, shall be printed and circulated.

### **Amendments Without Notice**

- 32. An amendment may be moved without notice if, in the opinion of the Moderator,



it arises in the course of the debate and does not alter the substance of the motion. Should the Moderator rule that the proposed amendment affects the substance of the motion, it shall require, in addition to the Moderator's ruling that it has arisen in the course of debate, the leave of the House.

#### **When Seconded**

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

#### **Reserving a Speech**

34. No member who moves or seconds a motion or amendment shall have the right to reserve his speech to a later stage of the debate.

#### **Member Giving Notice Absent**

35. If, when the motion of which notice has been given is called for by the Moderator, the member who gave notice is absent, another member may move the motion; or the court may postpone the motion. Otherwise the motion lapses.

#### **Motion Lapses if not Seconded**

36. When the mover of a motion or amendment has finished his speech, his motion or amendment shall forthwith be seconded; if there is no seconder, it lapses and shall not be recorded in the minutes.

#### **Notice Withdrawn**

37. If a member withdraws a notice of motion given in, he shall do so without remark, and such motion shall not be recorded in the minutes.

#### **Motions Withdrawn by Leave of the House**

38. A motion or amendment, duly made and seconded, shall not be withdrawn except by leave of the House and at the request of the mover, with the consent of the seconder; and any amendment to such motion shall first be withdrawn or negatived.

#### **Motions - not Recorded**

39. A motion or amendment ruled not competent shall not be recorded in the minutes, except when the ruling of the Chair has been challenged and voted on.

### **Notice Changed**

40. No change shall be made in the terms of a notice of motion after it is given in, except by leave of the House; but a member has the right to alter his motion, provided notice of the alteration be given at least one sederunt before it comes before the House.

### **No Change Without Leave**

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

### **Amendments Put First**

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

### **Debate Thereon**

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

## **PROCEDURE IN DEBATE**

### **Members Called**

44. When a member desires to speak, he shall rise in his place, but shall not speak until he is called on by the Chair. A member speaking in the Assembly shall address the Chair only.

### **Speak More Than Once**

45. Each member may speak once to each question in debate, whether a motion or an amendment; but no member shall speak more than once to the same question, except (a) in explanation, (b) in stating and asking the ruling of the Chair on a point of order, (c) in reply at the close of a debate, if he is the mover of the original motion except in any debate involving counter-motions, and (d) in Committee of the whole.

### **Mover of Amendment**

46. A member who has spoken to the main question shall not afterwards move an amendment on it, but he may second or speak to an amendment moved by another member.
47. A mover of an amendment shall not afterwards speak to the main question.

### **Moderator Leaves the Chair**

48. The Moderator or Chairman of the Committee of the Whole shall take no part whatever in any debate. If he wishes to speak to any question or to give in a report of a Committee, he shall leave the Chair. He shall also leave the Chair when any case arises in which he is a party.

### **The Moderator Standing**

49. When the Moderator or Chairman shall rise in his place, all members shall forthwith resume their seats and shall remain silent so that the Moderator or Chairman may be heard without interruption.

### **Interruptions**

50. No member shall interrupt a speaker except for one or other of the following purposes:
- (i) to state a point of order and to ask for a ruling of the Chair on it;
  - (ii) to call attention to a breach of the privileges of the House;
  - (iii) to make a personal explanation;
  - (iv) to move that the House sit in private;
  - (v) to move the adjournment of the debate;
  - (vi) to move the "Previous Question";
  - (vii) to object to language deemed objectionable or reflecting on character.

### **Points of Order**

51. Points of order must refer strictly to the order of the proceedings of the House.
52. A member raising a point of order shall simply state it and no other member shall speak at this stage. The Moderator shall then:
- (a) forthwith rule on the point;
  - (b) ask certain members whom he selects to state their views on it, and afterwards rule on the point; or
  - (c) refer it to the House for decision by debate and vote.

### **Ruling of the Chair Challenged**

53. When the ruling of the Chair is challenged, the member who questions the ruling may be heard for not more than five minutes and, the Moderator or Chairman having been heard in reply, the vote shall be taken without further discussion.

### **Privilege**

- 54. Questions of privilege take precedence over all other business and may at any time be brought forward by any member.
- 55. Questions of privilege must refer strictly to matters directly affecting the privileges of the Court or its members, which matters have recently emerged and call for present interposition.
- 56. If a question of privilege is brought forward in Committee of the Whole, the Committee shall forthwith report it to the Court which alone can deal with questions of privilege.

### **The "Previous Question"**

- 57. The "Previous Question" may be moved at any stage in a debate after the motion in debate has been moved and seconded, but not by anyone who has spoken to the main question or to an amendment thereupon.
- 58. The "Previous Question" shall be moved and seconded without debate and shall forthwith be put to the vote.
- 59. The "Previous Question" must refer to the whole matter before the House. It cannot be moved in a Committee of the whole House or in a select Committee.
- 60. 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 order of the day.
- 61. The negating of the "Previous Question" shall not preclude its being moved again during the same debate.

### **Adjournments, etc.**

- 62. A motion for the adjournment of (a) the Debate, or (b) the Court, or a motion in the Committee of the Whole "that the Committee report", may be made at any time and without notice.
- 63. Such a motion shall be put to the vote without debate.
- 64. The negating of such motion shall not preclude its being moved again during the same debate or sederunt.
- 65. The adjournment of a debate may be moved by any member, including the member who is at the time speaking to the question in debate.

66. When an adjourned debate is resumed, the right of speaking first shall belong to the member whose speech was interrupted by the adjournment. If no speech was interrupted, the right of speaking first shall belong to the mover of the adjournment, provided that he has not already spoken to the question, whether a motion or an amendment, which was in debate when the adjournment was moved.

### **Procedural Motions**

- 66A. A motion, by which the House determines in what manner and/or when a question then in debate shall be dealt with, may be moved without notice at any stage in the debate and may itself be debated and amended.

### **Closed Doors**

67. The General Assembly may at any time close its doors and sit in private in consequence of a ruling by the Chair, or of a motion made, seconded and put to the vote without debate; but cases or questions which have been discussed with closed doors in a lower Court shall be so discussed in higher Courts unless a motion to the contrary, duly made and seconded and put to the vote without debate, is carried.
68. The negating of such motions shall not preclude their being moved again during the same debate or sederunt.

### **Character Affected**

69. In dealing with cases or questions which have been declared by the Chair to affect character or partake of the nature of personal disputes or misunderstandings, the House shall deliberate and decide thereon in private unless a motion to the contrary, duly made and seconded, is carried; and every such motion shall be put to the House without discussion.

### **Personal Explanation**

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

### **Explanation in Debate**

71. If a member makes an explanation during a debate, it shall refer exclusively to some statement or statements made by himself, which in his opinion, one or more of the speakers in the debate have misapprehended. No other matter whatsoever shall be introduced into an explanation during a debate.

### **Objectionable Language**

72. Language ruled objectionable shall be forthwith withdrawn and apologised for by the speaker and in a manner satisfactory to the House.
73. When language used in debate seems to any member to be objectionable, he may forthwith, but not later, raise a point of order concerning it and ask for the ruling of the Chair. He may also demand that the words be taken down. The Moderator or Chairman shall, without debate, forthwith put the question, "that the words objected to be taken down", and, if this question is resolved in the affirmative, he shall direct the Clerk to take them down as ground for such further action as the House may think fit to take.

### **Laws not to be Reflected on**

74. No member is allowed to reflect on any law or decision of the Assembly except for the purpose of moving in a legitimate form that it be altered or rescinded.

### **Speech in Reply**

75. After the speech in reply, which shall contain no new matter, there shall be no further debate. Before the speech in reply is begun, the Moderator shall distinctly declare that it is to be a reply on the debate, and that thereafter the debate will be closed. Any member entitled to speak has then an opportunity of speaking to the main question before the speech in reply is begun.

### **The Closure**

76. When it shall appear to the Moderator or Chairman, during any debate, that the motion or any amendment on it, has been adequately discussed and that it is the evident sense of the House that the question be now put, he may so inform the House, distinctly stating at the same time whether it is to the debate on the amendment only or to the debate on both the amendment and motion that the closure is to be applied. A motion "That the question be now put" may then, but not till then, be made and seconded without any remark or discussion. The Moderator or Chairman shall forthwith put this motion and, if the same be carried by a majority of at least two-thirds, the Moderator or Chairman shall forthwith put to the vote the motion or the amendment only, or the amendment and the motion, as the case may be, without further debate.

### **Putting the Question**

77. The Moderator or Chairman shall endeavour to put the question at every convenient opportunity. He shall state the motion or amendment or shall cause it to be stated by the Clerk. Any member not distinctly hearing the motion or amendment so stated may require it to be stated again.

### **The Moderator Interrupted**

78. When the Moderator or Chairman shall rise in his place to state or put the question, he may be interrupted by, and shall give way to, any member who wishes to speak to the question, except when the debate has been closed by a speech in reply or by the application of the closure. A member may so intervene up to the moment when the Moderator or Chairman utters the word "Aye" in putting the question to the voices.

## **VOTING**

### **Member's Vote**

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

### **Within the House**

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

### **Vote Taken**

81. (a) By the voices  
The Moderator or Chairman shall take the vote by the voices. He shall put the question in this form: "The question is: Shall this motion (or amendment) pass? All who are of that opinion say 'Aye'." The "Ayes" shall then respond. The Moderator or Chairman shall further say, "All who are of the contrary opinion say 'No'". The "Noes" shall then respond. The Moderator or Chairman shall then say, as the case may appear to him to be, "I think the 'Ayes' (or the 'Noes') have it." If his opinion is acquiesced in by the silence of the House, he shall say "The 'Ayes' (or the 'Noes', as the case may be) have it", and the motion or amendment is passed or lost accordingly. Should there be no dissentient voice a unanimous vote may be recorded.

- (b) By show of hands  
If his opinion is challenged by one or more members saying "No", the vote shall be further taken by a show of hands and the numbers shall not be recorded.
- (c) By division or ballot  
If the opinion of the Moderator is further challenged, the vote may be taken by either division or ballot.

### **Vote by Ballot**

- 82. A motion that the vote be taken by ballot shall be put without discussion and decided by a show of hands "for" or "against". Should such a motion be carried, it precludes the taking of the vote by a division. The result of a vote by ballot as reported to the Moderator in writing and declared by him to the House shall be final. The numbers shall be recorded in the minutes.

### **Vote by Division**

- 83. When a motion that the vote be taken by ballot has not been moved and carried any five members may demand a division. The names of those voting are recorded on the demand of five members, but numbers are recorded in any case.

When the vote is about to be taken by division, the bell shall be rung and after a lapse of two minutes the doors shall be locked and no one shall be allowed to enter or leave the House until the vote is taken. Two tellers on each side shall be appointed. Those "for" the motion or amendment shall go to the right and those "against" to the left of the Chair.

The result of the division, as reported in writing to the Moderator and declared by him to the House, shall be final.

### **Casting Vote**

- 84. In the case of an equality of votes the Moderator or Chairman shall have a casting vote, but he usually votes so as to leave the matter voted on open for further consideration. He has no deliberative vote.

### **Questions not Reconsidered**

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



## DISSENTS

86. A member may dissent from any resolution of a Court on which he has voted, and he has the right to have his dissent recorded in the minutes; also his reasons if given forthwith. But he shall not dissent from a resolution which has been carried on the voices, or from a resolution affirming or negating any amendment, or from any resolution of the Committee of the Whole.
87. He may also, when the minute recording the dissent is brought forward for confirmation, give in, without comment, written reasons of dissent. These, provided they do not involve a breach of privilege, shall be received without debate and shall be kept "in retentis".
88. The Court may, if it thinks fit, give written answers to reasons of dissent, which answers shall be likewise kept "in retentis". A motion to appoint a Special Committee to answer reasons of dissent shall be put to the vote without debate. The report of the Special Committee may be debated, and shall be dealt with as the Court sees fit.

## COMMITTEE OF THE WHOLE

89. By a motion put to the vote, a Court may resolve itself into a Committee of the Whole.
- (a) All members of the Court shall likewise be members of the Committee of the Whole.
  - (b) The Court shall appoint the Chairman of the Committee.
  - (c) Separate minutes shall be kept of the proceedings.
  - (d) A motion need not be seconded.
  - (e) A member may speak more than once to the same question.
  - (f) No member may dissent from any resolution of the Committee.
  - (g) The proceedings shall be closed by the carrying of a resolution to report to the Court on the matter committed, or to report progress and ask leave to sit again.
  - (h) The Court shall forthwith resume, and the report of the Committee shall be given in.
  - (i) The report may be adopted with or without amendment, rejected, postponed, recommitted, or otherwise dealt with as the Court sees fit. At this stage any member may exercise his privilege of dissent.
  - (j) Any of the other Standing Orders which are literally applicable to the proceedings of the Court in session only shall, when applied to the proceedings of the Committee of the Whole, be read along with and be modified by the provisions of this section.

## **OVERTURES, PETITIONS, REFERENCES, ETC.**

### **Papers Transmitted**

90. All overtures, returns on remits, and all papers transmitted by the inferior Courts shall be in the form of Certified Extracts from the minutes of the said Courts.

### **Questions**

91. Relevant questions may be put by any member through the Moderator to (a) overturists, (b) petitioners, (c) parties stating References, and (d) parties in any case when they shall have completed their respective statements.

### **Parties at the Bar**

92. Overturists, who are not members of the Assembly, petitioners, and parties duly commissioned to state References, Complaints and Appeals shall take their places at the bar when called by the Moderator, and they shall not leave the bar until they are formally dismissed from it by the Moderator.

### **Two Heard**

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

### **Procedure in Dissents and Complaints, and Appeals**

94. 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 inferior Court, and relative documents, or, if they are printed, may take them as read;
  - (c) hears the appellants or complainants or, if there are more than two, the representatives to a number it determines;
  - (d) hears the respondents appointed by the inferior Court;
  - (e) hears the appellants or complainants in reply;
  - (f) calls for questions from members of the Court;
  - (i) 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 are 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.

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

### **Protestation**

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

### **"Sustain"; "Dismiss"**

96. If a motion dealing with an overture, reference, complaint, or appeal is negatived, the matter is still before the House, and shall be disposed of by another motion. For instance, if a motion to "sustain" or "dismiss" is negative it shall be followed by another motion to "dismiss" or "sustain", or by any other relevant and competent motion, until the matter is disposed of.

### **Reference Dismissed**

97. If a reference is informal or frivolous, or if it clearly appears that the inferior Court has not exhausted all its resources in the matter, the Assembly may dismiss the reference without entering upon the consideration of the substance of the reference.

### **Petitions**

98. A motion to grant the prayer of a petition (which prayer includes the words "or do otherwise as the Assembly in its wisdom may deem fit") means that the Court considers there are sufficient grounds in the petition to justify deliberation and decision. If the motion is approved, it is followed by another motion giving effect to the Court's decision. If it is negatived, it is followed by a motion to "dismiss" the petition.

### **Documents in a Case**

99. All overtures, petitions, references, complaints and appeals, with all necessary relative papers, shall be printed and circulated among the members of the General Assembly at least one day before the business is taken up for discussion in the House. No other document shall be deemed part of the record

unless it is expressly so ordered by a resolution duly moved, seconded and voted on. In complaints or appeals the expense of printing shall in the first instance be borne by the complainant or complainants or by the appellant or appellants, and by the party losing when the case is finally decided, unless remitted or distributed by the Assembly.

## **COMMITTEES - COMMISSIONS**

### **Committees**

100. The General Assembly shall appoint Standing and Special Committees and the Conveners thereof.
- (i) Three members of a committee shall constitute a quorum.
  - (ii) Motions need not be seconded.
  - (iii) A member may speak more than once to the same question.
  - (iv) The Convener, without leaving the chair, may speak to a question and may move motions or amendments, and he shall have both a deliberative and a casting vote.
  - (v) A Committee may, however, at any time resolve to be guided strictly by the formal Rules of Debate.
  - (vi) Any member of a Court has a right to be present at a meeting of any of its Committees, whether Standing or Special, and may be associated.
  - (vii) Reports of the proceedings of the Committees shall not be published without their consent.
  - (viii) Any of the other Standing Orders, which are literally applicable to the proceedings of a court shall, if applied to the proceedings of a Standing or Special Committee, be read along with, and be modified by, the provisions of this section.

### **Commission**

101. The General Assembly may appoint a Commission of one or more persons with full powers to deal with all matters submitted to it and any other urgent matters which may arise from time to time. When a Commission consists of two or more members, the Assembly appoints the Chairman.

## **STANDING ORDERS - SUSPENDED - AMENDED**

### **Suspension of Standing Orders**

102. These Standing Orders may be suspended in whole or in part by a motion, notice of which shall have been given at a previous sederunt, duly moved, seconded and carried, or by a motion without notice if the court be unanimous. The purpose or purposes for which it is proposed that the Standing Orders be suspended shall be distinctly stated.

### **Amendment of Standing Orders**

103. Any proposed amendment of, or addition to, these Standing Orders may be introduced to the Assembly by Overture or Substantive Motion.

# **RULES**

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## CHAPTER 1 – THE CONGREGATION

### Definition of a Congregation

- 1.1
- (a) 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.
  - (b) After consultation by Presbytery with Sessions likely to be affected, new congregations may be formed:
    - (a) by the Presbytery
      - (i) on its own initiative; or
      - (ii) on application by a session; or
      - (iii) on application from persons who declare adherence to the principles of the Church;
    - (b) by the Committee on Ministry Resourcing, either,
      - (i) in conjunction with an existing congregation; or
      - (ii) on its own initiative provided the Committee on Ministry Resourcing undertakes to establish and staff the congregation and notifies the Presbytery of all appointments thereto, such appointees being approved by the presbytery.
    - (iii) In the event that a Presbytery is of the view that the establishment of the congregation by the Committee on Ministry Resourcing is unwise, the matter will be referred to the Commission of Assembly for review and final decision with no appeal being allowed apart from a breach of process by the Commission.
    - (iv) The review process will consist of consultation with the presbytery and Committee on Ministry Resourcing with the overriding concerns being (a) the advancement of the gospel and (b) the benefit to the growth of the Presbyterian Church of Queensland
    - (v) In such a review, no member of the Committee on Ministry Resourcing or the Presbytery who is also a member of the Commission of Assembly shall participate in the debate and deliberation by the Commission.

### Definition of a Charge

- 1.2 A Charge is made up of one or more congregations having the one session 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.

The Session or superior court convening a congregational meeting shall determine both the means by which the congregational meeting shall be held, in accordance with Guideline 220, and the means by which voting shall be conducted. When deemed necessary, voting may also be conducted by one or a combination of the following additional voting mechanisms: postal, electronic or online.

### **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, unless unforeseen extraordinary circumstances arise, 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 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 Operations Manager.

### **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 Operations Manager 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 Operations Manager 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 Operations Manager, 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 Operations Manager 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.

- 2.22** The Committee of Management is to prepare an annual budget for approval by the congregation. No unbudgeted expenditure that exceeds one tenth of the ordinary annual income of the Charge may be expended by the Committee of Management or any other body within the congregation without the authority of a congregational meeting called for that purpose.



## **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. (S0 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 Charge, 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) To appoint congregational non-religious workers who are not Accredited Ministry Workers. When such appointments are made, the Session Clerk shall forward the position description, terms of appointment, name, and qualifications of the appointee to the Finance and Administration Board for confirmation with the appointment being subject to that confirmation. (2022 BB Min.47.12)
- (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 and 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.

- (t) 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 Training for the Ministry 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**
- (a) An elder on account of old age, infirmity or sickness may ask Session to allow him to cease his activities as an elder of the charge.
  - (b) Provided the Session resolves to action clause (a) in the affirmative, the Session may either—
    - (i) declare the elder to be elder retired or
    - (ii) declare the elder to be elder emeritus
  - (c) An Elder Retired may be invited to attend a Session meeting or a series of Session meetings where he will be accorded the status of association. He shall not move or second motions, vote on matters before the Session or have the right of appeal. An elder's attendance under this sub clause shall not be counted in establishing a quorum.
  - (d) An Elder Emeritus may be invited to attend a Session meeting or a series of Session meetings where he will be accorded the status of association. He shall not move or second motions, vote on matters before the Session or have the right of appeal. Such an elder's attendance shall not be counted in establishing a quorum.

However the Session may declare by simple majority to grant such an elder emeritus a seat on the Session to be reviewed annually to allow the elder to perform limited duties of the Office of the Eldership of which he is capable. Such an Elder Emeritus shall be counted in establishing a quorum and may be appointed as a Commissioner to a higher court.

Any elder granted a seat in terms of this rule shall fulfil the requirements of Rule 13.73.

**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) Inducted or appointed Ministers including all Ministers serving in Team Ministries within its bounds or those appointed to a specific ministry within the Presbytery and approved by the Presbytery;
  - (b) Ministers or Elders commissioned or set apart by the Presbytery for the work of the GAA or State Assembly (including those provided for in Rule 6.7) as instructed by the GAA or State Assembly.
  - (c) Ministers serving an agency of the GAA fulltime, who have been granted a seat by the Presbytery. A Minister granted a seat on the Presbytery may also be granted a seat on the Assembly, upon requested by the Presbytery and if determined by the Assembly or its Commission.
  - (d) Ministers who are serving as full-time Missionaries, who are granted a seat by the Presbytery. A Missionary granted a seat on the Presbytery may also be granted a seat on the Assembly, upon request by the Presbytery and if determined by the Assembly or its Commission.
  - (e) Ministers Emeriti who are granted a seat by the Presbytery. Ministers Emeriti holding seats on a Presbytery shall also hold a seat on the Assembly.
  - (f) Ministers Retired who are serving within the Presbytery in a capacity for which the Presbytery believes the Minister should be granted a seat. A Minister Retired granted a seat on the Presbytery may also be granted a seat on the Assembly, upon request by the Presbytery and if determined by the Assembly or its Commission.
  - (g) A Minister who is serving the Presbytery in some other capacity and for

which the Presbytery believes the Minister should be granted a seat. A Minister granted a seat on the Presbytery may also be granted a seat on the Assembly, upon request by the Presbytery and if determined by the Assembly or its Commission.

- (h) Representative Elders from the Session of each Calling or Appointment Charge for whom written commissions have been sustained by the Presbytery.
- (i) Elders appointed by Presbytery under the parity Rule 4.20 (viii).

#### **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.
- (a) 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 any regular 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** Subject to the concurrence of the Committee on Ministry Resourcing, a presbytery may appoint an Accredited Ministry Worker to a Charge or work in terms of Rule 4.27 provided that 60% of the Communicant Members of the congregation present at a congregational meeting shall approve the appointment and appointee. The terms of appointment shall be communicated to the Director of Ministry Resourcing who shall settle the appointment documentation on behalf of the Presbytery.

### **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 (g) 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 Operations Manager 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 in a unsatisfactory state, either due to:
- (i) disputes between Ministers, Officer Bearers, or Members of the Charge; and/or
  - (ii) other circumstances wherein the ends of Gospel Ministry are not being met.

When notice comes before a Presbytery to the effect that the state of one of its Charges may be 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, providing ongoing pastoral support where practicable, for such time as is reasonably necessary.

- (a) The Presbytery may appoint one or more of its members to confer in private with the parties involved with a view to resolving the matter through Christian mediation.
- (b) The Presbytery, via an appointed Extraordinary Visitation Committee or Commission of Presbytery, makes due inquiry into the state of the Charge and comes to a finding.
- (c) If the finding is that the Charge is in a unsatisfactory state, either due to:
  - (i) disputes between Ministers, Officer Bearers, or Members of the Charge; and/or
  - (ii) other circumstances wherein the ends of Gospel Ministry are not being met.the Presbytery may then take as many of the following actions as it deems necessary, and in such order as it deems necessary:
  - (i) counsel and admonish the parties concerned
  - (ii) provide training for the office bearers and/or minister and/or members as is considered reasonably necessary; and
  - (iii) take other actions as the Presbytery considers reasonably necessary to remedy the state of the charge.
- (d) After taking actions in accordance with (c), 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.)
- (e) If the Presbytery declares that the state of the Charge has not been remedied, 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, and/or other factors not related directly to persons within the Charge.

- (f) When the Presbytery has made an allegation as in clause (e) 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) decide whether or not the state of the Charge is wholly or partly due to the actions of the Minister.
- (g) If the Presbytery decides that 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.
- (h) When the Presbytery has made an allegation as in clause (e) 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) decide whether or not the state of the Charge is wholly or partly due to the actions of the office bearers and/or members.
- (i) If the Presbytery decides that the unsatisfactory state of the Charge is due to the actions of any office bearers and/or members, 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) 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.
  - (c) 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.

### **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, ceases to qualify for his Charge by failing to hold a current Positive Notice Blue Card 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. Save for the purposes of ensuring legislative compliance, 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.

#### **Ministers Retired and Emeritus**

- 4.41 When a Minister on account of old age, infirmity or sickness concludes his ministry within a Charge or in a sphere of ministry approved by the Presbyterian Church of Queensland, he may be declared by the Assembly or its Commission to be either a Minister Retired or a Minister Emeritus. Such a minister, being in good standing, shall have all the rights and privileges which would normally be granted by a Court through association (SO 10) within the Presbytery, which has jurisdiction over him, and the Assembly. (2022 BB Min. 47.10).

#### **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.

**Post-Licensing Training**

- 4.48** Licentiates under the jurisdiction of a Presbytery shall, under its direction, engage in a course of 'post-licensing training.' This course of training shall be determined by the Assembly from time to time. When a Presbytery considers the ordination of a licentiate, the engagement of the licentiate in his 'post-licensing training' and whether he has completed it successfully shall be taken into consideration when considering the suitability of the licentiate for the related call or appointment. (2022 BB Min.47.2)

## **CHAPTER 5 - THE STATE ASSEMBLY**

### **Members**

- 5.1 The State Assembly consists of Ministers on the rolls of Presbyteries, read in light of and in accordance with the provisions of Rule 4.3, and representative Elders duly commissioned for each Appointment and Calling Charge together with Presbytery appointed parity elders as required, and the Officers of the State Assembly. (2022 BB Min.47.11).

### **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**
- (a) The Officers of the State Assembly are the Moderator, Clerk, Deputy Clerk and Treasurer who must be Ministers or Elders. They hold office until they resign, are removed from Office by resolution of the Assembly or are for some other reason unable to fulfil their Office.
  - (b) All Assembly Officers may be remunerated on such terms as determined by the Stipends Commission in consultation with the Finance and Administration Board.
  - (c) All Assembly Officers shall have the right to participate with the privileges of an associated member (as defined in Standing Order 10) at all meetings of, and consultations with, Assembly appointed Committees and Boards of which they are not exofficio members.
  - (d) All Assembly Officers are ineligible to hold elected seats on, or be a Presbytery Appointee to, Assembly appointed Standing Committees and Boards until such time as they cease being Officers of the State Assembly.
- 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 sittings 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 a 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 Rescinded (COA MIN 18/122).

### **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 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 Operations Manager.

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 seven members elected annually by the Assembly and the following 'ex officio' members: the Moderator, the Moderator-Elect, the Clerks, and the Treasurer.
- Note: As consistent with general meeting practice, conveners of Assembly Committees and other bodies may be associated when business affecting the work under the care of the Committee or body is being considered. (2022 BB Min 47.14)
- (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) Recommend to the Assembly or the Commission of Assembly policies and procedures to govern the employment of Assembly administrative staff, congregational non-religious workers and Ministry Workers. The adoption of such policies and procedures shall not prohibit a court of the Church from exercising its powers using the Code of Discipline and other administrative procedures outlined in the Rules of the Church in addition to such employment policies and procedures. (2022 BB Min. 47.13)
- (viii) administer funds or enterprises and projects allocated to it from time to time by the Assembly.

#### **Management of Finance and Administration Department**

- 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
- (iii) The Executive of the Board, made up of the elected members, shall meet as required.
- (iv) The Operations Manager of the Church shall be the Executive Officer 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 Operations Manager 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 Commission of Assembly. (COA Minute 13/95)

### **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) Training for the Ministry.
- (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. The Principal and Vice Principal appointed by the Assembly to serve within the Queensland Theological College or its successor shall be an ex officio member of the Committee on Training for the Ministry. 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** (Deleted 2022 BB Minute 47.5)

**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 Code and Legal Reference Committee shall be advised of the proposal for its information and report if the Committee considers it necessary.

### **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 accreditation of Accredited Ministry Workers;
  - (ii) the pastoral care of Accredited Ministry Workers who are serving the Committee;
  - (iii) the provision of chaplaincy services;
  - (iv) 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 Training for the Ministry**

- 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

- (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).
  - (v) A report that the candidate has received external psychological testing, including psycho sexual assessment for the purpose of determining their suitability to be a person in religious ministry and to undertake work involving children. (A Presbytery may seek the help of the Committee on Training for the Ministry in securing this report, but the Presbytery shall not accept a person as a candidate unless the Presbytery has received the report.)

### 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 Training for the Ministry 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 Training for the Ministry 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 Training for the Ministry 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 Training for the Ministry 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 Training for the Ministry or its successor**

- (e) The Committee on Training for the Ministry 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 Training for the Ministry 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 Training for the Ministry 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 Training for the Ministry 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 Training for the Ministry 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 Training for the Ministry 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 Training for the Ministry 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 Training for the Ministry 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 Training for the Ministry or its successor, she will furnish a certificate of her successful completion of the course to the Presbytery.

The Committee on Training for the Ministry 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 to the Queensland Theological College**

**6.6** The Assembly shall elect the following professors or fulltime lecturers:

- (a) The Principal of the Queensland Theological College;
- (b) The Vice Principal of the Queensland Theological College;
- (c) One Faculty member who is the Senior Lecturer in Systematic Theology within the Queensland Theological College.

Such persons shall be ministers or elders of the Presbyterian Church of Australia where an elder shall not of necessity be a bona fide acting elder.

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.

- 6.7 Professors and/or lecturers appointed to positions other than those referred to in Rule 6.6 shall be appointed in terms of the requirements of the Constitution of the Queensland Theological College, and shall not be automatically appointed to the Faculty under this rule and shall always require the concurrence of the Commission of Assembly to validate the appointment. The process of making the appointment shall be the same as detailed in Rule 6.6, but undertaken within a meeting of the Board of Queensland Theological College.
- 6.8 The Board of Queensland Theological College shall determine whether an elected or appointed position shall be described as a professorship or lectureship.

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

- 6.9 When an Ordained Minister or Elder is elected or appointed to the office of a Professor and/or full-time Lecturer, the Assembly or its Commission (in the case of an appointment) 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**

- 6.10 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 or ceases to be a communicant member of the Presbyterian Church of Australia;
  - (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.
- (iii) 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 shall 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:
  - a. 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:

1. 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.
2. Licentiates 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 Finance and Administration Board, 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 Finance and Administration 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 Finance and Administration 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 4.22 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 petition may not be used when an individual:
- (i) has been obstructed in the exercise of their right of appeal from an inferior Court by that Court; or
  - (ii) is aggrieved by the act or decision of an inferior Court but has not right of appeal. (See Rule 13.30(c))
- (C) A Session or Presbytery may petition a superior Court of the Church if it cannot otherwise conveniently deal with a matter before it.
- (D) 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.
- (E) 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.
- (F) A Court may decline to receive a petition if the contents thereof are scandalous or irrelevant.
- (G) 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.



- (H) A petitioner whose petition is not acceded to may appeal in accordance with the rules relating to appeals.
- (I) 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)
- (J) 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 13.24 (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 forwarded to the Code and Legal Reference Committee for its information and report if the committee considers it necessary.
- (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 86, 87, 88).

## **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** (a) A member of any Court may petition to have a matter reopened provided—
- (i) he has dissented against a decision;
  - (ii) he can produce new evidence materially bearing on it; or
  - (iii) 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 must be given of such a petition and of the grounds on which it is based.

- (b) Although a petition may be dealt with without the presence of the presenter of the petition, in the case of this rule it is preferable that the petitioner be present, that he is given sufficient time to state his petition and to answer any questions the Court may desire to ask the petitioner before a decision is made.
- (c) A petition presented under this rule shall not be dealt with in terms of Rule 13.24, but shall be considered a unique situation to be dealt with only under this rule.
- (d) 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.

- (e) 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 petitioner in the preparation and presentation of the petition.
- (f) A petitioner whose petition is not acceded to may appeal in accordance with the rules relating to appeals.
- (g) The steps in hearing a petition under the rule are:
  - (i) The document will be read or taken as read.
  - (ii) 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.
  - (iii) The Moderator will call the petitioner to the Bar of the House.
  - (iv) The petitioner will present the case.
  - (v) The Moderator will call for questions to be answered by the petitioner.
  - (vi) The petitioner will be removed from the Bar of the House.
  - (vii) The Court will decide whether the petitioner may hear the discussion of the case.
  - (viii) The Court will discuss the merits of the petition.
  - (ix) The Court will decide whether to grant the prayer of the petition.
  - (x) The Court, if it decides to grant the prayer of the petition, will move a motion concerning the action to be taken.
  - (xi) The Court, if it decides not to grant the prayer of the petition, will move a motion to dismiss the petition.
  - (xii) The Moderator will advise the petitioner of the decision taken.
- (h) If the Court finds that a petition to reopen a matter has not sufficient grounds the petition may be dismissed as frivolous and vexatious, and the matter being dealt with may be proceeded with in the normal process.

### **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 a necessary precondition to their initial and ongoing induction/appointment 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 the age of 18 shall hold a current Positive Notice Blue Card (or any subsequent updating of that document).

Any related rules must be read in the light of this rule.

However, save for the purpose of employment, exemption may be granted provided it can be clearly established by the Commission of Assembly that there is no specific 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)

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**REGULATION  
100 BALLOT  
COMMITTEE**

**NAME**

1. There shall be a Committee of the General Assembly called the Ballot Committee.

**MEMBERSHIP**

2. The Committee, including a Convener, shall be elected by the Assembly on the nomination of the Business and General Purposes Committee.

**DUTIES**

3. The Committee shall supervise all ballots during the Assembly.

**THE BALLOT**

4. A ballot shall be held by the Assembly for all nominations regardless of whether the number of nominees exceeds, equals, or is less than the number of positions available for the appointment. Unless the Assembly determines to proceed otherwise, only those nominees receiving a majority of votes cast in favour of their election shall be elected, up to the number of positions available, in accordance with the following requirements:
  - (a) Where there is only one position to be filled and only one nominee, a simple ballot shall be held in accordance with procedures to be determined and published by the Ballot Committee. The nominee must receive a majority of votes to be elected.
  - (b) Where there is only one position to be filled and multiple nominees, a preferential ballot shall be held in accordance with procedures to be determined and published by the Ballot Committee. The first nominee to receive a majority of preferential votes shall be elected.
  - (c) Where there are multiple positions to be filled, a block ballot shall be held in accordance with procedures to be determined and published by the Ballot Committee. Only nominees who individually each receive a majority of votes shall be elected.

## PREFERENTIAL BALLOT

5. Should the Assembly so determine through a procedural motion (Standing Order 66A), the ballot shall be preferential, as follows:
  - a. The ballot paper shall be marked by placing the number 1 against the first preference and by placing the numbers 2, 3 and so on as the case may be against all selected nominees.
  - b. The votes are allocated to the nominees in order of number 1 appearing against each nominee. If any nominee receives more than half of the number 1 votes cast, he shall be declared elected. If no nominee has received an absolute majority on his first preference votes, the following procedure will be followed:
    - i. The Convener of the Ballot Committee will then determine the nominee having the lowest number of first preference votes. That nominee will then be excluded and all ballot papers marked as number 1 to him shall be transferred to the remaining nominees in the order that number 2 marking on each ballot paper is shown.
    - ii. At the conclusion of this distribution, the total number of votes for each nominee (ie number 1 votes and number 2 votes received from excluded nominees) are totalled. If no nominee again has an absolute majority, the nominee with the lowest number of votes is excluded. The votes allocated to that nominee as his first preference shall be transferred to the remaining nominees in the order of the number 2 appearing on the ballot papers. In addition, any vote received by him from an excluded nominee shall be transferred to the remaining nominees in the order of the next number shown on the ballot paper.
    - iii. All transfers of votes are only made to the remaining nominees and not to excluded nominees.
    - iv. If a preference is shown for a nominee already excluded, the vote is transferred to the nominee against whose name the next sequential number is shown.
    - v. This procedure is continued until the nominee with an absolute majority is elected.

## **NOMINATIONS**

6. (a) Nominations shall close at a time determined by the Assembly.
- (b) All nominations shall be submitted on a signed nomination form and shall be handed in before the close of the ballot.
- (c) All nominations shall include the following information about the nominee:
  - (1) their congregation;
  - (2) the positions/offices/tasks exercised in their congregation;
  - (3) their qualifications/experience/gifts/skills making them suitable for the position;
  - (4) reason nominee is agreeable to be nominated;
  - (5) confirmation that the nominee has undertaken to commence the introductory module of the Church's governance training and that the nominee will complete the church's governance training within a period of six months;
  - (6) any other relevant information.
- (d) Assembly members shall be provided with the information submitted by all nominees in accordance with Regulation 6 (c) (3) at least one week before the ballot is conducted.

## **REGULATIONS FOR THE ELECTION OF MEMBERS TO THE COMMISSION OF ASSEMBLY**

7. (a) The ballot paper for elections to the Commission of Assembly shall show the names of every duly nominated candidate, and shall be organised so as to indicate the candidates from each Presbytery, the candidates who are Ministers and the candidates who are Elders.
- (b) Voters shall be at liberty to record a vote in favour of as many candidates as they wish, up to a maximum of twelve.
- (c) The total number of votes recorded for every candidate shall be counted and recorded, and all candidates shall be ranked in order according to the total number of votes received by each.
- (d) The total number of members of the Commission of Assembly elected under these regulations shall be twelve.
- (e) Subject to regulations (f) and (g) below, the twelve candidates receiving the highest number of votes shall be elected to the Commission of Assembly subject to having received approval by a majority of the Assembly.
- (f) Notwithstanding regulation (e):



- (i) the candidate from the Presbytery of Darling Downs, the candidate from the Presbytery of Central Queensland and the candidate from the Presbytery of North Queensland receiving the highest number of votes shall be elected to the Commission of Assembly subject to having received approval by a majority of the Assembly;
  - (ii) subject to sub-regulation (iii) below, the three candidates being Elders receiving the highest number of votes shall be elected to the Commission of Assembly subject to having received approval by a majority of the Assembly;
  - (iii) if any of the candidates referred to in sub-regulation (i) are Elders, then such candidate or candidates shall be treated as elected for the purposes of sub-regulation (ii), so that the total number of Elders elected under this regulation is not less than three.
- (g) Candidates elected under regulation (f) shall be included in the total number of members elected under these regulations (as stipulated in regulation (d)), so that to the extent necessary the number of members elected under regulation (e) shall be reduced by the number of members elected under regulation (f).

#### **Guidelines for Ballot Committee in the Election of the Commission of Assembly**

**Step 1** Count all the votes cast and rank the nominees in order according to the number of votes received.

**Step 2** Deem elected the highest ranked nominee from each of the designated Presbyteries.

**Step 3** Deem elected the three highest ranked nominees who are Elders.

**Step 4** From the remainder deem elected the highest ranked nominees to complete the required number of twelve.

Note the number elected in Step 4 will be six or more. For example, the nominee elected from one of the designated Presbyteries may be an Elder. In that case he will be covering two of the requirements of the rule and hence the special requirements for the Presbyteries and Elders will be covered by five (5) men. In that case there would be seven others required in step 4. If there were two Elders who are highest ranked from those Presbyteries there would be eight required in step 4.

8. Ministers and Elders (or Communicants of the Church) may only be elected at any one time to either the Commission of Assembly, Finance

and Administration Board or the Property Board and may not be concurrently elected to any other Standing Committee or Board of the Assembly.

9. Regulation 100.8 shall expire on 30 June 2027.

## **REPORT**

10. The Committee shall report the results of the ballot to the Assembly, as soon as results are known.



# **REGULATION 101**

## **EXAMINATION OF RECORDS COMMITTEE**

### **Committee**

1. A Committee of four (two Ministers and two Elders) is appointed to examine the minute books of all Assembly Standing Committees, Commissions, Boards, etc, and Presbyteries.

### **Records Inspected**

2. The following records should be inspected:  
APWM (Queensland)  
Committee on Business and General Purposes  
Committee on Ministry Resourcing  
Committee on Training for the Ministry  
Committee on Outreach and Nurture  
Committee on Gospel in Society Today (GiST)  
Finance and Administration Board  
Stipends Commission  
The Presbyteries  
Board of Queensland Theological College  
Board of PresCare  
Board of Fairholme College  
Code and Legal Reference Committee  
Property Board

### **Procedure**

3. In examining records, the following points should be observed:
  - (i) That all meetings are opened and closed with prayer;
  - (ii) That records of meetings are kept in a satisfactory manner;
  - (iii) That minutes are confirmed;
  - (iv) That no gaps are left between meetings or that any gaps left are ruled out; and
  - (v) That all books required to be submitted are in fact submitted for inspection.

### **Moderator to Attest**

4. When all records have been inspected, they should be stamped and left open for the Moderator to sign.

### **Convener to Report**

5. If possible, a report to the Assembly by the Convener should be made in sufficient

time to allow the Moderator to sign the books before the Assembly ends, so that Conveners, etc (and especially country Presbytery Clerks) do not have to wait to collect their books.

**Format of Report**

6. The Convener reports to the Assembly (by arrangement with the Business Convener), using the format of the deliverance in the previous year's Blue Book.

## **REGULATION 110**

### **FINANCE AND ADMINISTRATION BOARD**

The Finance and Administration Board shall be responsible for the following financial and related matters:

#### **General Church Finances**

1. The Finance and Administration Board shall:
  - (a) Administer the finances of the Church, including the State Mission Program.
  - (b) Review financial long range plans of Committees ensuring that a triennium approach is taken for the funding of projects.
  - (c) Advise the Commission of Assembly of income available to the Assembly to fund activities or projects as the Commission of Assembly may approve.
  - (d) Appoint Committees to advise it on church properties, investments and other relevant matters;
  - (e) Administer all relevant funds, including the Assembly Expenses Fund, the Superannuation Fund, the Insurance Fund, the Car Loan Fund, the John Rogerson Memorial Fund, the Removal Fund, the Long Service Leave Fund and the Accident and Sickness Fund.

#### **General Matters**

- 2A.
  - (a) The Board elects annually a Chairman from its members and he shall serve the Board in an honorary capacity.
  - (b) The Board shall:
    - (1) Appoint one of its members to be Vice Chairman;
    - (2) Meet as required but at least once in every two months;
    - (3) Fill casual vacancies occurring in the Board between Assemblies;
    - (4) Enter in a register all bequests to the Church and its Congregations, Charges or Institutions, noting the name and place of abode of the testator, the names of the executors or trustees, the amount of the bequest, the purposes to which it is devoted and other relevant particulars. The Board shall submit annually to the Assembly a statement concerning all bequests.
  - (c) The Auditor is appointed in terms of Rule 5.24. Unless determined by the Assembly, the Auditor's remuneration shall be fixed by the Finance and Administration Board. The Auditor shall have access to all books, vouchers and documents relating to the accounts of the Assembly, and its Committees.

- (d) The Auditor or Auditors shall submit to the Assembly through the Clerk, or in person, a report on the accounts and books of account examined by him/her/them and shall submit a copy of such report to the Finance and Administration Board not less than 21 days prior to the Assembly. Such reports shall be published in the White Book unless by the resolution of the Assembly.
- (e) Certificates of the Auditor or Auditors shall be attached to all balance sheets and financial statements and submitted to the Assembly.

**Regulations governing the position of Operations Manager and Accountant**

- 2B.**
- (a) The Board appoints an officer or officers in a full time or part time capacity to fulfill the following functions:
    - (i) Operations Manager: Supervise the financial and administration section of the Church Office; carry out all such activities related to church activities as detailed in a documented Terms of Appointment; act as Secretary to the Property Board.
    - (ii) Accountant: Carry out and supervise all accounting processes and all such activities related to financial matters as detailed in a documented Terms of Appointment.
  - (b) The above appointments shall not be Assembly Appointments but the Commission of Assembly shall be advised of the appointments prior to the documented Terms of Appointment being finalised, including the name of the proposed appointee.
  - (c) The Operations Manager shall be a member of the Business and General Purposes Committee.
  - (d) Neither of the above officers shall be a member of the Finance and Administration Board; however, the Operations Manager shall be the Executive Officer to act on behalf of the Finance and Administration Board.

**Church Office and Staff**

- 2C.**
- (a) In terms of Rule 5.22 (c) (vi) the Finance and Administration Board has “control over the Assembly Administrative Staff”.
  - (b) Notwithstanding Clause 2B (a) above, recognize that within the total operation of the “Church Office” there exists three distinct office groupings as follows:
    - (i) The Office of the Clerk of Assembly:  
The Clerk and Deputy Clerk of Assembly are accountable to the State Assembly (Rules 5.7, 5.8, 5.9 and 5.11). Staff of the Clerk of Assembly (although governed by the Finance and

Administration Board in terms of Rule 5.22 (c) (vi)) are directly accountable for the way in which they perform their duties to the Clerk of Assembly and the Clerk of Assembly shall be consulted in the appointment of such staff and shall have the right to concur with all such appointments.

(ii) The Office of Ministry Resourcing and Christian Education:

The Director of Ministry Resourcing and Christian Education is appointed by the State Assembly and is accountable to the State Assembly or its Commission (Rules 5.48 (b) and 5.49 (b)). Staff of the Office of Ministry Resourcing and Christian Education (although governed by the Finance and Administration Board in terms of Rule 5.22 (c) (vi)) are directly accountable for the way in which they perform their duties to the Director of Ministry Resourcing and Christian Education and the Director of Ministry Resourcing and Christian Education shall be consulted in the appointment of all such staff and the Committee of Ministry Resourcing and the Committee on Outreach and Nurture shall have the right to concur with all such appointments.

(iii) The Office of Finance and General Administration:

Staff of the Office of Finance and General Administration are appointed by the Finance and Administration Board and are directly accountable to the General Manager for the way in which they perform their duties. The appointment of staff (in terms of Rule 5.22 (c) (vi)) may be delegated to the General Manager by the Finance and Administration Board from time to time. (COA Minute 13/101)

(c) Within the “Church Office” [as defined within Regulation 110.2C (b)(i), (ii) and, (iii)], the process dealing with complaints associated with workplace matters shall be as follows:

- (i) Where workplace disputes and difficulties arise among staff, and prior to a complaint being activated under clause (ii) hereafter, complainants must, in the first instance, seek to have the matter resolved by the person (heretofore described as either, Clerk of the Assembly, or Director of Ministry Resourcing and Christian Education, or General Manager) to whom they are accountable.



- (ii) In the event that a complainant, under the preceding clause, fails to have his/her complaint resolved to his/her satisfaction, such complainant may pursue the matter further as follows:-
  - (a) A complaint shall be made in writing to the person to whom they are accountable being either the Clerk of Assembly, Director of Ministry Resourcing and Christian Education, or General Manager
  - (b) The complaint shall be forwarded to the Workplace Complaints Tribunal (as constituted under clause (iii) hereafter)
  - (c) The Complaints Tribunal shall hear and decide upon the complaint and report its findings to the Finance and Administration Board and, if necessary, the Commission of Assembly
- (iii) The Workplace Complaints Tribunal shall consist of three persons as follows:
  - (a) Two elected members of the Finance and Administration Board (excluding the Chairman);
  - (b) One member of the Commission of Assembly (excluding the Moderator, the Clerk, and the Deputy Clerk)
- (iv) In the case of a workplace complaint by a member of staff against either, the Clerk of Assembly, the Director of Ministry Resourcing and Christian Education, or the General Manager, the complaint shall be resolved as follows:
  - (a) The complaint shall be made in writing to any one of the aforesaid Clerk of Assembly, Director of Ministry Resourcing and Christian Education, or General Manager to whomever the complainant is not accountable
  - (b) The complaint shall be forwarded to the Workplace Complaints Tribunal
  - (c) The Complaints Tribunal shall hear and decide upon the complaint and report its findings to the Commission of Assembly
- (v) All employees of the Church Office [as defined within Regulation 110.2C (b) (i), (ii) and, (iii)] shall be made aware of the contents of Regulation 110.2C (c) and shall confirm in writing to the Clerk of the Assembly that they have received information concerning the complaint procedure as set out in Regulation 110.2C (c). (COA Minute 13/139)

### **Removal Expenses Fund**

3. (a) Purpose of Fund  
The Removal Expenses Fund is a fund for the payment of the removal of Ministers and Licentiates proceeding to a Call or Appointment in Queensland, or proceeding to retirement; and for the payment of the removal of Accredited Ministry Workers and Deaconesses to and from Appointment Charges, Assistantships in Queensland or proceeding to retirement.
- (b) Administration  
The fund is administered by the Finance and Administration Board and will only pay removal costs for those who are proceeding in terms of clause 3 (a) and for their dependents.
- (c) Charges on the Fund  
I. The fund shall pay for Ministers:
- (1) proceeding to Calls or Appointments within the State - removal expenses (as capped by the Finance and Administration Board from time to time), and insurance during transit, of all household furniture and effects and the Minister's library, and associated motor vehicle and accommodation expenses (as capped by the Finance and Administration Board from time to time) or air fares up to that cost where applicable, for the Minister and his dependent family.
  - (2) proceeding to a Call or Appointment in Queensland but coming from abroad or another State - removal expenses as determined by the Finance and Administration Board from time to time.
  - (3) proceeding to retirement within the State - removal expenses (as capped by the Finance and Administration Board from time to time) and insurance during transit, of all household furniture and effects and the Minister's library, and associated motor vehicle and accommodation expenses (as capped by the Finance and Administration Board from time to time) or air fares up to that cost where applicable, for the Minister and his dependent family.
  - (4) proceeding to retirement outside the State - removal expenses as outlined in (3) above shall be paid to the place of retirement up to 2000 kilometres or pro rata if beyond 2000 kilometres.
  - (5) who, owing to ill-health or some other legitimate cause,

have to demit their charge before they reach retirement - removal expenses as outlined in (1) above shall be paid to the place of retirement if within Queensland; and up to 2000 kilometres or pro rata if beyond 2000 kilometres for retirement interstate, provided that –

- (i) the Minister has served the charge from which he is retiring for a period of two years;
  - (ii) both the Presbytery of the bounds and the Finance and Administration Board are satisfied as to the legitimacy of the 'some other cause';
  - (iii) the Finance and Administration Board, acting on the advice of the Presbytery of the bounds, may exercise grace in dealing with any particular case as it deems fit.
- (6) in the case of death - removal expenses of a widow shall be paid in accordance with (3) and (4) above.
- II. The fund shall pay for Licentiates proceeding to an appointment in a Calling or Appointment Charge - removal expenses in accordance with I (1) and (2) above.
- III. The fund shall pay for students for the ministry during their three year field appointments - one (1) removal during the period of field appointment in accordance with I (1) above.
- IV. The fund shall pay for Accredited Ministry Workers and Deaconesses:
  - (1) provided that not more than one appointment shall be made over a two year period; otherwise the Charge shall be responsible for the extra removals.
  - (2) proceeding to an appointment in Queensland - removal expenses (as capped by the Finance and Administration Board from time to time), and insurance during transit, of all household furniture and effects, and the appointee's library, and associated motor vehicle and accommodation expenses (as capped by the Finance and Administration Board from time to time) or air fares up to that cost where applicable, for the appointee and his dependent family.
  - (3) proceeding to an appointment in Queensland, but coming from outside of Queensland - removal expenses as determined by the Finance and Administration Board from time to time

- (4) proceeding to retirement within the State of Queensland - removal expenses as detailed in I (3) above to the place of retirement.
- (5) proceeding to retirement beyond the State - removal expenses as detailed in I (3) above shall be paid to the place of retirement up to 2000 kilometres or pro rata if beyond 2000 kilometres .
- (6) who, owing to ill health, have to resign from the employ of the Committee on Ministry Resourcing prior to their reaching retirement - removal expenses as outlined in I (1) above shall be paid to the place of retirement if within Queensland; and up to 2000 kilometres or pro rata if beyond 2000 kilometres for retirement interstate, provided that:
  - (i) the Appointee has served the Committee on Ministry Resourcing for a period of two years; and
  - (ii) the Committee on Ministry Resourcing has had the advice of an independent medical referee if the Committee deems such action necessary; however, if the Finance and Administration Board declares that if special circumstances exist it may waive (6) (i) above and pay removal expenses, or part thereof at its discretion, as outlined in IV (2) above.
- (7) who resigns from the Committee on Ministry Resourcing to undertake full-time study for the ordained ministry in the Queensland Theological College of the Presbyterian Church of Queensland – removal expenses as outlined in IV (2) above to Brisbane, provided that the Accredited Ministry Worker has completed their current appointment, or has served for a period of two years in their current appointment, whichever is the lesser.
- (8) in the case of death - removal expenses of their spouse and dependent family shall be paid in accordance with IV (4) or IV (5).

V. The Board shall have discretionary powers to deal with exceptional circumstances.

#### **Assessments**

4. All Charges, and where appropriate Appointing Committees, shall be assessed

annually at a rate determined by the Assembly.

#### **Team Ministries Assessments**

5. In Team Ministries, an assessment shall be paid for each Minister/Appointee.

#### **Committees or Boards**

6. Committees or Boards paying the annual assessment shall be eligible for refund of removal expenses incurred in filling the office for which payment is made.

#### **Internal Movement**

7. For all removals, the expenses shall be paid only where the beginning or end of an induction or an appointment is involved. In cases of internal movement, no payment shall be made from the fund.

#### **Minimum Service Period**

8. When a Minister or Accredited Ministry Worker is called or appointed to a Charge it is anticipated that the term of his call or appointment will be for a minimum of three years. Should a Minister or Accredited Ministry Worker take up an appointment for a period less than three years, a pro rata bond, based upon the total payment made from the Removal Fund, shall be payable to the Fund by the Charge at the time of the initial removal. The bond shall be repaid to the Charge in full or on a pro rata basis based upon the reappointment of the Minister or Accredited Ministry Worker to the Charge.

When a Minister moves from a Charge before he completes two (2) years of ministry (except for special circumstances), then the Congregation, Board or Committee so calling him or appointing him, must pay 50% of the cost involved in the translation of a Minister to his new settlement. (COA Min. 12/65.2)

#### **Early Resignation of an Accredited Ministry Worker or Deaconess**

9. If an Accredited Ministry Worker or Deaconess resigns from employment with the Committee on Ministry Resourcing prior to the completion of the current appointment, or prior to a period of two years' service in the current appointment, whichever is the lesser, no removal expenses shall be paid.

#### **Discipline or Unsatisfactory Service**

10. (a) If the Accredited Ministry Worker or Deaconess has his/her employment with the Committee on Ministry Resourcing terminated because of -
  - (i) an act of discipline, including failure to comply with the terms of the Letter of Agreement; or
  - (ii) unsatisfactory service during a period of probation.no removal expenses will be paid.

- (b) the Committee on Ministry Resourcing shall make a report to the Finance and Administration Board outlining approximate financial commitments the Committee anticipates for the period that the Board will bring an assessment recommendation to the Assembly.

### **Support for Ministry Transition**

- 11. The financial process to be followed to provide compensation to charges where inducted or appointed ministers and other appointed workers covered by Stipend Commission remuneration packages are not functioning in their capacity is as follows:
  - 1. Severing of a pastoral tie or conclusion of an appointment based upon circumstances of a non-criminal nature
    - (a) The Presbytery may bring an induction or an appointment to an end if it has been following a process of Rule 4.33, 4.34 or a charge of a non-criminal nature under the Code of Discipline.
    - (b) A Presbytery may after consultation with the inducted or appointed person bring the inducted or appointed position to an end on the basis that the appointee and Presbytery believes the person concerned should be given assistance to transition out of the ministry.
    - (c) In the case of (a) and (b) the Charge will be responsible for the first month's remuneration and the Finance and Administration Board will pay 11 months remuneration in the same tax effective manner as if he continued to serve in this role.
    - (d) Counseling and any other necessary form of support may be provided through the Presbytery and Committee on Ministry Resourcing.
    - (e) Payments and other forms of support shall cease if alternative employment is entered into during the 12 month period.
    - (f) If the worker is living in a manse he shall be permitted to remain in that property for a period of up to three months and from the time he vacates the manse the equivalent manse allowance shall be paid for the remainder of the period.
  - 2. Severing of a pastoral tie or other appointment because of a criminal charge:
    - (a) A Presbytery is required to carry out action in relation to child abuse by immediate suspension once a child abuse charge is laid.

- (b) If it is a matter whereby the civil authority withdraws a blue card/positive notice then along with the requirement of suspension in sub clause (a) the matter shall be addressed in terms of Rule 13.73 and employment shall cease and the Presbytery shall either sever the pastoral tie or conclude the appointment. This does not preclude the Presbytery acting in terms of the Code of Discipline in relation to the matter.
  - (c) Suspension may be imposed by a court of the Church as applicable if it is a charge for an offense other than child abuse.
  - (d) In such circumstances described in clause (b) when employment ceases some payment shall continue, namely the charge shall pay the first month's remuneration after the action in clause (b) and further payment may be made by the Finance and Administration Board in terms of this clause.
  - (e) The administration of these costs shall be controlled by the Committee on Ministry Resourcing.
  - (f) If the charge is proven no further payment shall be made.
  - (g) If the charge is dropped or no conviction follows the Presbytery shall review the circumstances of the Charge and the inductee/appointee.
3. Funding for matters covered in 1 and 2 shall be approved by the Finance and Administration Board from general funds of the Church and all actions concerning 1 and 2 shall require the approval of the Commission of Assembly where finance is involved.

### **Annual Leave**

12. A minimum of four weeks' annual leave (including four Sundays) shall be included in the terms of settlement for a Minister and in the terms of appointment for an Accredited Ministry Worker or Deaconess. Annual leave may only be accrued to a maximum of eight weeks. If further leave becomes due it shall be deemed that the Minister, Accredited Ministry Worker or Deaconess is immediately on leave until the entitlement is reduced to eight weeks. While a Minister, Accredited Ministry Worker or Deaconess is on annual leave the charge shall continue to pay the cash component of the stipend plus usual allowances to the Ministry Support Fund and expense-payment fringe benefits on behalf of the Minister, Accredited Ministry Worker or Deaconess. The Finance and Administration Board shall maintain a record of the annual leave owing and taken by Ministers, Accredited Ministry Workers and Deaconesses.
13. The Presbyterian Church of Queensland recognises its responsibility to comply with civil employment law, including the provision of:
- (a) Unpaid Parental and Adoption Leave

- (b) Paid Personal/Carers Leave
- (c) Paid Compassionate Leave
- (d) Unpaid Carers Leave
- (e) Unpaid Family and Domestic Violence Leave
- (f) Community Service Leave (unpaid except for Jury Duty)
- (g) Unpaid leave in special circumstance as approved by the Presbytery

#### **Ministry and Personal Development Leave**

14.
  - (a) Leave from ministry duties for seven days annually, being non-cumulative but not necessarily consecutive (ie not one week), including one Sunday, shall be included in the terms of settlement or appointment for a Minister, Licentiate, Accredited Ministry Worker or Deaconess for the purpose of ministry and personal development.
  - (b) While a Minister, Licentiate, Accredited Ministry Worker or Deaconess is on leave the Charge shall continue to pay the cash component of the stipend plus usual allowances and expense-payment fringe benefits on behalf of the Minister, Licentiate, Accredited Ministry Worker or Deaconess.
  - (c) Unused leave shall not accrue at the conclusion of any annual period, or period of employment, and the Minister, Licentiate, Accredited Ministry Worker or Deaconess shall not be entitled to be paid in lieu thereof.
  - (d) The record of leave taken shall be maintained by the Session Clerk.
  - (e) A Minister, Licentiate, Accredited Ministry Worker or Deaconess taking leave shall advise the Session and seek the approval of the Presbytery. In the case of an Accredited Ministry Worker or Deaconess taking leave, the concurrence of the Committee on Ministry Resourcing shall also be sought.

#### **Long Service Leave**

15. Ministers serving the church at home or abroad, Accredited Ministry Workers and Deaconesses shall be eligible for thirteen weeks' Long Service Leave after ten years of continuous full-time service, and subsequent periods of Long Service Leave after subsequent periods of five (5) years of continuous service. Those serving in part-time positions shall have their actual service re-calculated in terms of the equivalent number of full-time years served and shall be eligible for 1.3 weeks' Long Service Leave for each year they are deemed to have served as per this calculation.

#### **General Regulations**

16. The following general regulations shall apply:
  - (a) The Board shall notify members when they are about to become



eligible for Long Service Leave. Members must begin to take their leave within three years when they have been notified that their leave has become due and they have accrued entitlements of at least thirteen weeks' Long Service Leave. Leave may be taken either in an unbroken period, or broken periods as approved by the Presbytery. Where leave is taken in broken periods, the total entitlement must be taken within three years and any one period of leave shall not be less than two (2) weeks' duration.

- (b) For the purposes of calculating the period of service, approved sick leave shall be included.
- (c) Long Service Leave shall not affect normal annual leave.
- (d)
  - (i) When a Minister returns to ministry within the Presbyterian Church of Queensland, immediately after serving as a Chaplain to the Armed Services, he shall be deemed to have given continuous service, but the years spent in chaplaincy to the Armed Services shall not be counted as service when calculating long service leave entitlements.
  - (ii) When a Minister, Accredited Ministry Worker or Deaconess returns to ministry or employment within the Presbyterian Church of Queensland, immediately after serving as an overseas missionary, they shall be deemed to have given continuous service. Up to twenty years spent in overseas missionary service shall be counted when calculating long service leave entitlements, and entitlements for these years shall be calculated on a pro rata basis of fifty percent (50%), except (on a pro rata basis) for any period where payments in excess of fifty percent (50%) have been made to the long service leave fund in accordance with the determination of the Stipends Commission.
  - (iii) Accredited Ministry Workers who proceed to ordination, having spent time as a student for the ministry in the Queensland Theological College, shall be deemed to have given continuous service, but the years spent in the Queensland Theological College shall not be counted as service when calculating long service leave entitlements except (on a pro rata basis) for any period where payments have been made to the long service leave fund in accordance with the determination of the Stipends Commission.
- (e) Reciprocity shall apply with churches of the Presbyterian Church of Australia in other States, so that when a Minister serving the Presbyterian Church of Queensland is translated to a Congregation in another State, any Long Service Leave accrued in Queensland shall immediately be

- paid pro rata to the Fund of the other State at the rate of the Queensland Urban Zone stipend.
- (f) (Deleted COA Min. 13/100)
  - (g) Long Service Leave must be taken as leave but payment in lieu of leave may be payable:
    - (i) on compulsory retirement through ill health prior to reaching retirement;
    - (ii) on retirement if leave has not been taken already;
    - (iii) pro rata on leaving the employment of the Church after seven years' continuous service for the first period of leave, and after commencing a subsequent period of five (5) years' service (see Regulation 110.13) pro rata after a period of two (2) years beyond the period of the previous five (5) or ten (10) years of service. (COA 11/65)
  - (h) Application shall be made to the Presbytery for leave, and the Board shall notify the applicant when leave may be taken. The Board shall be responsible for the payment of the cash component to the Ministry Support Fund and the expense-payment fringe benefit (adjusted by the notional manse provision) to the Charge at the rate of a Urban Zone stipend. For the period of the leave the Charge will not be required to contribute the cash payment amount to the Ministry Support Fund.
  - (i) During leave, the Charge shall continue to pay to the Fund any stipend amount in excess of the Urban Zone rate in accordance with their terms of settlement, and the relevant ministry expense allowance. The Charge shall continue to pay expense-payment fringe benefits at the appropriate rate on behalf of the Minister in advance or upon completion of the leave. The Charge shall also pay all costs of supply during the leave period.
  - (j) Leave shall be approved by the Presbytery which shall make adequate arrangements for supply.
  - (k) Leave is conditional on the Minister's relinquishing of all activities associated with the Charge during the period of leave.
  - (l) Long service leave accrued prior to 31 December 1991 may be retained up to retirement.
  - (m) The Board shall have discretionary powers to deal with exceptional cases. (COA 10/57)

**Accident and Sickness (including Salary Continuance) Benefits Casual Sickness Benefits**

17. Ministers, Accredited Ministry Workers and Deaconesses shall be entitled to casual sick leave of a short duration and in any one instance when that casual sick leave exceeds five days, a medical certificate should be obtained; such

certificate should be held in retentis by the Clerk of the Presbytery in the case of Ministers, and forwarded through the Clerk of the Presbytery in the case of Accredited Ministry Workers and Deaconesses to the Committee on Ministry Resourcing; in both cases, the Kirk Session should be advised; in no case should the details of the certificate in relation to casual sick leave be published.

### **Short-term Sickness Benefits**

18. In the event of a Presbytery or Appointing Body taking action outlined in Rule 4.43 (a) and (b), for the purpose of short-term sick leave, sickness benefits shall be payable as follows:
- (a) Up to 3 months for any one claim at the rate of 50% of the regional minimum stipend for Urban Zone including Urban Zone expense payment fringe benefits (where there is no manse provided) to be paid from the Accident and Sickness Fund. If the medical condition allows the Minister, Accredited Ministry Worker or Deaconess to resume work and if that same medical condition later requires further leave, then the second and subsequent claims on the Accident and Sickness Fund shall be added together and shall not exceed the 52 weeks total allowable claim; however, the second and subsequent claims will also be subjected to the requirements of clause 20 (b) (i).
  - (b) After 3 months' continual sick leave, the Minister, Accredited Ministry Worker or Deaconess shall continue to be eligible for Sickness Benefits as follows:
    - (i) The Minister, Accredited Ministry Worker or Deaconess shall claim from his/her salary continuance insurance policy provided through the Presbyterian Church of Queensland Superannuation Fund. This policy pays 75% of the superannuation salary (ie minimum Urban Zone stipend plus Urbane Zone expense payment fringe benefit (where there is no manse provided) plus compact charge travelling allowance) for up to twenty-four months – subject to the conditions of that policy; and
    - (ii) The benefit provided to a Minister, Accredited Ministry Worker, or Deaconess by their Salary Continuance Insurance Policy shall be supplemented for a period of up to nine months by an expense payment fringe benefit of 25% of the superannuation salary of the Minister, Accredited Ministry Worker or Deaconess from the Accident and Sickness Fund.
    - (iii) Whilst the Minister, Accredited Ministry Worker or Deaconess is covered by this regulation, the Charge shall be relieved of all stipend or travel allowance payments.
  - (c) Sickness Benefits from the Accident and Sickness Fund will be paid on

behalf of the Charge, Committee or other employing body for the duration of the disablement up to the time the Minister, Accredited Ministry Worker or Deaconess is eligible to claim from his/her Salary Continuance Insurance Policy.

- (d) Sickness Benefits payable under this regulation are applicable to Ministers, Accredited Ministry Workers and Deaconesses who continue in their inducted or appointed position.

#### **Long-term Sickness Benefits**

19. In the event of a Presbytery or Appointing Body taking action as outlined in Rule 4.43 (a) – (e), for the purpose of long-term or permanent sick leave, sickness benefits shall be payable as follows:

- (a) Up to 3 months for any one claim at the rate of 50% of the regional minimum stipend for Urban Zone including Urban Zone expense payment fringe benefits (where there is no manse provided) to be paid from the Accident and Sickness Fund.
- (b) After 3 months' continual sick leave, the Minister, Accredited Ministry Worker or Deaconess shall continue to be eligible for Sickness Benefits as follows:
  - (i) The Minister, Accredited Ministry Worker or Deaconess shall claim from his/her Salary Continuance Insurance Policy provided through the Presbyterian Church of Queensland Superannuation Fund. This policy pays 75% of the superannuation salary [that is, minimum Urban Zone stipend plus Urban Zone expense payment fringe benefit (where there is no manse provided) plus compact charge travelling allowance] for up to 24 months – subject to the conditions of that policy; and
  - (ii) The benefit provided to a Minister, Accredited Ministry Worker, or Deaconess by their Salary Continuance Insurance Policy shall be supplemented for a period of up to nine months by an expense payment fringe benefit of 25% of the superannuation salary of the Minister, Accredited Ministry Worker or Deaconess from the Accident and Sickness Fund.
- (c) Sickness Benefits from the Accident and Sickness Fund will be paid on behalf of the Charge, Committee or other employing body for the duration of the disablement up to the time the Minister, Accredited Ministry Worker or Deaconess is eligible to claim from his/her salary continuance insurance policy.
- (d) When the Minister, Accredited Ministry Worker or Deaconess resigns from his or her inducted or appointed position, or the Presbytery or the appointing body takes action according to Rule 4.43 (c), the Minister,

Accredited Ministry Worker or Deaconess is still eligible to claim from his or her Salary Continuance Insurance Policy. When the inducted position or appointment ceases under such circumstances, the Corporation of the Presbyterian Church of Queensland shall continue the employment of the person concerned until further notice to enable the sickness benefits referred to in (b) (ii) to be paid directly to the Minister, Accredited Ministry Worker or Deaconess from the Accident and Sickness Fund.

- (e) Unless action is taken to the contrary by the Presbytery or Assembly, the ongoing employment status outlined in (d) will not entitle the person concerned to hold a seat in a Presbytery or carry out any position which is work related within the Presbyterian Church of Queensland.
- (f) The employment status of a Minister, Accredited Ministry Worker or Deaconess outlined in (d) shall conclude when salary continuance payments cease in terms of the policy.

### **General Regulations**

- 20. (a) Claims on the Accident and Sickness Fund can only be paid if supported by medical evidence acceptable to the Committee.
- (b) Sickness Benefits shall not be payable from the Accident and Sickness Fund:
  - (i) during the first month of the disability;
  - (ii) if workers' compensation can be claimed;
  - (iii) if a Minister, Accredited Ministry Worker or Deaconess has demitted his Charge, or has had the pastoral tie severed, or an appointment discontinued, under Rule 4.43 (c), and is in receipt of, or eligible to receive, an aged pension or some other mature age allowance or retirement income approximating the aged pension; provided however that from the date of cessation of employment to the commencement of these benefits, sickness benefits equivalent to the amount to be provided by these benefits shall be paid directly to the Minister, Accredited Ministry Worker or Deaconess from the Accident and Sickness Fund.
  - (iv) if the illness or accident is attributable to boxing or wrestling, racing of any other kind other than on foot, football, hockey, riot, warfare, suicide, pregnancy or childbirth or any other risks not normally met with as a Minister of Religion including aviation other than:
    - (a) a fare paying passenger on a commercial aircraft over an established route; or
    - (b) as a pilot or passenger in a non-commercial aircraft provided that the pilot of the aircraft holds a current

commercial licence with a minimum of 200 hours flying and provided also that the aircraft is currently licensed and if being used in Western Queensland or other remote areas or is being flown over water, shall carry full survival equipment as provided in Australian Navigational Regulations.

- (v) to a Minister who demits his Charge or has had his Charge declared vacant in terms of Rule 4.43 (c) and is totally or permanently incapacitated and disabled in accordance with Government requirements for invalidity, and is in receipt of, or entitled to, an invalid pension or some other allowance or income that is granted as a result of their disability, and approximating the invalid pension; provided however that from the date of the demission or the Charge being declared vacant to the commencement of the payment of these benefits, sickness benefits equivalent to the amount to be provided by these benefits shall be paid directly to the Minister, Accredited Ministry Worker or Deaconess from the Accident and Sickness Fund.
- (c) Should a part payment of stipend be made through the superannuation salary continuance after a period of 52 weeks of full accident and sickness benefits, then any charge, assembly body, or any other agency or fund within the Presbyterian Church of Queensland shall not be required, under any circumstances, to supplement the payment in order to maintain the original stipend and/or other payments under which the employee was originally remunerated including any adjustments subsequently made to that original remuneration.
- (d) The discretion will lie with the Committee to determine the duration of the sickness benefits payable, after consultation with the Presbytery or the appointing body, and on the production of such medical evidence as the Committee deems necessary, but the payments from the Accident and Sickness Fund shall in no case be for a greater period than twelve months.



## **REGULATION 111**

### **ARCHIVES**

#### **Administration**

1. The Archives of the Presbyterian Church of Queensland shall be administered under the direction of the Finance and Administration Board.

#### **Duties**

2. The duties of the Archives shall include, with regard to historical records:
  - (a) arranging for the preservation of the historical records of the Church, its Courts, Committees, Congregations and Institutions;
  - (b) the recording of important events in the life of the Church;
  - (c) the facilitating of research into all aspects of the history of the Church;
  - (d) preserving important relics of Church life which may be given to the Church's keeping; and
  - (e) displaying such materials in the Historical Records room.

#### **Archivist Librarian**

3.
  - (a) The Finance and Administration Board may appoint an Archivist and/or Librarian or another designated person to assist in carrying out its work;
  - (b) The officer as appointed in clause (a) shall be authorised by the Finance and Administration Board to be responsible for the day-to- day activities of Historical Records, including recruiting and coordinating volunteers known as "Friends of Archives".

#### **Presbytery Historical Officer**

4. Presbyteries should each appoint an Historical Officer who should encourage the preservation and study of historical records of the Presbytery itself and of Charges and Institutions within its bounds. Presbyteries shall also enquire, when holding ordinary visitations, as to the whereabouts and care of church records which are no longer current.

#### **Securing of Records**

5. The records of Church organisations are the property of the Corporation of The Presbyterian Church of Queensland. It is the responsibility of the Sessions to ensure that the records of the organisations within the Charge, both past and current, are preserved, appropriately stored, and protected against deterioration. This should be done within the church property, but if this is not possible the past records should be deposited with the Historical Records collection of The Presbyterian Church of Queensland. Congregations are asked to forward a copy of printed material (including duplicated material) such as annual reports, orders of service for special occasions, church bulletins, magazines and histories of



charges, to the Committee.

**Acquisitions**

6. The Archivist Librarian, with the approval of the Finance and Administration Board, may, in special cases, purchase materials important for the study of the history of the Presbyterian Church in Queensland or elsewhere.

**Access to Historical Records**

7. Congregations of the Presbyterian Church, and those formerly belonging to this Church, shall have access to information in the records, and access may be granted to other persons undertaking historical research at the discretion of the Archivist Librarian, at a fee to be determined from time to time by the Archivist Librarian, subject to the requirements of the privacy legislation.

## **REGULATION 112**

### **CAPITAL FUND**

#### **Name**

1. There shall be a special fund known as the Capital Fund (hereinafter referred to as the "Fund").

#### **Composition**

2. The Fund shall consist of:
  - (a) gifts and bequests;
  - (b) interest-free loans;
  - (c) interest-bearing loans;
  - (d) interest from investments; and
  - (e) such other funds as the Assembly may from time to time allocate.

#### **Vesting**

3. The Fund shall be vested in The Presbyterian Church of Queensland.

#### **Surplus Monies**

4. The general oversight and investment of surplus monies of the Fund shall be under the guidance of the Finance and Administration Board.

#### **First Charge**

5. The cost of administration shall be first charge on the income of the Fund.

#### **Administration**

6. The Fund shall be administered according to these Regulations by a Committee of the Finance and Administration Board, comprised of, as follows:
  - (a) the Treasurer of the Assembly and the General Manager who shall act as Secretary of the Committee;
  - (b) a Convener and four other members appointed by the Finance and Administration Board.

#### **Interest Rates**

7. The interest rates allowed on deposited funds and charged on borrowed funds shall be determined by the Committee, from time to time.

#### **Object**

8. The object of the Fund shall be to make loans and grants from the Fund for church extension and ministry, on terms determined from time to time by the Committee.

### **Priority for Loans and Grants**

9. Priority in making such loans and grants shall be:
- (a) in new areas, purchase of land and/or maintenance of ministry;
  - (b) assistance with financing the erection of halls, manses and churches in new areas;
  - (c) as surplus funds become available, assistance with such other undertakings of Congregations, Presbyteries or of the Assembly.

### **Applications to be Supported**

10. All congregational applications for financial assistance shall be submitted to the Committee through the appropriate Presbytery, and in the case of Home Mission Charges, also through the Committee on Ministry Resourcing.

### **Standard Application**

11. All applications must be on the Committee's standard application form, together with relevant extract congregational minutes.

### **Borrowing for Speculative Profit**

12. The Fund reserves the right to vary terms and conditions of any loan should it be deemed by the Finance and Administration Board that monies borrowed are utilised for speculative profit.

## **REGULATION 113**

### **CAR LOAN FUND**

1. The aim of the fund is to assist ministers, deaconesses, exit students, accredited ministry workers with the Committee on Ministry Resourcing and congregations to acquire cars in good order for use in their charges or to trade in vehicles where necessary to acquire a more efficient vehicle.
2. The Finance and Administration Board will review the terms and conditions of the car loan fund on a regular basis as determined by Board policy from time to time and as appropriate to optimise the fund's purpose as stated in clause 1.
3. Applicants must advise the Operations Manager of the vehicle to be purchased and undertake that any second hand vehicle has been surveyed by a competent person (not the vendor) and that the applicant is satisfied the vehicle is of an acceptable standard.
4. The applicant shall guarantee that the vehicle will be kept insured for, at least, the amount of the church's equity in the vehicle while the loan from the car loan fund continues.
5. The make or model of the vehicle on which money is loaned is not to be changed without prior consent of the Finance and Administration Board. Any unpaid amount of the loan shall fall due immediately a vehicle is changed.
6. The following conditions of the loan shall be established from time to time by the Finance and Administration Board:
  - (a) The period for which the loan will be available from the fund.
  - (b) The ceiling figure which will be available as a loan for those who qualify in terms of clause 1.
  - (c) The amount of interest which shall be paid on the loan.



## REGULATION 114 ENDOWMENT FUND

### Interpretation

In these regulations the terms used shall have the following meanings ascribed to them:

**"Endowment Committee"** means the Endowment Committee of the Finance and Administration Board.

**"The Finance and Administration Board"** means the Finance and Administration Board of The Presbyterian Church of Queensland.

**"Administration"** means the management of the disbursement of moneys available from the Endowment by advising the Assembly whether principal as well as interest should be made available for appropriation, by recommending to the Assembly how such moneys made available are to be appropriated, and to consider between meetings of the Assembly exceptional circumstances calling for the urgent decision, reporting any action approved to the next Assembly.

**"Appropriation"** means the setting aside of a sum of money for a specific purpose, either by way of loan or grant.

### Name

1. The fund shall be known as the Black-Smith-MacPherson-Martin Endowment Fund.

### Capital

2. The capital of the endowment shall be the total sum at the credit of the following funds as at 30th June, 1977, as determined by the Property Commission appointed pursuant to the provisions of the Presbyterian Church of Australia Act - 1971:
  - (a) the William Robert Black Endowment Fund;
  - (b) the Smith MacPherson Bequest;
  - (c) the Assembly Building Fund;
  - (d) the W.R. Black Building Fund;
  - (e) the Alexandra Park Assembly Fund;
  - (f) the Margaret Hart Martin Loan Fund;
  - (g) the Church Extension Fund;
  - (h) the Building Fund.

### Purpose

3. The endowment is held for the church extension and development schemes, theological training and Christian education of the General Assembly of The Presbyterian Church of Queensland.

#### **Appropriation**

4. Portion of the capital may be loaned to Congregations as an endowment investment, and the income of the fund shall be available for appropriation and expenditure as hereinafter provided.

#### **Administration**

5. The administration of the fund shall be the function of the Endowment Committee of the Finance and Administration Board.

#### **Accounts**

6. Full accounts shall be kept by the Treasurer of the Assembly, of the Endowment Fund, its assets, liabilities, income, expenses and appropriations according to the normal accounting practices of the Church and the balance sheet of the fund shall be published annually.

#### **Investment**

7. The Finance and Administration Board shall be responsible for the investment of the endowment and as hereinafter provided.

#### **Loan Funds**

8. One half of the amount of maturing investments and loan funds repaid during any year as part of the capital of the fund shall be available to be advanced upon loan to Congregations or Charges during the next year for church extension purposes and specifically for the acquisition of sites for the first manse and towards the cost of erection or acquisition of the first manse, such loans to bear interest at a rate determined annually by the Finance and Administration Board at the time when applications for loans are being considered.

#### **North Queensland**

9. A portion of loan funds and grants available for allocation in any year shall be made available for allocation to Congregations or Charges in the Presbytery of North Queensland.

#### **Loan Applications**

10. All applications for loans bearing interest at a rate determined annually by the Finance and Administration Board at the time when applications for loans are being considered, or grants, shall be made to the Endowment Committee of the Finance and Administration Board, to reach the General Manager not later than the 31st August each year.

### **Supporting Documentation**

11. All applications for loans or grants received by the Endowment Committee shall be supported by a recommendation from the Presbytery concerned.

Applications for loans or grants shall be in writing with a full statement of the proposal, its utility, what financial aid is required, and an outline of future development and need. A recommendation shall be made to the Assembly by the Endowment Committee on the amount, terms and conditions of loans and grants.

### **Grant Funds**

12. Eighty-five percentum (85%) of the income of the fund for the preceding year shall be available for appropriation by the State Assembly upon recommendations of the Endowment Committee through the Finance and Administration Board.

### **Accumulated Capital**

13. Fifteen percentum (15%) of the income of the Fund for the preceding year shall be capitalised and become part of the accumulated capital of the fund each year.

### **General**

14. Appropriation may be made to assist Charges for purposes not otherwise specified.
15. When schemes or projects and other effects are assisted or supported by the endowment, the Endowment Committee shall be furnished, as it may direct, with reports of the progress or accomplishment of the objectives.
16. When an appropriation that has been approved by the State Assembly consists of a sum expendable over a term of years, the unpaid portion for each succeeding year shall be provided for in the list of appropriations submitted to that State Assembly as already approved, and not included amongst those appropriations for which approval is sought.
17. Should the Assembly not approve of an appropriation proposed, the project is referred back to the Endowment Committee for further investigation and decision, and the sum involved reverts for appropriation in the next year.
18. When an appropriation has been approved it shall be placed in the account books to the credit of the project, scheme or purpose and payment is made to the controllers concerned, or may be made in such sums and as required, and as authorised by the Finance and Administration Board.



19. When an appropriation has been made, and later it is found is not required, or only partially required or used, the Endowment Committee may, after investigation, direct that the appropriation or the portion not availed of be restored to income available for appropriation.
20. The Finance and Administration Board shall, in its annual report to the Assembly, include a summary of the work done by the Endowment Committee in relation to the endowment since the last report was made, and shall include a statement of the estimated income of the endowment for the twelve months from the following first day of July and a list of the appropriations therefrom already approved, and of recommendations for appropriations from the balance of such income.

**Alterations**

21. The Finance and Administration Board shall have discretion to deal with special circumstances in relation to the administration of the Endowment Fund, provided always that such circumstances shall be reported to the State Assembly for its endorsement.

## **REGULATION 115**

### **THE INSURANCE FUND**

**1. Name**

The Fund shall be known as the Insurance Fund of the Presbyterian Church of Queensland.

**2. Object**

The object of the Fund shall be to insure all churches, manses, schools, church halls, or other buildings and structures, furnishings or contents thereof (if any) and property of the Church against loss arising from destruction or damage by fire, and/or storm and/or tempest.

**3. Management**

The Fund is managed and controlled by the State Assembly through the Finance and Administration Board.

**4. Responsibility of Committees and Others**

It is the duty of the Committee of Management and other responsible persons to insure in the Fund the properties for which they are responsible, subject to the acceptance of the proposal. The insurable value is in all cases finally determined for by the Finance and Administration Board appointed by the Assembly, and premiums are paid to the Treasurer of the Church, at the Presbyterian Church Offices.

**5. Allocation of Monies**

All insurance premiums together with all donations and bequests specifically given to the Fund, and interest earned by the monies shall be placed to the credit of the Fund.

**6. Premiums determined: Finance and Administration Board**

The rate of the premium to be paid shall be fixed and determined by the Finance and Administration Board with reference to the nature, the value and the situation of the property, liable to damage or destruction.

**7. Destruction or Damage to Properties**

In the event of any destruction or damage by fire, or by storm or by tempest, happening to any property insured in the Fund and provided that the premiums have been paid, the Board shall in the case of a total destruction, pay the value of such property according to the assessment thereof made by the Board or its assessors but not more than the amount insured (subject to the provision in clauses 8, 9, 10 and 11 next following), or in the case of partial damage, such

amount as shall be proportionate to the extent of the damage as may be determined by the Board or its assessors (subject to the provisions in clauses 8, 9, 10 and 11 next following), but not more than the amount insured provided that the Board shall have the option of themselves reinstating or repairing any property so destroyed or damaged.

**8. Committees to Advise the Board of Property Damage**

A report of every such destruction or damage as aforesaid and the circumstances shall be reported to the Board immediately after the happening thereof, and the Committee of Management or other party shall also within a reasonable time supply the Board with full particulars of the property destroyed or damaged, and an estimate of the cost of reinstatement or repairs. When a building or property has been partially destroyed by fire, or storm or tempest, the Committee of Management or other party responsible must take requisite action to preserve the remaining property and prevent further damage arising.

**9. Committees to Advise the Board of Property Particulars**

The Committee of Management or other party, on effecting all insurances on property as aforesaid, shall supply the Board with full particulars of the said properties, and thereafter from time to time of all subsequent alterations thereof and additions thereto and deletions therefrom, and shall give notice to the Board of any matter or thing including all lighting and heating arrangements, which may increase the risk of the destruction or damage of such properties by fire. In areas that are subject to storm and tempest visitations, buildings and structure should be well secured.

**10. Payment of Premiums**

All premiums shall be paid on or before the day on which they become due, or within such days of grace as the Board may allow.

**11. Failure to Comply with Regulations**

If any Committee of Management or other party fails to observe or comply with any of the provisions in these regulations the Board may refuse to pay to such Committee of Management or party any amount out of the Fund for the purpose of making good any property which may have been destroyed or damaged.

**12. Financial Reports to the State Assembly**

The Board shall furnish a report, a revenue account and balance sheet of the Fund at the end of each year to the annual meeting of the State Assembly next following. When the Board considers a distribution may be made of profits earned by the Fund, it submits its recommendations to the State Assembly for authorisation. The State Assembly approves or rejects or may refer a

recommendation again to the Board.

**13. State Assembly Power to Amalgamate Fund**

The State Assembly shall have power to effect an amalgamation of the Fund with any similar fund of the General Assembly of the Presbyterian Church of Australia or of the Assembly of the Church in any other State of the Commonwealth.

**14. State Assembly Power to Vary Regulations**

The State Assembly shall have the power from time to time to vary, alter or amend these regulations, or to make any other regulations or conditions in relation to any insurance effected with the Fund.



## **REGULATION 116**

### **SUPERANNUATION FUND**

**1.     The Fund**

The commencement date of the original Plan was 1 July 1980. On 1 June 1993 the Fund was transferred from the Westpac Tailored Fund to Commonwealth Life Superannuation Mastertrust. On 1 July 2001 the Fund was subsequently transferred to ING Custodians Pty Limited as trustees for ING Corporate Super, which is a complying Fund under the Superannuation Industry (Supervision) Act 1994.

2.     Upon transfer, OnePath (formerly ING Custodians Pty Limited) assumed responsibility for the control of the Fund, trusteeship responsibilities, and the meeting of all legislative requirements including those specified under the Superannuation Guarantee Charge Legislation 1992, and the new Superannuation Industry (Supervision) Act 1994.

The OnePath Corporate Super Member Booklet which is given to all Fund members at the outset gives a summary of the various conditions and regulations that apply to superannuation in general, and OnePath in particular, and is based on:

- present laws (including superannuation, insurance and taxation legislation) and their interpretation at the time of preparation; and
- the provisions of the Policy Documents and the Trust Deed which contain the complete terms and conditions of the OnePath Corporate Super plan.

3.     The design of the Fund will remain the responsibility of the Superannuation Committee of the Finance and Administration Board and any decision to vary the Fund, including the contributions, benefits or vesting levels remains with the Board.

**4.     Membership**

Membership of the Fund is compulsory for every entrant to the Ministry of the Church in the State (Rule 7.1) and is available to staff members and private appointments on the invitation of the Board. Superannuation Guarantee Charge regulations, and the requirements of the Superannuation Industry (Supervision) Act 1994, will continue to be met as has been our practice in the past.

**5.     Contributions**

The basis for contributions to the Fund changed from 1 September 1991 when compulsory personal contributions by Ministers, Accredited Ministry Workers and Deaconesses ceased. The basis for contributions further changed from 1

February 2001 when the new stipends arrangements were introduced. The October 2009 Stipends Commission resolved to change the base for Superannuation Contributions to Monthly Cash Stipend plus EPFB (Manse Not Provided).

Additional information on Preservation is contained in paragraph 18, and a general background to taxation considerations is given in paragraph 17.

6. Contributions to the Fund may be varied from time to time in line with revised stipends or salaries as determined by the Stipends Commission.

7. **Voluntary Contributions**

Members may make voluntary contributions to supplement the Employee Account as agreed between the member and the Finance and Administration Board.

8. **Insurance Cover**

Insurance to cover Death and Disablement is arranged annually for all members (based on their age and relevant remuneration for insurance purposes) to supplement the accumulated benefit due to the member on death or disablement. Full-time students at the Theological College are provided with cover on a basis equivalent to Accredited Ministry Workers, to be funded from the Employer Reserve Account (refer paragraph 14).

Salary Continuance Insurance is arranged annually for all members working 20 or more hours a week, based on their relevant remuneration for insurance purposes.

9. Where required, insurance benefits may be required to be subject to acceptance by the Underwriter having regard to health evidence.

10. **Death Benefits**

Should a member die before attaining the age of 65 years, the Fund Trustees, who have been advised of the member's nominated preference, will pay the total of the member's account balances at the date of death plus the amount of insurance cover.

11. **Total and Permanent Disablement**

In the event that the insurers accept medical evidence of total and permanent disablement, the member will receive a benefit equivalent to the amount payable on death.

**12. Resignation or Retirement**

In the event of a member resigning from membership before the age 55 the full amounts that have accumulated in the Employee and Employer Accounts will be retained for the member.

Members may only continue as members of the Fund after attaining the age of 65 years if permitted to do so under government superannuation regulations.

**13. Leaving Service**

Members will receive on leaving the service (other than on retirement) the accumulated balance of the Employee Account, including salary sacrifice contributions by the employer, plus the total Award SGC account, plus a proportion of the Employer Additional Account depending on the length of membership, with 100% applying after 10 years. This is subject to Preservation rules (refer paragraph 18).

**14. Employer Reserve Account**

An account shall be maintained called Employer Reserve Account. This account shall be used to accumulate any forfeited benefits (on a member's withdrawal) and contributions previously made by a charge temporarily without a Minister.

From time to time the balance of the account may be used to:

- (a) pay the insurance cover for theological students,
- (b) allocate additional benefits to members in such proportions as the Superannuation Committee in its absolute discretion may determine.

**15. Transferring Previous Superannuation Fund Balances**

A new member upon joining the Fund may transfer to the Fund the proceeds of any previous superannuation arrangements. Such transfers will be added to the Employee Account, attract interest in line with the earnings of the total Fund and be available to the member or trustee on retirement, resignation, death or disablement.

**16. Leaving Service**

Members leaving service are not permitted by law to remain within the OnePath Corporate Super plan. However, they may apply to transfer the total amount set aside by both employee and employer contributions at the date of the member leaving service to an OnePath personal plan (subject to approval by OnePath).

Upon leaving service in Queensland to join a similar employer in another State of Australia, members may apply to the Superannuation Committee to transfer to an alternative Fund established by the new employer (or any other alternative Fund) the total amount set aside by both employee and employer contributions



at the date of the member leaving service. The alternative Fund must be a complying Fund under the Superannuation Industry (Supervision) Act 1994.

Members on leave without pay may request the Superannuation Committee to allow the total amount set aside by both employee and employer contributions to remain in the Fund without further contributions (but continuing to accrue interest) for a period of up to 1 year, or as otherwise agreed by the Superannuation Fund Trustees.

#### **17. Taxation**

Superannuation monies will be subject to taxation in accordance with the requirements of Australian taxation legislation. In general, within a superannuation fund Employer contributions (including award, salary sacrifice or additional voluntary employer contributions) are taxed at 15%, whilst an employee's personal contributions from after tax monies are not taxed. Any investment earnings are also taxed according to Federal legislation, currently at a maximum of 15% (this may also be reduced by dividend imputations, which effectively increases the return).

#### **18. Payment of Benefits**

Under "preservation" rules, benefits can be paid from the Fund at any time after retirement. However, benefits remaining in the Fund on turning age 65 must be paid either as a lump sum or commence to be paid as a pension unless the Trustee otherwise consents in the following circumstances:

where the member remains in full-time (30 or more hours per week) employment; or

where the member remains in part-time (between 10 and 30 hours per week) employment (in which case benefits may only remain in the Fund until attaining age 70).

"Retirement" is taken to occur as follows:

the member attains the age 55: the date of retirement (ie the date when the member leaves his present employer or occupation, without intending to become gainfully employed again, either on a full-time or part-time basis); or

the member attains the age 60: the date on leaving the present employer or occupation (regardless of whether the member intends to continue working).

## **REGULATION 130 PROPERTY BOARD**

### **Duties**

1. The duties of the Board shall include, with regard to architectural matters, assisting in ensuring that all buildings for church purposes (including places of worship, halls and manses), alterations/renovations/restoration to existing buildings and all church furnishings are planned, designed, constructed and equipped or prepared for equipment in accordance with the needs of the particular charge; or work and the determination of the Assembly.
2. The necessary action for the execution of all documents in relation to sales, purchases and all other dealings with real property is conducted through the Property Board in accordance with the Rules and Forms of Procedure of the Presbyterian Church of Queensland (Code Chapter 9). However this clause must be read in the light of Rule 5.29(a).

### **Congregational Property**

3. When a congregation or charge is considering acquiring, disposing of or otherwise dealing with real property, the following steps must be followed:
  - (a) The Committee of Management should prepare a firm proposal for submission to a duly convened congregational meeting.
  - (b) A duly convened congregational meeting, acting under Rule 9.3, shall then give direction as to the purchase, sale or other dealing with the real property in question.

A congregation or charge can only authorise transactions by resolution passed by at least three-fourths of its communicant members personally present at a duly convened congregational meeting (Rule 9.3).
  - (c) An extract minute of the congregational meeting, under the hand of the Session Clerk, duly certifying that the requirements of Rule 9.3 have been complied with (see Appendix 2), should be forwarded to the presbytery of the bounds with a request that the presbytery favourably considers the action approved by the congregational meeting.
  - (d) Presbytery approval shall be obtained (Rule 9.3) after which the Presbytery Clerk forwards all documentation, both congregational and presbytery extract minutes, to the Property Board for consideration and approval in terms of Church and Civil Law.
  - (e) When the Property Board is satisfied that the Rules and Forms of Procedure of the Presbyterian Church of Queensland have been satisfied and that all civil requirements are in order including all contractual arrangements, the Property Board will authorise an

authorised party (Regulation 130.12) to issue the instruction to the Solicitors (Rule 5.29(a)) for the preparation of the necessary conveyancing documentation and the subsequent settlement of the transaction noting particularly Rule 5.29(a) and Regulation 130.9.

### **Special Property Provisions:**

4. If additional security is required by the bank or other financial agency, appropriate congregational extract minutes will be required. (See Appendix)
5. In the event of any special conditions applying, a resolution of a congregational meeting is required, along with a minutes in terms such as (in the case of the acquisition of vacant land to be used for the erection of a new church or hall):

"Subject to the re-zoning of the said property by.....Council, for church purposes".

OR

Alternatively "Subject to the purchaser obtaining the necessary finance from.....(name of bank or other financial agency)".

### **Buildings**

6. Before making the purchase of a building or initiating a program of building, whether new work or major alterations/renovations/restoration to existing buildings, a congregation shall:
  - (a) secure plans and specifications either prepared or endorsed by a registered Architect as adequate, complying with all relevant ordinances and indicating proposed future development.
  - (b) submit all such plans in sketch form concurrently to the presbytery and to the Board for guidance and advice.
  - (c) submit all such plans in final form to the Board for report and recommendation to the presbytery for approval in the light of that report.

However, a congregation may be exempted from the above requirements, if none of the following applies:

- value of the project is over 50% of the congregations ordinary income.
- All matters of appropriate civil, legal and building requirements are met.

### **Manses**

7. In planning, erecting, purchasing, or renting buildings for use as manses, congregations and presbyteries shall give attention to "The Guidelines for Manses" adopted by the Assembly (210). However the Board is aware that the Assembly has deemed it preferable that ministers and other workers should own their own accommodation.

8. Deleted (COA 15/03/2023 Minute 22/176)

**Dealing with Denominational Property**

9. All dealings of a contractual nature shall be reported to the Property Board.
- (a) Boards, councils and committees shall follow the requirements of Rule 9.3 and the governing body shall only authorise transactions by a resolution passed by at least three fourths of the members of the body present and voting.
  - (b) An extract minute of the above shall be forwarded to the Property Board and when the Property Board is satisfied that the Rules and Forms of Procedure of the Presbyterian Church of Queensland have been satisfied and that all civil requirements are in order including all contractual arrangements, the Property Board will authorise an authorised party (Regulation 130.12) to issue the instructions to the solicitors (Rule 5.29(a)) for the preparation of the necessary conveyancing documentation and the subsequent settlement of the transaction noting particularly Rule 5.29(a) and Regulation 130.9.
  - (c) In relation to buildings the Commission of Assembly or the Assembly itself shall determine whether the required percentage in Regulation 130.6 shall/shall not apply and the Commission/Assembly may vary or delete the requirement in relation to one project or series of projects, provided the denominational agency has the expertise to deal with all requirements of the building project.

**General Property Matters:**

**Contracts**

10. Any contract for the purchase or sale of property must include a special condition stating that the transaction is subject to the approval of all relevant courts, committees and boards of the Church. A contract (or similar or related document) may be signed by:
- (a) A trustee of the Church.
  - (b) The Chairman or Secretary of the Property Board,
  - (c) An office bearer authorised by the Commission of Assembly.
  - (d) An office bearer authorised by a person authorised in terms of clauses (a) to (c) above.

**Costs and Outlays**

11. All costs and outlays in connection with all real property transactions will be borne by the congregation or charge concerned, to whose treasurer the charge's solicitors will forward an itemised Bill of Costs for outlays and professional charges.

### **Chairman and Operations Manager**

11. In cases where delay could result in financial loss, the Chairman of the Property Board and the Operations Manager shall be empowered to act on behalf of the relevant bodies to give recommendation concerning the transaction.
12. All dealings (contact with and instructions to) with the solicitors regarding real property are conducted by an authorised party (Regulation 130.9) in terms of Rule 5.29(a) and any Assembly and Commission of Assembly directive.
13. Upon request the Chairman of the Property Board shall give advice on specified proposals for real property dealings.

### **Leasing and Hiring**

14. (a) Hire Agreements  
All hire agreements and other non-contractual arrangements which do not require signing by the Trustees may be entered into by a Committee of Management after comment by the Property Board, and provided provision is made in the Charge Budget for the expenditure.
- (b) Leasing  
All leasing and any other congregational arrangement requiring signing by the Trustees shall be conducted in terms of Rule 9.3 and Regulation 130. This requirement shall apply to Congregational or Denominational property as well as property outside the congregational or denominational ownership.

## **APPENDIX 1**

### **Approved Checklist**

In matter relating to the Property Board the following Check List shall apply:

#### **ACTION BY THE CONGREGATION:**

1. With regard to the proposed purchase of a property, the Committee of Management shall provide a certificate to the congregation, the Presbytery and the Secretary, stating:
  - (i) the property has been professionally inspected, including pest control.
  - (ii) The property is suitable and acceptable for the purpose for which it is being purchased.
  - (iii) Relevant local government By laws and Regulations have been met.
  - (iv) Recommendations for improvements or otherwise.
  - (v) That a plan of the building has been submitted to the Property Board for report.
2. Provide Presbytery and the Secretary with extract minutes of the congregational meeting approving the acquiring, disposing or otherwise dealing with real property.
3. Provide Presbytery and the Secretary with extract minutes of the congregational meeting approving financial arrangements.
4. Obtain from the Secretary an application form, if funding assistance from the Capital Fund is required, and when completed submit copies to Presbytery and the Secretary.
5. Where major building extensions or renovations are contemplated, provide Presbytery with an extract minute of the congregational meeting approving the works being undertaken. There is no need to advise the Secretary unless finance from the Church is required or insurance cover needs to be arranged.

#### **ACTION BY PRESBYTERY:**

Provide the congregation and Secretary with extract minutes of the meeting approving the proposed property transaction and support financial arrangements.

#### **ACTION BY THE PROPERTY BOARD:**

Examine the plans for the purchase or erection of buildings or extensions to ensure that Church standards are maintained and advise the congregation and provide presbyteries with a report and recommendation.

### **ACTION BY AUTHORISED PARTIES:**

1. On receipt of approvals to buy or sell property from the congregation and the Presbytery:-
  - (i) authorise the solicitors to handle the matter to reach an early settlement.
  - (ii) Arrange for insurance cover on any building being acquired.
  - (iii) Arrange for the Trustees to execute any documents required to be signed under the seal of the Church.
  - (iv) Make an application for a Title Deed on property being acquired and retain same in safe keeping at Church Offices on behalf of the congregation.
  - (v) Apply for exemption from Stamp Duty if appropriate.
  - (vi) Arrange for the payment or distribution of funds on settlement.
2. On receipt of an application for Capital Fund Loan which has been approved by the congregation and Presbytery, place the matter before the Finance and Administration Board for attention and advise the outcome.
3. As time is the essence in property transactions, bring all matters together expeditiously to enable a prompt settlement.

## APPENDIX 2

The following pro-forma minutes should be used:

1. (a) The Congregation or Charge of.....by resolution passed by at least three-fourths of its members personally present at a duly convened ..... congregational ..... meeting on.....approved the purchase of an improved property ..... situate at.....Street,.....(Town or City) as a manse for the Congregation of.....for the sum of \$.....or for not more than \$.....
  - (b) The Congregation or Charge of.....by resolution passed by at least three-fourths of its members personally present at a duly convened congregational meeting on.....approved the sale of vacant land situate at.....Street,.....(Town or City) for not less than \$.....
  - (c) The Congregation or Charge of.....by resolution passed by at least three-fourths of its members personally present at a duly convened congregational meeting on.....approved the borrowing of ..... up to \$.....from.....(name of bank or other financial agency) to finance the purchase of the abovementioned manse property.
  - (d) The Congregation or Charge of.....by resolution passed by at least three-fourths of its members personally present at a duly convened congregational meeting on.....approved the mortgaging of the Presbyterian Church situate at.....Street,.....(Town or City) or the newly acquired manse in.....Street, .....(Town or City) to.....(name of bank or other financial agency) as security for the abovementioned loan.
2. Presbytery approval may be granted in the following terms:-  
Approve the purchase of an improved property situate at.....Street, ..... (name of Town or City) as a [church building/manse/other specified facility] for the Congregation of ..... for a sum not exceeding \$..... in accordance with the approval of the said congregation.





## **REGULATION 133**

### **"PEARSBY" COMMITTEE**

"Pearsby" holiday home, situated at 15 Savoy Drive, Florida Gardens on the Gold Coast (phone 07 5538 7272) is "THE JOHN ROGERSON MEMORIAL HOME FOR CLERGY". It is partly maintained by The Rogerson Memorial Fund.

The Finance and Administration Board has approved the following Regulations with effect from 17 March 1983.

#### **BOOKING REGULATIONS**

**1. Preference A**

The home shall be available free of levy primarily to Ministers, Deaconesses, Licentiates and Accredited Ministry Workers. In school holidays, preference will be given to country Ministers with school children over city Ministers with school children, provided the country Ministers have made their booking at least twelve (12) months in advance.

**Preference B**

Other than in school holidays, the home shall also be available free of levy to Presbyterian Missionaries on furlough. In this category, bookings may not be made more than three (3) months in advance to allow those in category (a) the maximum opportunity for occupancy.

**Preference C**

Other than in school holidays the home shall also be available free of levy to salaried Assembly Appointees and Students for the Ministry. In this category bookings may not be made more than one (1) month in advance to allow those in categories (a) and (b) the maximum opportunity for occupancy.

#### **Booking Times**

- 2.** The home shall normally be available for periods of two (2) weeks - Monday to Monday. Occupancy is from 2.00 pm on the day of arrival until 10.00 am on the day of departure.

If any occupant elects to occupy "Pearsby" for less than the prescribed two (2) weeks, then that lesser time shall be deemed to be his allotment under this regulation.

If, one (1) month prior to occupancy, no other person has booked the home, a period of longer than two (2) weeks may be available at the discretion of the Convener of the Committee.

### **Availability**

3. No person shall normally book the home for more than one (1) period each calendar year.

### **Holiday Period**

4. No person, Minister or otherwise, shall be entitled to book the home during holiday periods in consecutive years.

### **Where to Book**

5. Bookings of the home shall not be made more than two (2) years in advance, through Church Offices, PO Box 1351, Milton Qld 4064. Phone (07) 3716 2800, Fax (07) 3716 2810, or call at 4/19 Lang Parade, Milton Qld 4064.

## **GENERAL REGULATIONS**

### **No Pets**

6. POSITIVELY NO PETS OF ANY DESCRIPTION ARE PERMITTED ON THE PREMISES.

### **Responsibility of Occupants**

7. The premises are to be left clean and tidy by each occupant after use. Occupants are required to pay costs in order to maintain the grounds and mow the lawns; as well as water the lawns when appropriate.

### **Removal of Property**

8. Property of "Pearsby" is NOT to be removed from the home for any purpose at any time.

### **Repairs and Maintenance**

9. The Committee will not be responsible for the cost of any repairs to any appliance in the home without the prior approval of the Convener, or, in his absence, the Secretary. Any defects to the property, furniture, etc. should be reported to the committee on your yellow form.

### **Keys and Security**

10. The keys of the home shall be obtained from Church Office and returned PROMPTLY after occupancy ceases. Occupants must ensure that the home is SECURELY LOCKED ALL AROUND on vacating the premises. (Additional keys for the security doors are located on the wall inside each door. The same key opens the front and the laundry security doors.)

### **Telephone**

11. All calls will be billed accordingly.

### **Instruction for Equipment**

12. Dishwasher, washing machine, clothes dryer and television instructions must be STRICTLY adhered to. The proper dishwasher detergent is provided in the pantry, and is to be used ONLY in the dishwasher. Please do not cut food on the kitchen benches or in the frypan. Adequate cutting boards have been provided for that purpose.

### **Security Fencing**

13. Security fencing and gates are installed around the property. However, occupants are fully and personally responsible for the whereabouts and safety of their children and/or children in their care.

### **Electricity**

14. The meter box and main switch are located on the side wall at the right of the house. You are asked to take care not to waste electricity. Please switch off the main switch before leaving. Occupants are invited to make a contribution towards the cost of electricity on return of keys to Church Office. See yellow form for this.

### **Linen**

15. Household linen is NOT provided.

### **Library**

16. Occupants are invited to donate a sum of not more than \$10 per occupancy to be used by the Committee for the purpose of books, etc. for the lounge room library. See yellow form for this.



## **REGULATION 150**

### **TRAINING FOR THE MINISTRY**

#### **(A) GENERAL**

The Committee on Training for the Ministry (CTM) is a Standing Committee with the responsibility to oversee training for the ministry as set out in Rule 5.50. In doing so it shall:

1. Ensure that the requirements of the Assembly and the General Assembly of Australia are met.
2. Maintain a strategic direction for ministry training by the Presbyterian Church of Queensland (PCQ).
3. Oversee the operations of ministry training by:
  - (a) Maintaining objectives and policies consistent with the requirements of the GAA and its College Committee.
  - (b) Receive reports from the Faculty regarding candidates.
  - (c) [Deleted 2021 Assembly]
  - (d) Representing Faculty needs to the wider Church as required.
4. Act as the reporting body to the Assembly and other bodies or Courts with respect to:
  - (a) All matters in relation to Presbyterian students for the ministry and deaconesses.
  - (b) Preparing, approving and monitoring funding in relation to funding of the Committee.
  - (c) Student bursaries to be paid.
5. Undertake actions according to the Rules of Chapter 6 to ensure candidates for the ministry are suitable and ensure that candidates for the ministry are adequately supported as they train.
6. Deal with grievances and appeals in relation to Presbyterian students for the ministry and deaconesses when required.

## **(B) BURSARIES**

In relation to bursaries:

1. Candidates or Probationary Students desiring to receive a Bursary make written application to the CTM Executive. Normally bursaries are payable to full-time (7 full subjects/units or equivalent per annum, including at least 3 full subjects/units per Semester) approved Candidates for the Ministry of the Word and Sacrament during the course of their training at Queensland Theological College or its successor. However bursaries may also be paid, on a case by case basis, to probationary students or part-time approved Candidates for the Ministry of the Word and Sacrament during the course of their training at --- Queensland Theological College or its successor. The level of bursary shall be determined by the following schedule, based on the Minister's cash stipend + EPFB (manse provided) level for Zone "Urban" at the commencement of the year.  
Single 35%  
Married 40%  
Married with children under 3 50%  
Married with 1 child over 3 55%  
Married with more than 1 child over 3 60%
2. The bursary shall be paid monthly during the year.
3. The CTM Executive may vary the bursary payable to a probationary student or candidate.
4. The CTM Standing Committee shall have discretionary powers to deal with exceptional circumstances, as necessary, with respect to the payment of bursaries. (COA Min. 14/18)
5. A probationary student or candidate shall have the right to work subject to the Faculty concluding that such work will not adversely affect the candidate's course of training.
6. Disputes regarding bursaries shall be referred to the CTM. (COA Min. 13/96)

## **(C) POST GRADUATE SCHOLARSHIP FUND**

In relation to the Post Graduate Scholarship Fund the following regulations shall apply:

1. The Post-Graduate Scholarship Fund is made up of donations and bequests made for this purpose, and of transfers made by the CTM from its General Bursaries Account or its Accumulated Funds.
2. The scholarship is to obtain a teaching degree only.

3. The degree must be in a subject area that would make the holder qualified to lecture ACT MDiv subjects.
4. The scholarship is for one year of the degree only (i.e. some of the degree must be done at the applicant's expense).
5. The scholarship is for full-time study only.
6. The applicant must be a Minister of the PCQ with proven pastoral experience.
7. The scholarship shall be paid for up to 12 months, plus fees for that year.
8. The granting of the scholarship places the CTM under no obligation to the applicant, should they apply for any lecturing positions.
9. The CTM shall administer the scholarship.
10. Only one scholarship shall be granted per year.

#### **(D) FIELD EDUCATION EMPLOYMENT**

In relation to field education employment placements:

1. Probationary and approved Candidates for the Ministry of the Word and Sacrament are required as part of the course of training to undertake practical ministry placements for ten hours per week, usually in a congregation, for a specified number of years.
2. Probationary and approved Candidates for the Ministry of the Word and Sacrament undertaking practical ministry placements as part of their course of training shall be eligible to receive field education employment.
3. Such field education employment shall require the probationary or approved candidate as a prerequisite to first provide all documentation required under Rule 6.1 (a).
4. The field education employment of probationary and approved candidates shall be arranged by Faculty or through a Field Education Supervisor if appointed. The Faculty may delegate this function to a Field Education Placement subcommittee if it so determines. In addition to any of its own members, the Faculty may appoint any member(s) of the CTM and a nominee of the Committee on Ministry Resourcing to such a Field Education Placement subcommittee.
5. Payment of remuneration shall be made by Church Office and shall be recovered from Congregations or Ministries in which the Candidates are placed. The CTM may also approve field education employment which includes a supplementary placement at a Charge other than the primary Charge placement for the calendar year (e.g., over the summer study break). Remuneration for the supplementary placement is to be recovered from the Charge where the field education employment is undertaken.



6. Field education employment shall not apply to a probationary or approved candidate for the ministry who are employees serving the Committee on Ministry Resourcing.
7. Remuneration shall be paid regularly during the field education employment at the current rates determined by the PCQ Stipends Commission.
8. Any employment entitlements which are not determined by the Stipends Commission are deemed to be in accord with the National Employment Standards.
9. The Faculty may determine that a probationary candidate or approved candidate for the ministry may undertake a Field Education placement for more than ten hours per week. In those circumstances, the terms of employment for the probationary or approved candidate for the ministry shall be, pro rata, the minimum zone stipend for an Accredited Ministry Worker Home Missionary) as determined by the Stipends Commission.

## **(E) TRIALS FOR LICENCE**

Rule 6.3(b) of the Church outlines the purpose, scope and making of arrangements for Trials for Licence, and indicates that the minimum requirements which may be set by a Presbytery for the Trials shall be defined by a Regulation of the Church. 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:

1. 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.
2. 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.
3. In his fourth year of candidacy, members of Presbytery will observe the Candidate lead public worship and preach.
4. 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.



## **REGULATION 151**

### **FACULTY OF THEOLOGY**

The Faculty is appointed by the Assembly of the Presbyterian Church of Queensland. The Faculty will consist of the Principal, Vice-Principal, Senior Lecturer in Systematic Theology, the Convener of the Committee on Training for the Ministry (CTM), and up to three other suitable person(s) appointed by the Assembly. The Faculty is convened by the Principal, and has the responsibility of:

1. The academic and theological requirements in relation to the Queensland Theological College (QTC) on training of ministers and deaconesses.
2. Planning and managing the programs of the QTC with respect to the training of ministers and deaconesses, which are to carry out the objectives and policies of the CTM which include:
  - (a) Developing the courses to be offered to candidates at QTC to fulfill the aims and objectives of the QTC Constitution according to the policies of the Assembly, the General Assembly of Australia (in particular the College Committee), Australian College of Theology and the CTM as it relates to Chapter 6 of the Code.
  - (b) Making provision for field work and field education where required.
  - (c) Providing at least one conference per year suitable for or with the purpose of the refreshment of Ministers.
  - (d) Being aware of societal changes so as to ensure that the activities of the College are always relevant to ministry needs.
3. Ensure that candidates for the ministry are undertaking appropriate academic programs and that suitable progress is being made to meet PCQ and GAA requirements.



## **REGULATION 160**

### **COMMITTEE ON MINISTRY RESOURCING**

#### **Ministry Resourcing Responsibility**

1. Responsibilities of the Committee shall include the following:
  - (a) while spiritual oversight of Congregations and Charges remains within the jurisdiction of the Presbytery and Session, the Committee will be responsible together with them, to extend the Church's mission and to maintain a ministry within the State;
  - (b) to assist Congregations and Presbyteries in the planting and nurturing of Congregations;
  - (c) to assist the Assembly and its various Committees and Bodies in their work;
  - (d) to assist Presbyteries in their work;
  - (e) to assist Congregations and Charges in their work;
  - (f) to have, together with other appointing authorities where applicable, a general pastoral oversight over Accredited Ministry Workers serving in their various appointments;
  - (g) to undertake, in conjunction with Presbyteries:
    - (i) a constant survey of the need for Presbyterian Inland Mission patrols, and attend to all Presbyterian Inland Mission activities within the State required by the GAA Committee on the Presbyterian Inland Mission;
    - (ii) to assist in raising funds for and publicising the work of this mission.

#### **Specific Functions**

2. The functions of the Committee shall include the following:-

##### **Subsidies**

- (a) Liaising with all appropriate congregational office bearers, Presbyteries and the Finance and Administration Board in assessing the subsidy levels requested by the various Congregations and thereafter granting an appropriate subsidy;

##### **Accredited Ministry Workers**

- (b) Accept for appointment, suitable applicants as accredited Ministry Workers. In the appointment of an accredited ministry worker, the Committee shall act in a consultative way with Assembly Committees and Bodies, Presbyteries and Sessions wherever possible, recognising that such consultations appropriately can take place through the Director and those appointed to represent the appointing authority;

### **Exit Appointments**

- (c) Consult with final year students for the ministry, Assembly Committees and Bodies, Presbyteries, Congregations and other bodies approved by the Committee in relation to exit appointments and to make such appointments, in accordance with the terms of Rule 6.5 (b);

### **Chaplains to Institutions**

- (d) To make provision for visitation to hospitals, correctional centers and similar institutions and industries, and make recommendations to the Assembly for appointments necessary to fulfill these obligations;

### **Chaplains to Defence Forces**

- (e) Be responsible to carry out any directions or supervision required by the Defence Forces Chaplaincy Committee in relation to Chaplains serving within the State;

### **Administration of Funds**

- (f) Administer the Ministry Support Fund, and Ministry Resourcing Ministry Personnel Fund;

### **Supply in Vacant Charges**

- (g) Co-operate with Presbyteries and Sessions in arranging supply in vacant Calling Charges and in providing information covering Ministers and Licentiates available for call;

### **Field Appointments**

- (h) Consult with the Committee on Training for the Ministry in relation to student field appointments;

### **Administration of Committee**

- 3. The administration of the Committee will be supervised by the Convener, together with such staff as the Assembly may from time to time appoint, and the Committee may appoint an Honorary Secretary;

### **Regulations for Home Missionaries**

- 4. The Committee shall observe the following general regulations in relation to the selection and appointment of Home Missionaries, in consultation with Committees, Sessions and Presbyteries concerned:

#### **Home Missionaries:**

A Home Missionary is an accredited ministry worker who undertakes a general pastoral ministry within an Appointment or Calling Charge similar to the general pastoral ministry undertaken by a Minister or Licentiate.

### **Preliminary Requirements**

- (a) (1) Applicants must be Communicants of the Presbyterian Church, be medically fit, have approved attainments, gifts and character, and satisfactorily complete any appropriate study and/or examinations set by the Committee;
- (2) Recommendations as to attainments, gifts and character must be attested to by the applicant's minister and session;
- (3) The applicant shall be subject to a suitable interview as arranged by the Committee through the Director. However, in normal circumstances, the Director will arrange for the interview to be conducted by at least two Presbytery members belonging to the appointing Presbytery, with a report on the interview being forwarded to the Presbytery and the Committee. In the event the Committee requires further information concerning the applicant, it may arrange for a subsequent interview either in person or by electronic communication.
- (4) Any Presbytery may make comment to the Committee on Ministry Resourcing at any time prior to the accreditation of the Home Missionary
- (5) Accreditation will only become effective on the applicant's signing all appointment documentation.
- (6) **Competence in English**  
The Committee is empowered to set a minimum standard of English for applicants applying for accreditation through the Committee.

### **Probation**

- (b) Will be placed on probation for six months, after which the Home Missionary will be 'enrolled' as a permanent employee unless a review of their accreditation and enrolment is required by the appointing Presbytery or the Committee.

### **Supervising Authority**

- (c) Will be required to undertake the responsibilities as set forth in their employment agreement, co-operate, consult and work with all supervisory authorities, keep adequate records where and when required by the supervisory authority and when and where required by the Committee on Ministry Resourcing;

### **Annual and Study Leave**

- (d) Will be entitled to Annual, Study, Long Service and Sick Leave as set out in the Regulations of the Church; (COA Minute 13/140)



### **Superannuation Fund**

- (e) Upon appointment shall be required to join the Superannuation Fund unless the Superannuation Fund Committee of the Finance and Administration Board is prepared to waive such a requirement under special circumstances;

### **Meetings**

- (f) Upon appointment may be invited to attend meetings of the Session and Committee of Management, but no Home Missionary shall accept any executive office in either the Committee of Management or Session;

### **Appointments and Resignations**

- (g) Appointments may be cancelled subject to one month's notice or salary in lieu thereof and if a Home Missionary resigns the Presbytery and the Committee will require one month's notice and will not be responsible for his removal expenses from the place of appointment;

### **Complaints**

- (h) Upon appointment, shall have the right, if they feel aggrieved, to state their case to the Committee, and any complaints against Home Missionaries must be submitted to the Committee through the appointing authority. A Home Missionary shall have the right of appeal to the State Assembly from the decision of the Committee providing that it is in relation to a complaint against the Home Missionary. In other matters the Courts of the Church are open to the Home Missionary as a Communicant;

### **Administering Sacraments**

- (i) May be authorised by the Committee on Ministry Resourcing to administer the Sacraments, but only in accordance with the resolution of the General Assembly of Australia;

### **In-Service Training Course**

- (j) Shall attend an in-service training conference from time to time at the direction of the Committee, at which Biblical, theological and applied subjects will be taught;

### **Study Course**

- (k) When required by the Committee shall undertake, during the first two years of employment (including the probationary period), a set study course which shall include doctrine, administration and polity, reformation history and doctrine, and other subjects as prescribed from time to time by the Director;

### **Honorary and/or Part-Time**

- (l) May be honorary and/or part-time provided that:
- i. a recommendation from the relevant Minister, Presbytery and Session is forthcoming;
  - ii. the normal procedure for appointment is followed;
  - iii. the entrance examinations for a Home Missionary, unless waived, are completed; and
  - iv. a modified form of agreement is signed.

### **Service of Introduction**

- (m) When a Home Missionary is first appointed or reappointed to another work, there shall be a Service of Introduction conducted by the Presbytery, on behalf of the Committee, at which the Home Missionary shall testify to his faith and affirm his adherence to the doctrines and practices of the Church by answering in the affirmative the following questions:
- (i) Do you confess anew your faith in God as your Heavenly Father, in Jesus Christ as your Saviour and Lord, and in the Holy Spirit as your Sanctifier?
  - (ii) Do you profess your faith in the Gospel of the love and grace of God, wherein through Jesus Christ His only Son our Lord, He freely offers to all men forgiveness and eternal life, and calls them into the fellowship and service of His Kingdom?
  - (iii) Do you believe the Scriptures of the Old and New Testaments to be the Word of God, the only rule of faith and practice?
  - (iv) Do you own and accept the Westminster Confession of Faith, read in the light of the Declaratory Statement contained in the Basis of Union adopted by this Church on the 24th day of July, 1901, as an exhibition of the sense in which you understand the Holy Scriptures and as a confession of your faith?
  - (v) Are the glory of Almighty God, love to the Lord Jesus Christ, and an earnest desire to see men and women of all ages come to a saving faith in Christ, your chief reasons for accepting the position of Home Missionary within the Presbyterian Church of Queensland?
  - (vi) Do you engage in the strength of the Lord Jesus Christ to lead a life worthy of your office, to discharge with integrity and cheerfulness the duties entrusted to you to seek furtherance of the Kingdom of God?

- (vii) Will you, by God's grace, carry out all lawful instructions issued directly by the courts of the Church, and by the Committee on Ministry Resourcing of the Assembly of the Presbyterian Church of Queensland, or through their delegated officers?
- (viii) All these things you profess and promise, through grace as you would answer to your Lord, and enter into His eternal glory?
- (ix) after which the Moderator shall charge the Home Missionary to be faithful in his tasks and shall offer prayer setting the Home Missionary apart for the sphere of service and commending the Home Missionary to the grace of God.

### **Regulations for Specialised Ministry Workers**

5. The Committee shall observe the following general regulations in relation to the selection and appointment of Specialised Ministry Workers, in consultation with Committees, Sessions and Presbyteries concerned:

#### **Specialised Ministry Workers:**

A Specialised Ministry Worker is an accredited ministry worker who undertakes a designated specialised pastoral ministry within a Charge or other sphere of ministry for which the person is specifically gifted and appointed. The nature of their specialised pastoral ministry is similar to that of a specialised pastoral ministry undertaken by a Minister, Licentiate or Deaconess. A Specialised Ministry Worker will be referred to using a title associated with their specialised ministry. These titles may include Children's Worker; Youth Worker; Young Adults Worker; Pastoral Worker; Evangelistic Worker and Aged Worker.

#### **Preliminary Requirements**

- (a)
  - (1) Applicants must be Communicants of the Presbyterian Church, be medically fit, have approved attainments, gifts and character, and satisfactorily complete any appropriate study and/or examinations set by the Committee;
  - (2) Recommendations as to attainments, gifts and character must be attested to by the applicant's minister and session;
  - (3) The applicant shall be subject to a suitable interview as arranged by the Committee through the Director. However, in normal circumstances, the Director will arrange for the interview to be conducted by at least two Presbytery members belonging to the appointing Presbytery, with a report on the interview being forwarded to the Presbytery and the Committee. In the event the Committee requires further information concerning the applicant, it may arrange for a subsequent interview either in person or by electronic communication.

- (4) Any Presbytery may make comment to the Committee on Ministry Resourcing at any time prior to the accreditation of the Specialised Ministry Worker.
- (5) Accreditation will only become effective on the applicant's signing all appointment documentation.
- (6) Competence in English  
The Committee is empowered to set a minimum standard of English for applicants applying for accreditation through the Committee.

#### **Probation**

- (b) Will be placed on probation for six months, after which the Specialised Ministry Worker will be 'enrolled' as a permanent employee unless a review of their accreditation and enrolment is required by the appointing Presbytery or the Committee.

#### **Supervising Authority**

- (c) Will be required to undertake the responsibilities as set forth in their employment agreement, co-operate, consult and work with all supervisory authorities, keep adequate records where and when required by the supervisory authority and when and where required by the Committee on Ministry Resourcing;

#### **Annual and Study Leave**

- (d) Will be entitled to Annual, Study, Long Service and Sick Leave as set out in the Regulations of the Church; (COA Minute 13/140)

#### **Superannuation Fund**

- (e) Upon appointment shall be required to join the Superannuation Fund unless the Superannuation Fund Committee of the Finance and Administration Board is prepared to waive such a requirement under special circumstances;

#### **Meetings**

- (f) Upon appointment may be invited to attend meetings of the Session and Committee of Management, but no Specialised Ministry Worker shall accept any executive office in either the Committee of Management or Session;

#### **Appointments and Resignations**

- (g) Appointments may be cancelled subject to one month's notice or salary in lieu thereof and if a Specialised Ministry Worker resigns the appointing authority and the Committee will require one month's notice and will not be responsible for their removal expenses from the place of appointment;

### **Complaints**

- (h) Upon appointment, shall have the right, if they feel aggrieved, to state their case to the Committee, and any complaints against Specialised Ministry Workers must be submitted to the Committee through the appointing authority. A Specialised Ministry Worker shall have the right of appeal to the State Assembly from the decision of the Committee providing that it is in relation to a complaint against the Specialised Ministry Worker. In other matters the Courts of the Church are open to the Specialised Ministry Worker as a Communicant;

### **Administering Sacraments**

- (i) When required for their specialized ministry a Specialised Ministry Worker may be authorised by Presbyteries to administer the Sacraments, but only in accordance with the resolution of the General Assembly of Australia;

### **In-Service Training Course**

- (j) Shall attend an in-service training conference from time to time at the direction of the Committee, at which subjects will be taught that apply to their status as an Accredited and Specialised Ministry Worker.

### **Study Course**

- (k) When required by the Committee shall undertake, during the first two years of employment (including the probationary period), a set study course which shall include subjects relevant to their status and role as an Accredited and Specialised Ministry Worker.

### **Honorary and/or Part-Time**

- (l) May be honorary and/or part-time provided that:
  - (i) a recommendation from the relevant Minister, Session and a Presbytery is forthcoming;
  - (ii) the normal procedure for appointment is followed;
  - (iii) the entrance examinations for a Specialised Ministry Worker, unless waived, are completed; and
  - (iv) a modified form of agreement is signed.

### **Service of Introduction**

- (m) When a Specialised Ministry Worker is first appointed or reappointed to another work, there shall be a Service of Introduction conducted by the appointing authority, on behalf of the Committee, at which the Specialised Ministry Worker shall testify to their faith and affirm their adherence to the doctrines and practices of the Church by answering in the affirmative the following questions:
  - (i) Do you confess anew your faith in God as your Heavenly Father, in Jesus Christ as your Saviour and Lord, and in the Holy Spirit

- as your Sanctifier?
- (ii) Do you profess your faith in the Gospel of the love and grace of God, wherein through Jesus Christ His only Son our Lord, He freely offers to all men forgiveness and eternal life, and calls them into the fellowship and service of His Kingdom?
  - (iii) Do you believe the Scriptures of the Old and New Testaments to be the Word of God, the only rule of faith and practice?
  - (iv) Do you own and accept the Westminster Confession of Faith, read in the light of the Declaratory Statement contained in the Basis of Union adopted by this Church on the 24th day of July, 1901, as an exhibition of the sense in which you understand the Holy Scriptures and as a confession of your faith?
  - (v) Are the glory of Almighty God, love to the Lord Jesus Christ, and an earnest desire to see people come to a saving faith in Christ, your chief reasons for accepting the position of Specialised Ministry Worker within the Presbyterian Church of Queensland?
  - (vi) Do you engage in the strength of the Lord Jesus Christ to lead a life worthy of your office, to discharge with integrity and cheerfulness the duties entrusted to you to seek furtherance of the Kingdom of God?
  - (vii) Will you, by God's grace, carry out all lawful instructions issued directly by your supervising authorities, and by the Committee on Ministry Resourcing of the Assembly of the Presbyterian Church of Queensland, or through their delegated officers?
  - (viii) All these things you profess and promise, through grace as you would answer to your Lord, and enter into His eternal glory?
- after which the Specialised Ministry Worker shall be charged to be faithful in their tasks and a prayer shall be offered, setting the Specialised Ministry Worker apart for their specified sphere of service and commending the Specialised Ministry Worker to the grace of God.

### **Regulations for Other Ministry Workers**

6. The Committee shall observe the following general regulations in relation to the selection and appointment of Other Ministry Workers, in consultation with Committees, Sessions and Presbyteries concerned:

#### **Other Ministry Workers:**

An Other Ministry Worker is an accredited ministry worker who undertakes a ministry, specialised but not of a pastoral nature, within a Charge or other sphere of ministry for which the person is specifically gifted and appointed. Other Ministry Workers will be referred to using a title associated with their specialised ministry.

These titles could include Administrative Worker.

### **Preliminary Requirements**

- (a) (1) Applicants must be Communicants or Adherents of the Presbyterian Church, be medically fit, have approved attainments, gifts, and character and satisfactorily complete any appropriate study and/or examinations set by the Committee;
- (2) Recommendations as to attainments, gifts and character must be attested to by the applicant's minister and session;
- (3) The applicant shall be subject to a suitable interview as arranged by the Committee through the Director. However, in normal circumstances, the Director will arrange for the interview to be conducted by at least two Presbytery members belonging to the appointing Presbytery, with a report on the interview being forwarded to the Presbytery and the Committee. In the event the Committee requires further information concerning the applicant, it may arrange for a subsequent interview either in person or by electronic communication.
- (4) Any Presbytery may make comment to the Committee on Ministry Resourcing at any time prior to the accreditation of the Other Ministry Worker.
- (5) Accreditation will only become effective on the applicant's signing all appointment documentation.
- (6) **Competence in English**  
The Committee is empowered to set a minimum standard of English for applicants applying for accreditation through the Committee.

### **Probation**

- (b) Will be placed on probation for six months, after which the Other Ministry Worker will be 'enrolled' as a permanent employee unless a review of their accreditation and enrolment is required by the appointing Presbytery or the Committee.

### **Supervising Authority**

- (c) Will be required to undertake the responsibilities as set forth in their employment agreement, co-operate, consult and work with all supervisory authorities, keep adequate records where and when required by the supervisory authority and when and where required by the Committee on Ministry Resourcing;

### **Annual and Study Leave**

- (d) Will be entitled to Annual, Study, Long Service and Sick Leave as set out in the Regulations of the Church; (COA Minute 13/140)

### **Superannuation Fund**

- (e) Upon appointment shall be required to join the Superannuation Fund unless the Superannuation Fund Committee of the Finance and Administration Board is prepared to waive such a requirement under special circumstances;

### **Meetings**

- (f) Upon appointment may be invited to attend meetings of the Session and Committee of Management and may accept any executive office in either the Committee of Management or Session;

### **Appointments and Resignations**

- (g) Appointments may be cancelled subject to one month's notice or salary in lieu thereof and if an Other Ministry Worker resigns the appointing authority and the Committee will require one month's notice and will not be responsible for his removal expenses from the place of appointment;

### **Complaints**

- (h) Upon appointment, shall have the right, if they feel aggrieved, to state their case to the Committee, and any complaints against Other Ministry Workers must be submitted to the Committee through the appointing authority. An Other Ministry Worker shall have the right of appeal to the State Assembly from the decision of the Committee providing that it is in relation to a complaint against the Other Ministry Worker. In other matters the Courts of the Church are open to the Other Ministry Worker as a Communicant;

### **In-Service Training Course**

- (i) Shall attend an in-service training conference from time to time at the direction of the Committee, at which subjects will be taught that apply to their status and role as an Accredited and Other Ministry Worker.

### **Honorary and/or Part-Time**

- (j) May be honorary and/or part-time provided that:
  - (i) a recommendation from the relevant Minister, Session and a Presbytery is forthcoming;
  - (ii) the normal procedure for appointment is followed;
  - (iii) the entrance examinations for an Other Ministry Worker, unless waived, are completed; and
  - (iv) a modified form of agreement is signed.

### **Local Committee Finances**

- 7. Committees of Management, Presbyteries and Assembly Committees and other supervising bodies shall ensure that the amount to be contributed to the stipend of the accredited ministry worker is a first charge on their finances.



### **Terms of Settlement**

8. All Ministry Support Fund Schedules shall be approved by the Committee including all proposals for terms of settlement and appointment; the Committee shall also approve any variation of terms of settlement or appointment and all appointments under Rule 4.28 shall be subject to the approval of the Committee.

### **Ministers of Other Denominations**

9. The Presbytery, in consultation with the Committee, may appoint a Minister of another denomination who has applied to the General Assembly of Australia to be accepted as a Minister of the Presbyterian Church of Australia, as temporary supply.

### **Salaries and Allowances**

10. The Committee and all appointing authorities shall observe all directions of the Stipends Commission in relation to salaries, travelling expenses and manse allowances for Accredited Ministry Workers. Charges and appointing authorities shall ensure that Accredited Ministry Workers are provided with adequate accommodation in light of their appointment and family circumstances.

### **Insurance and Removal**

11. On transferring an Accredited Ministry Worker, the Committee shall ensure that their furniture is insured during transit, and shall ensure adequate travel arrangement for the Accredited Ministry Worker and their family to their new appointment.

### **Deaconesses**

12. The Committee shall be responsible for the appointment and general supervision of Deaconesses on completion of training. The following general regulations will apply to applicants for and appointees to deaconess service:

#### **Applicants**

- (a) Applicants shall be Communicants of the Presbyterian Church and shall apply to the Committee for appointment. Appointments shall be made by Presbyteries or Assembly Committees where appropriate, in consultation with the Committee on Ministry Resourcing after the Committee on Ministry Resourcing has received the necessary advice from the relevant Presbytery concerning the completion of her training and her commissioning as required by the rules of the Church.

#### **Terms of Appointment**

- (b) Salary and allowances will be those determined by the Stipends Commission, and a Deaconess shall be entitled to four weeks' annual holiday, including four Sundays.

### **Appointment and Transfer**

- (c) Appointments shall be made by Presbyteries or Assembly Committees where appropriate in consultation with the Committee.

### **Resignation**

- (d) A Deaconess retiring from her work resigns to the appointing Presbytery or Assembly Committee and the Committee on Ministry Resourcing. One month's notice of intention to resign to all parties shall be required.

### **Supervision**

- (e) Deaconesses serving with a Congregation are under the spiritual jurisdiction of the Presbytery but work under the local Session, and shall confer with them as required. They shall submit quarterly reports in writing to the Presbytery and Committee. If employed by an Assembly Committee, the Deaconess shall report as required to that Committee and the Committee on Ministry Resourcing.

### **Grievances**

- (f) Grievances against a Deaconess shall be submitted in writing through the Presbytery or employing Committee, to the Committee on Ministry Resourcing. If a Deaconess feels aggrieved against any action of the Committee, she has the right to state her case to the Committee, either by letter or in person, and shall have the right of appeal from its decision to the State Assembly.

### **Leave of Absence**

- (g) A Deaconess may be granted leave of absence, including extended leave, without ceasing to be a Deaconess. . However, a person shall not be eligible to hold a position as a Deaconess without the approval of her Commissioning Presbytery and the Committee.

### **Relation to Presbytery and Session**

- (h) Deaconesses may be invited by Presbytery to attend meetings of Presbytery, and while not entitled to a seat on the Session, may be consulted by the Session in relation to matters dealing with her work. Similarly, while a Committee of Management has no jurisdiction over a Deaconess, she may be consulted by such a Committee for special purposes.

### **Accommodation**

- (i) Charges and appointing authorities shall ensure that Deaconesses are provided with adequate accommodation in light of their appointment and family circumstances.

### **Regulations for Chaplains to Institutions**

13. The Committee shall observe the following general regulations in relation to the selection and appointment of Chaplains to Institutions, in consultation with Presbyteries:

#### **Chaplains to Institutions:**

Chaplains to Institutions are ministry workers who undertake designated pastoral ministry within a hospital, prison or educational institution for which the person is specifically gifted and appointed.

#### **(a) Preliminary Requirements:**

- (1) Applicants must be Communicants of the Presbyterian Church, have approved attainments, gifts and character.
- (2) Recommendations as to the attainments, gifts and character must be attested to by the applicant's minister or session.
- (3) The applicant shall be subject to a suitable interview as arranged by the Presbytery in which the applicant is a communicant member. The interview is to be conducted by at least two Presbytery members and, if satisfied of the applicant's suitability, the Presbytery is to forward the application form and the Presbytery's recommendation to the Committee for appointment.
- (4) Appointment will only become effective on the applicant's signing all appointment documentation.

#### **(b) Supervising Authority**

Will be required to undertake the responsibilities as set forth in their appointment document and report to Presbytery at least annually. The Presbytery is to provide for the Committee an annual report, and the details of any changes which occur that might affect the Chaplain's approval.

#### **(c) Appointments and resignations**

Appointments are to be made to a particular institution or institutions, for no set period of time. Appointments may be cancelled by the Committee subject to one month's notice. If the Chaplain wishes to cease their service, resignation should be made in writing to the Presbytery, and the Presbytery is to notify the Committee.

#### **(d) Remuneration**

Appointees will not receive remuneration from the Committee.

#### **(e) Complaints**

Upon appointment, Chaplains shall have the right, if they feel aggrieved, to state their case to the Committee.

## **Dual Membership**

13. Dual membership shall be available for members of the Presbyterian Church of Australia within the State of Queensland who are serving as full-time workers within an agency other than the Church within the State of Queensland. The Committee on Ministry Resourcing shall keep a Register of Agencies approved by it and a Directory of Full-Time Workers serving with such approved agencies, provided that both the agency and the work concur with the agreement below.

### **CO-OPERATIVE AGREEMENT BETWEEN QUEENSLAND PRESBYTERIAN COMMITTEE ON MINISTRY RESOURCING AND AN INDEPENDENT AGENCY FOR THE SUPPORT AND ACTIVITIES OF A MISSIONARY WHO IS IN MEMBERSHIP WITH THE PRESBYTERIAN CHURCH OF AUSTRALIA.**

- (1) The Missionary shall have dual membership status with both the Presbyterian Church of Australia and the (a).
- (2) The appointment of the Missionary shall be subject to the approval of both agencies in accordance with the standards established by each agency.
- (3) In the event that either agency requests confidential materials gathered by the other, such materials shall be shared, providing that any worker personally concerned agrees to the sharing and providing such materials shall be kept confidential at all times.
- (4) The candidates shall participate in the full candidate and training programme of (a).
- (5) At the appropriate time the candidate shall be allowed to itinerate and do deputation work in order that adequate prayer and financial support may be realised. The co-operation of the appropriate authority within the Presbyterian Church should be sought when representation to Presbyterian churches is planned.
- (6) Prior to his or her commencement of service, the worker's home church and/or the Presbytery in which that church is located, in co-operation with (a) and (where appropriate) a supporting church which wishes to be involved, should arrange a Service of Commission to be held in a place mutually decided upon.
- (7) The finances in relation to the employment of the worker shall be under the control of (a).
- (8) The worker shall have liberty in the full and free presentation of the Gospel as contained in and understood in the Reformed view. The manner of this presentation shall be subject to the field policies of (a) who is the directing agency in relation to the worker's activities in the sphere of service in which the agency

is engaged.

- (9) Final discipline as relates to faith and conduct of the worker rests in the proper Church Court of the Presbyterian Church of Australia. However, discipline by either agency may not commit the other agency to the same action.
- (10) While serving with the agency, the worker shall be an integral part of the staff sharing equally in privileges and responsibilities as any other member and being subject to the policies and direction of (a).
- (11) The worker shall not solicit constituencies of either agency for personal funds or field needs without the permission of the respective agency. Any appreciable funds realised in this manner must be made known to both agencies.
- (12) There shall be no restriction or objection on the part of either party to this agreement in respect of gifts of a strictly personal nature, eg birthday, Christmas, or similar gifts, irrespective of the source of the gifts.
- (13) The financial relationship of the worker with (a) shall be the same as that for all other members of (a) including any assessment and support quotas.
- (14) Either party may terminate this agreement as regards a particular worker after consultation with the other party. In this event it would be expected that the worker's needs and the work would be fully considered and that, if possible, a mutual agreement as to the further relationship of each body with the Missionary would be arrived at.

(a) - Here insert the name of the agency.

BB 2013 Min. 107.12

# **REGULATION 161**

## **COMMITTEE ON MINISTRY RESOURCING**

### **MINISTRY (PERSONNEL) FUND**

#### **Purpose of Fund**

1. This Fund is made up of the previous Sustentation Aid Fund, Supply Subsidy Fund and the Church Planting Fund Reserve within the St Andrew's Mission Fund:
  - (i) The Fund is to ensure that all Ministers are paid a minimum stipend as declared by the Stipends Commission from time to time and in accordance with their appointments. The Fund has a particular responsibility to ensure that under normal circumstances minimum stipends will be paid to Ordained Ministers serving in Calling Charges.
  - (ii) The Fund may be used to support appointments in Appointment Charges and appointments in Calling Charges when the Appointee is not called but appointed to the position, and any other form of ministry which the Committee on Ministry Resourcing deems to be productive for the ongoing life of the Church.
  - (iii) The Fund shall also be used to support the planting of new churches.

#### **Administration**

2. The Fund shall be administered by the Committee on Ministry Resourcing or any Committee which the Assembly appoints to replace the Committee.

#### **Salary Zones**

3. Minimum stipend payments and the relevant zones shall always be as determined by the Stipends Commission.

#### **Composition of Fund**

4. The Fund shall be maintained by:
  - (i) Assessments on Charges, both Calling and Appointment, by a percentage of stipend determined by the Assembly. The Assembly shall make its determination of assessment levels based on recommendations brought before it by the Finance and Administration Board after that Board has consulted with, and received advice from, the Ministry Resourcing Committee.
  - (ii) Grants from whatever source, or specific donations made payable to the Fund, including monies left to the Fund through bequests, etc.
  - (iii) Interest which will accrue from time to time from the capital within the Fund.

### **Aid Provision**

5. (a) The Fund shall be used:
  - (i) Upon a Presbytery recommendation in terms of Rule 1.23 (c): The Fund shall be authorised to pay up to 20% of the regional minimum stipend and such aid shall be reduced annually by at least 1/5 of the first year aid over a five year period unless otherwise determined by the Committee on Ministry Resourcing in consultation with the Presbytery of the bounds.
  - (ii) For Appointment Charges and appointments in Calling Charges, or within a framework of team ministries: At the discretion of the Committee on Ministry Resourcing but only after recommendations have been received from the relevant Presbytery.
  - (iii) For the planting, renewal or resourcing of Charges: At the discretion of the Committee on Ministry Resourcing after consultation with and a recommendation from the relevant Presbytery.
  - (iv) For special purposes outside of clauses (i) to (iii), but only after the Commission of Assembly has approved a submission from the Committee on Ministry Resourcing.
- (b) In granting of funds, reserve funds must be declared to the Committee on Ministry Resourcing when aid is being sought and the Committee may declare that such reserves shall be drawn upon prior to the release of aid to the Charge

### **Ministry Support Fund Schedule**

6. A Ministry Support Fund Schedule, showing the estimated revenue and expenditure of the Charge, and the financial proposals in relation to the maintenance of the ministry under consideration, must be approved by a congregational meeting, by the relevant Presbytery, and by the Committee on Ministry Resourcing before a Charge may proceed to a call or an appointment, or any other special appointment can be made.

### **Supplementing the Minister's Income**

7. Charges or works which in any way or form receive aid from the Fund are not permitted to supplement the Minister's income without the concurrence of the Committee on Ministry Resourcing. All extraordinary expenditure beyond that required for the normal running expenses for a Charge or work subsidized in accordance with Regulation 161.1 (i) must be submitted through the Presbytery to the Committee on Ministry Resourcing for approval before such funds are expended.

(BB 2013 Min. 107.14)

**Assessments during Vacancies**

8. Assessments shall continue to be made during any vacancy in a Calling Charge or an Appointment Charge or to any other denominationally recognized position which has not been dissolved.

**Annual Financial Statement**

9. Every Charge or work which receives aid from the Fund must furnish an annual audited statement to the Committee on Ministry Resourcing by 31

March following the year in which aid is received; if such audited financial statement is not received, aid shall be automatically discontinued by the Committee on Ministry Resourcing. The Director of Ministry Resourcing shall report on the statements to the Committee on Ministry Resourcing.

**Applications**

10. Any Charge seeking funding from this Fund shall apply to the Committee on Ministry Resourcing, such application being sent in the first instance from the Committee of Management and Session and shall require the approval of the Presbytery of the bounds. Applications for any other works which may be funded from this Fund shall be made in the first instance from the specific body involved in the work and shall require the approval of the relevant Presbytery.

(BB 2011 Min 115)





**REGULATION 162**  
**COMMITTEE ON MINISTRY RESOURCING**  
**MINISTRY (PROPERTY) FUND**

**Purpose of Fund**

1. This Fund shall be used in two areas:
  - (i) Land banking by which the Committee, following the normal protocols approved within the Code, shall seek to acquire land for future church development. This purpose of the Fund shall be pursued, particularly in terms of co-operation with the Property Board.
  - (ii) General use of funds may be applied to loans to any Charge requiring property for church extension work or other purposes that the Committee may deem potentially productive for church extension work.

**Administration**

2. The Fund shall be administered by the Committee on Ministry Resourcing; however the Committee shall follow any protocols in relation to funds as presented in the Code of the Church.

**Composition of Fund**

3. The capital and interest in the Fund shall consist of:
  - (i) Funds acquired specifically for the previous Home Missions Committee Church Extension Fund since the 1 July 1977 and now rolled over into this Fund.
  - (ii) Funds acquired from the sale of land where the previous Home Missions Committee was the administering body.
  - (iii) Funds provided by an assessment on assessable income as approved annually by the Assembly upon recommendation of the Finance and Administration Board after consultation with the Committee on Ministry Resourcing.
  - (iv) Funds designated out of the sale of land at Alexandra Headland.
  - (v) Donations, gifts or bequests received for the Fund from time to time.

**Acquisition of Land**

4. In the acquisition of land, the Committee on Ministry Resourcing shall consult with the Church's Property Board and the relevant Presbytery.

**Applications**

5. Any Charge seeking funding from this Fund shall apply to the Committee on Ministry Resourcing, such application being sent in the first instance from the Committee of Management and Session and shall require the approval of the

Presbytery of the bounds. Applications for any other works which may be funded from this Fund shall be made in the first instance from the specific body involved in the work and shall require the approval of the relevant Presbytery.  
(BB 2011 Min 115)

**REGULATION 165**  
**COMMITTEE ON MINISTRY RESOURCING**  
**MINISTRY TRAINING NETWORK**

**(a) Ministry Training Network (MTN)**

There shall be a scheme for the training of men and women over the age of 18 years who are seriously considering future theological training or Accredited Ministry Worker service, the funding of which shall be sourced equally from the Training Charge and the Presbyterian Church of Queensland through the Committee on Ministry Resourcing.

**(b) Trainees**

Trainees must be Communicants of the Presbyterian congregation in which their training will be conducted, be medically fit, come with letters of recommendation from (i) the Minister who proposes to conduct the training and (ii) the Session of the affected Charge, and shall sign the Ministry Traineeship Agreement before appointment.

**(c) Minister/Trainer**

A Minister who proposes to oversee a Ministry Training Network Trainee shall first meet with the Regional Ministry Training Network Co-ordinator to ensure that he is suitably prepared to take on the role of the trainer. Upon receiving a satisfactory report and the concurrence of the Director of Ministry Resourcing, the Regional Ministry Training Network Co-ordinator may encourage the Minister to proceed to an appointment.

**(d) Regional Ministry Training Network Co-ordinator**

A Regional Ministry Training Network Co-ordinator shall be appointed for each Ministry Training Network Region by the Committee on Ministry Resourcing in consultation with the Presbyteries of each region to carry out the various responsibilities assigned to him under this regulation.

**(e) Ministry Training Network Regions**

There shall be Ministry Training Network Regions defined as follows:-

- (i) South East Region consisting of the Presbyteries of Brisbane, Moreton, Mowbray and Wide Bay Sunshine Coast.
- (ii) Central Region consisting of the Presbytery of Central Queensland.
- (ii) Northern Region consisting of the Presbytery of North Queensland.
- (iii) Western Region consisting of the Presbytery of Darling Downs.

**(f) Appointment Process**

Ministry Training Network Appointments shall be made by the Committee on Ministry Resourcing, on the recommendation of the Director and the Minister and Session of the training church. When the Minister and Session of a Charge identify a candidate suitable for training under the Ministry Training Network scheme, they shall take the following steps:

- (i) The Minister shall invite the potential trainee to be interviewed by Session, to gain Session approval for (a) the creation of a Ministry Training Network traineeship and (b) the proposed trainee.
- (ii) The Session, in consultation with the Committee of Management, shall seek approval for the provision of the necessary congregational funds for the proposed traineeship
- (iii) The Minister shall contact the regional Ministry Training Network Co-ordinator, who will arrange to meet with the Trainer and proposed trainee and assist in preparing a co-funding application to be forwarded to the Committee on Ministry Resourcing.

**(g) Funding Approvals**

Ministry Training Network funding applications are approved by the Committee on Ministry Resourcing on the recommendation of the Director in consultation with the Regional Co-ordinator.

**(h) Term of Appointment**

A Ministry Trainee appointment is ordinarily for a period of 24 months. The initial appointment shall be for a period of 12 months and may be extended for a further 12 months upon recommendation from the Trainer and the Session. Upon receiving a satisfactory progress report from the Trainer, Session, the Regional Co-ordinator and Director of Ministry Resourcing, the Committee on Ministry Resourcing may give its approval to the continued funding of the relevant traineeship.

**(i) Supervising Authority**

Ministry Trainees will come under the direct supervision of the Trainer and under the general supervision of the Session of the relevant Charge. The Trainer will assign all ministry training duties and will report regularly to the Session on the Trainee's progress.

**(j) Ministry Training Network Conference/Seminar**

Trainees shall attend Ministry Training Network seminars and conferences and complete coursework as directed by the Director of Ministry Resourcing through the Trainer.

**(k) Meetings**

Upon appointment a Ministry Trainee may be invited to attend meetings of the Session and Committee of Management, but no Ministry Trainee shall accept any office in either the Committee of Management or the Kirk Session.

**(l) Stipend**

The Ministry Trainee shall receive a Ministry Trainee stipend as determined from time to time by the Stipends Commission. The Treasurer of the Charge's Committee of Management shall remit monthly the stipend as required.

**(m) Self-Supporting**

A Ministry Trainee may be self-supporting, and not receive a Ministry Trainee stipend, provided that the normal appointment procedure is followed and a modified form of agreement is signed.

**(n) Holidays**

Will be entitled to four weeks' holiday per annum, including four Sundays.

**(o) Superannuation Fund**

Upon appointment shall be required to join the Superannuation Fund.

**(p) Appointments and Resignations**

Appointments may be terminated subject to one month's notice or stipend in lieu thereof. A Ministry Trainee tenders their resignation through the Director of Ministry Resourcing to the Committee on Ministry Resourcing. Ministry Trainees may be dismissed forthwith for serious misconduct.

**(q) Complaints**

Upon appointment, Trainees shall have the right, if they feel aggrieved, to state their case to the Committee on Ministry Resourcing, and any complaints against Trainees must be submitted to the Committee on Ministry Resourcing through the Session, or the Presbytery. A Trainee shall have the right of appeal to the State Assembly from the decision of the Committee on Ministry Resourcing providing that it is in relation to a complaint against the Trainee. In other matters the Courts of the Church are open to the Trainee as a Communicant.



## **REGULATION 170**

### **COMMITTEE ON OUTREACH AND NURTURE**

#### **1. Functions**

The functions of the Committee are

- (a) to be a resource and support body in matters of Christian education, evangelism, discipleship, stewardship and like ministries and programs directed towards building a healthy Church. This function is chiefly carried on by Presbyterian Christian Education (henceforth known as PCE).
- (b) to give advice on or consult in matters under its responsibility.
- (c) to provide, through PCE, a variety of camps, programs and ministries designed to meet the needs of the Church in the areas under the Committee's jurisdiction.
- (d) to make recommendations to the Assembly in matters relating to youth, children's groups and clubs (including Sunday Schools), religious education in State schools, evangelistic programs and strategies, stewardship education and any other ministries or matters within the Committee's jurisdiction.
- (e)
  - (i) to operate campsites as determined by the State Assembly or Property Board. Where the Assembly has determined that a particular campsite shall be administered through a local sub-committee, the sub-committee shall be appointed by the Outreach and Nurture Committee and shall be accountable and subject to the Outreach and Nurture Committee in every respect.
  - (ii)
    - (a) A Management team shall oversee, in consultation with the Operations Manager, the general operation of the campsites along with the operation, when required and approved by the Committee on Outreach and Nurture, of subcommittees. The management team shall consist of the Director of Christian Education, the Convener of the Committee on Outreach and Nurture and two other persons appointed by the Committee on Outreach and Nurture.
    - (b) Capital expenditure shall be approved by the Standing Committee along with works of a major nature as determined from time to time by the Committee on Outreach and Nurture;
    - (c) The Committee on Outreach and Nurture shall set any reserve powers in place as it may deem to be expedient from time to time.



- (f) to carry out oversight, on behalf of the Assembly, of any special or specific denominational ministries operating from time to time in the areas of Outreach and Nurture, such as youth and women's work, as determined by the Committee on Outreach and Nurture as policy statements by the Committee;
- (g) in consultation with the Finance and Administration Board, to be responsible for the appropriate usage of any funds or resources apportioned to it by the Assembly.

**2. Members of Committee**

Deleted (2022 BB Minute 93.10)

**3. Presbyterian Christian Education**

Presbyterian Christian Education consists of the Director of Christian Education, hereinafter in this regulation referred to as "the Director", together with appointees appointed under Regulation 170 (5) (d) and (e). Of these appointees, up to three may also be annually appointed by the Committee as non-voting associated members of the Committee. Appointees sitting on the Committee as non-voting associate members shall have all the rights and privileges of members of the Committee except that they shall not move or second a motion or an amendment, vote on any question, or occupy the Chair (see Standing Order 10).

**4. Director of Christian Education**

- (a) The Director is appointed by the Assembly in terms approved by the Assembly, and shall be a Minister or Elder of the Presbyterian Church of Australia.
- (b) The position of Director may be full-time, part-time, or a conjoint position with that of another ministry within the PCQ.
- (c) The Director may undertake responsibility for Christian Education training within the Queensland Theological College or its successor.

**5. Administration**

- (a) The administration of the Committee's business shall be undertaken under the supervision of the Director.
- (b) The Director is responsible for the day-to-day operation and functions of Presbyterian Christian Education.
- (c) In the absence of the Director, the Convener or his appointee shall act for the Director.
- (d) The Committee may, subject to the availability of finance and agreed job

description together with approved terms of appointment, appoint one or more Ministers, Licentiates, Accredited Ministry Workers or Deaconesses as full or part time assistant or assistants to the Director and who shall work under the direction of the Director.

- (e) Voluntary workers approved by the Director, but subject to the veto of the Committee, may be given specific tasks to do for PCE in the running of its ministries.



**REGULATION 171**  
**COMMITTEE ON OUTREACH AND NURTURE**  
**MINISTRY (PERSONNEL AND PROPERTY) FUND**

**Preamble**

1. This Fund replaces the N. F. Nelson Memorial Campsite and Camping Ministry Development Fund. The Fund shall be a memorial to the work of the Norman F. Nelson, a former Director of Christian Education in the Presbyterian Church of Queensland.
2. In setting up this Fund, the Presbyterian Church of Queensland acknowledges with gratitude to God the formative role played by the late N. F. Nelson in the development of camping activities and campsites within the Presbyterian Church of Queensland.

**Administration**

3. The Fund shall be administered by the Committee on Outreach and Nurture or any Committee which the Assembly appoints to replace the Committee on Outreach and Nurture.
4. The Fund shall be used in two distinct areas, namely:
  - (a) the funding of activities or personnel for the Committee on Outreach and Nurture.
  - (b) the funding of activities or personnel consistent with the ministry which would be otherwise be carried out by the Committee on Outreach and Nurture.

**Purpose of Fund**

5. The Fund shall:
  - (i) Make annual grants to the Committee on Outreach and Nurture to sustain existing ministries and to develop future ministries at a denominational level.
  - (ii) Make grants towards sustaining of ministry outside of the Committee on Outreach and Nurture but within the Presbyterian Church of Queensland towards personnel working with Charges or Presbyteries in general terms, and the work of Outreach and Nurture, such appointments to be always within the requirements of the Code of the Church.
  - (iii) Make grants and/or loans to any project approved by the Committee on Outreach and Nurture which falls within the general definition of outreach and nurture as defined by the work of that Committee.

### **Composition of Fund**

6. The Fund shall consist of:
  - (i) Capital received from the sale of Alexandra Headland Caravan Park.
  - (ii) Interest accrued on the capital in (i).
  - (iii) Funds known previously as the Alexandra Headland 30% and 20% accounts.
  - (iv) Any donations or grants received for the Fund from time to time.

### **General Matters**

7. The Finance and Administration Board shall ensure that adequate capital is maintained in the Fund.
8. The Finance and Administration Board shall be responsible for the day-to-day investment of any surplus funds.

### **Applications**

9. Any Charge seeking funding from this Fund shall apply to the Committee on Outreach and Nurture, such application being sent in the first instance from the Committee of Management and Session and shall require the approval of the Presbytery of the bounds. Applications for any other works which may be funded from this Fund shall be made in the first instance from the specific body involved in the work and shall require the approval of the relevant Presbytery.

(BB 2011 Min 115)

## **REGULATION 180 APWM (QUEENSLAND)**

### **Name**

1. The name of the Committee shall be the APWM (Queensland).

### **Membership**

2. The Committee is a Special Committee of the Assembly consisting of nine (9) members including a Convener. The Committee shall have power to add as non-voting associates, those from among our Church membership who, in its opinion, have an important contribution to make to world mission.

### **Functions**

3. The functions of the Committee shall be:
  - (a) The promotion of world mission within The Presbyterian Church of Queensland through the work of the Australian Presbyterian World Mission.
  - (b) The encouragement of the participation of all church members in the task of world mission.
  - (c) The financial support of projects and personnel as determined by the policies of the Committee on Australian Presbyterian World Mission.
  - (d) The recruitment of missionary personnel under the general lines of policy laid down by the Committee on Australian Presbyterian World Mission, and the recommendation of such personnel to that Committee for appointment where appropriate.
  - (e) The responsibility, in consultation with congregations as appropriate, for the making of travel and furlough arrangements for all Missionaries while within Queensland, this being the total arrangements in the case of Missionaries under the control of the Committee on Australian Presbyterian World Mission and by negotiation in the case of Presbyterian Missionaries working with approved mission agencies.
  - (f) The responsibility for informing the Church of policies and guidelines approved by the Committee on Australian Presbyterian World Mission especially in relation to missionary recruitment, missionary support and the setting apart of Missionaries.

(COA Min. 19/13.2)

# GUIDELINES

201	AMALGAMATION OF CHARGES SEE RULE 4.30	3
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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**

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

<b>Formula</b>	A set form of words necessary or prescribed for a certain purpose.
<b>Heresy</b>	Opinion at variance with the doctrine of the Church's standards.
<b>In hunc effectum</b>	For this purpose only.
<b>In retentis</b>	Among things preserved. Used of papers not recorded but kept.
<b>Inter alia</b>	Among other things.
<b>Ipso facto</b>	By the very fact or deed.
<b>Jurisdiction</b>	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.
<b>Jus devolutum</b>	A right devolved on a party because of its not having been exercised within the appointed time by those having priority.
<b>Nobile officium</b>	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.
<b>Pari passu</b>	With equal pace.
<b>Prima facie</b>	At first sight.
<b>Privilege</b>	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.



<b>Pro re nata</b>	For unforeseen business that has arisen.
<b>Pro tempore</b>	For the time.
<b>Sederunt</b>	“They sat”, those of whom the meeting consisted. It is the first word of a Latin sentence, <i>There sat So-and-So</i> .
<b>Seriatim</b>	One by one in succession.
<b>Simpliciter</b>	Simply, neither more nor less.
<b>Sine Die</b>	Without a time appointed, indefinitely.
<b>Sine mora</b>	Without delay.
<b>Sist procedure</b>	To stop in the meantime.
<b>Sub judice</b>	Under the judge, in course of being tried.
<b>Ultra vires</b>	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 <sup>2</sup>	(2.4m of built-in)
	Bedroom 2	10.5m <sup>2</sup>	(1.8m of built-in)
	Bedroom 3	10.5m <sup>2</sup>	(1.8m of built-in)
	Bedroom 4	10m <sup>2</sup>	
<u>Living Areas</u>	Lounge	} May be combined	
	Dining		
<u>Work Areas</u>	Kitchen - 14m <sup>2</sup> with 5m of bench space (includes casual eating);		
	Laundry - ironing, washing machine, tubs, dryer.		
<u>Other Services</u>	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.		
<u>Administrative Facilities</u>	Study - 14m <sup>2</sup> minimum with separate entrance from outside, 7 x 2.5 metres of bookshelves. Study to be air-conditioned.		
	Secondary living area or rumpus room - 16m <sup>2</sup> 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 (4.5m<sup>2</sup> - 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.





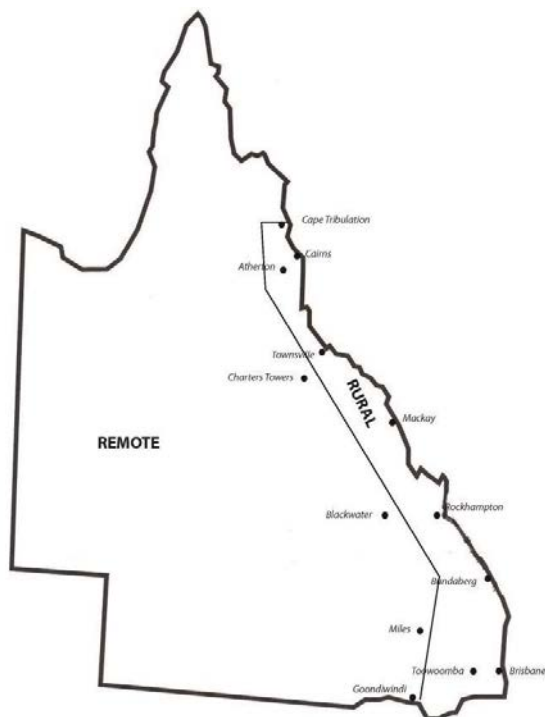
**GUIDELINE 212  
STATEMENT ON GROW 21**

**Repealed by 2011 Assembly. BB 2011 Minute 115.4.**



# GUIDELINE 213

## STIPEND ZONES MAP (1 JANUARY 2021)



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. Adelaide (South Australia)
Provincial	The provincial centres of Cairns, Townsville, Mackay, Rockhampton and Toowoomba. Mt Gambier (South Australia) Darwin (Northern Territory)
Rural	The area to the east of the line defining the remote zone, excluding the areas described as defining the urban and provincial zone. Naracoorte, Port August, Wattle Range and Whyalla (South Australia)
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**

The Australian Charities and Not-for-profits Commission states as follows:

“What is a conflict of interest?

A conflict of interest occurs when your personal interests conflict with your responsibility to act in the best interests of your charity. The term ‘personal interests’ does not need to be your own interest, but may also arise from the interests of your family, friends, or other organisations you are involved with. It also includes a conflict between your duty to the charity and another duty that you have (for example, to another charity).

The problem of conflicts of interest is that your duty to act in the best interest of a charity may be undermined by another interest you have, making it difficult to know if you are meeting your duties. These conflicts can sometimes cause problems because they present a risk that you will make a decision based on, or affected by, these external influences, rather than in the best interests of the charity.”

Each person must consider conflicts from a biblical perspective and examine their own hearts as to whether they may be conflicted in a decision.

## Required Procedures

1. Whenever a proposal comes before a court, committee, or board of the Church for consideration, review, or approval, any member of that court, committee, or board who sits on a governance body of the entity that is bringing the proposal, or is an employee of the entity that is bringing the proposal, must absent themselves from the debate and voting on that item (noting that this does not prevent such a person delivering a proposal, speaking to it, and answering questions prior to that person leaving the meeting and the matter then being debated and determined).
2. Whenever a proposal comes before a court, committee, or board of the Church for consideration, review, or approval, any member of that court, committee, or board who has a fiduciary interest in the proposal must absent themselves from the debate and voting on that item.
3. A person must not be nominated for election to a court, committee, or board of the Church where that person is involved in, or proposes to be involved in, financial or property negotiations with the officers or employees of that court, committee, or board of the Church.
4. Whenever a proposal comes before a court, committee, or board of the Church for consideration, review, or approval, any member of that court, committee, or board who has a close personal relationship with a person or people intricately linked to the proposal must declare that relationship.

The above procedures do not encompass all the possible situations in which conflicts of interest may arise. Anyone who is in doubt about conflicts in any given circumstance must contact the Code and Legal Reference Committee for an opinion.

Every court, committee, or board of the Church must hold a conflict register. Before the commencement business at each meeting each member must declare any conflicts of interest.

Where a conflict of interest exists, it must be declared by the member immediately at the meeting in which he or she is participating. When the

conflict of interest has been declared, the member involved must either:

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

The fact that the conflict of interest has been raised, discussed and determined; and the member involved has either left the room or refrained from participating in the discussion or decision, and has returned to the meeting must be recorded in the minutes of that meeting.



**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.



# CONSTITUTIONS

## PCQ BODIES

<b>300</b>	Adult Singles Ministry (rescinded as of September 2015)	
<b>301</b>	Campsite Sub-committee - Bunya Mountains (rescinded as of September 2015)	
<b>302</b>	Campsite Sub-committee - Lammermoor (rescinded as of September 2015)	
<b>303</b>	Campsite Sub-committee - Tinaroo (rescinded of September 2015)	
<b>304</b>	Presbyterian Women's Association of Australia in the State of Queensland	<b>3</b>
<b>305</b>	Presbyterian Women's Missionary Union	<b>9</b>
<b>306</b>	Presbyterian Youth (rescinded as of September 2015)	
<b>307</b>	Queensland Theological College	<b>12</b>

## PCQ RELATED BODIES

<b>330</b>	Fairholme College Toowoomba	31
<b>331</b>	PresCare	41
<b>332</b>	Surecom (rescinded as of March 2016)	
<b>333</b>	Credere Services Group	53

## PCQ RELATED AFFILIATED BODIES

<b>350</b>	Emmanuel College (Rescinded after withdrawal from College)	
<b>351</b>	Grace College	89
<b>352</b>	St Andrew's Toowoomba Hospital	101
<b>353</b>	The Presbyterian and Methodist Schools Association	<b>117</b>





# **PRESBYTERIAN WOMEN'S ASSOCIATION OF AUSTRALIA IN THE STATE OF QUEENSLAND**

**304**

## **NAME**

1. The name of the Association shall be the **Presbyterian Women's Association of Australia (Queensland Unit)**

## **AIMS**

2. *To link women within the Presbyterian Church of Queensland in the Worship and Service of God as revealed to us by Jesus Christ in the Power of the Holy Spirit.*

*To share in the witness of the church by encouraging and supporting missionary, educational and social activities approved of and/or conducted by the State Assembly.*

*To extend the range and influence of Presbyterian women by providing opportunity for worship, Bible study, and equipping women for Christian service.*

*To co-operate with other women's organisations within the Community and beyond as approved by the State Assembly.*

## **MEMBERSHIP**

3. The members of the Association shall be women who are members of a local Branch of the Association within a charge/church.

Only communicants and/or adherents of the Presbyterian Church shall be eligible to hold office.

Women who are unable to attend local Branch meetings may become Associate Members of the State Unit by paying an affiliation fee as set down by a State Council meeting.

## **ORGANISATION**

4. The Association shall be comprised of local Branches within a church, Presbyterian Associations, a State Conference, together with the State Council Standing Committee and special groups.

## **LOCAL BRANCHES**

5. A local Branch or Branches may be formed in each congregation within a charge/church with the approval of the Kirk Session. Local Branches shall operate in accordance with the Constitution and Rules of the Presbyterian Church of Queensland. There may be more than one Branch within a charge.

## **PRESBYTERIAL ASSOCIATIONS**

6. Presbyterian Associations shall be established by the State Council on the authority of the State Conference, following prior approval of the relevant Presbytery.

A Presbyterian Association shall consist of Branches contained in one, or more Presbyteries.

Each PA shall elect annually from those nominated by local Branches two representatives who shall represent the PA on the State Council.

## **STATE CONFERENCE**

7. There shall be a State Conference held annually and on such dates and at such time and place as the State Council shall determine. The State Conference shall be the ruling body of the Association and it shall deal with all matters of general policy and its decisions shall govern all organizations within the Association.

The State Conference shall consist of the State Council and voting delegate from each Branch.

Any members of the Association may attend the State Conference, but only duly elected delegates and members of the State Council can vote.

The State Conference shall declare the results of the ballot for a State President, two State Vice Presidents (one from Brisbane Metropolitan and one from a country area), State Secretary and a State Treasurer or a State Secretary/Treasurer. Secretary and Treasurer shall all act in these capacities on the Executive of the State Council.

**The State Conference shall receive the PWA Annual Report and submit same to the State Assembly.**

## **STATE COUNCIL**

8. There shall be a State Council which shall consist of the President, two Vice Presidents, Secretaries, Treasurer, Immediate Past President, representatives of the Standing Committee and up to two representatives from each Presbyterian Association and each Branch.

### **The State Council shall:**

Appoint its own Executive Committee Appoint Special Representatives as required to deal with matters not already covered by the work of the Standing Committee.

Appoint Representatives to the Federal Conference of the Presbyterian Women's Association of Australia.

Arrange the business of the State Conference.

Have power to fill any vacant office which appointment shall stand until the next meeting of the State Conference.

Compile an Annual Report- for presentation to the State Conference- from reports and audited financial statements received from the Secretary and Treasurer of State Council, the Standing Committee and PA's. Such reports and statements to be in the hands of the Secretary of the State Council at a date to be determined by the State Council but not less than two months prior to the first day of the State Conference.

### **STANDING COMMITTEE**

9. **The Standing Committee of the Association shall be:**

Presbyterian Women's Missionary Union (Queensland)

**The Standing Committee shall:**

Be autonomous, working under its own Constitution as approved by the State Assembly of Queensland.

Send their Constitution to the PWA State Council for reference.

Present reports to the State Conference and to Council.

Appoint up to two representatives to the State Council.

### **FINANCES**

10. State Council shall set an annual affiliation fee to be paid by each member for administration of State Council.

### **AMENDMENTS TO THE CONSTITUTION**

11. **The Constitution shall be amended:**

- At the Annual Meeting of the PWA of Australia (Qld Unit);
- By a two-thirds majority of eligible voters;
- With written notice of proposed amendment being received by the State Secretary three calendar months before the day of the Annual Meeting; and
- Being circulated to all branches two calendar months before the day of the Annual Meeting.

All amendments shall be deemed provisional only, until confirmed by the State Assembly.

## **BY-LAWS**

12. The procedure and business of meetings shall follow the practise of the General Assembly of Australia.

By-laws may be disallowed by the Queensland State Assembly.

The Annual Meeting may make by-laws consistent with the Constitution.

- Procedure and business of meetings.
- Method and voting at elections
- Quorums
- Finance and affiliation fees.
- Notices of motion.

## **PRESBYTERIAN WOMEN'S ASSOCIATION OF AUSTRALIA (QUEENSLAND UNIT)**

### **BY-LAWS**

#### **BRANCHES**

1. After the Annual Meeting of the Branch and whenever changes occur, each Branch shall notify the State Secretary of the name and address of the Branch President, Secretary, Treasurer and Council representatives. Council representatives may appoint a proxy from their own Branch who shall have written authority.

#### **PRESBYTERIAL ASSOCIATIONS**

2. The Presbyterian Association shall meet in conference at least annually. At this meeting the Presbyterian Association shall elect as it's Executive, a President, a Secretary, a Treasurer, up to two representatives to the State Council, and other officers as determined by the particular Presbyterian Association., these to form the Executive Committee. Executive has the power to make urgent decisions when necessary. These decisions to be endorsed later by the Presbyterian Association.

The Work of the Presbyterian Association shall be in line with that of the PWA. And the Secretary shall send a report and a copy of the audited Financial Statement to the State Council three months prior to the State Annual Conference.

## **FINANCE**

3. A collection shall be made during each Annual Conference which shall, after deducting reasonable expenses be sent to the State Treasurer of PWA for Deputation purposes. Each Guild or Group within the Presbyterial Association shall pay an affiliation fee to the Presbyterial Association as fixed by the State Conference. This is in addition to the individual' member's fee to State Council.

## **STATE**

4. The business of the State Conference shall be:
  - (a) To receive the Annual Report from the State Council on the work of the past year, including the Balance Sheet and other Audited Financial Statements.
  - (b) To declare results of Ballot for office on the State Council under Clause 7 of the Constitution.
  - (c) To appoint an Auditor for the ensuing year.
  - (d) To consider any other business which may be brought forward to the Conference, in accordance with the Constitution, provided that the State Council is given notice in writing, no later than three months before the first day of the Annual Conference in each year.
  - (e) To deal with any special matters arising as determined by the State Council.
  - (f) No member of Conference shall have more than one vote.
5. The State Office Bearers shall not hold any one office for more than three consecutive years and shall not be eligible for re-election to the same office until a lapse of at least one year.
6. Nominations from Branches for State Office Bearers shall be made three months prior to the State Conference.

No office shall be otherwise filled at Conference except in the case of positions for which no nomination has been received by the prescribed date.
7. A Branch may appoint as a delegate to represent them at the State Conference, any member from any affiliated Branch, who is not already a voting delegate.
8. Representatives from one-tenth of the Branches shall form a Quorum.

## **COUNCIL**

9. (a) The State Council shall meet regularly at such time and place as the President and the State Secretary shall direct.
- At such meeting the President shall have a casting vote but no deliberative vote.
- At any such meeting, **eight** shall form a quorum.
- The Presbyterian Church of Queensland Commission of Assembly will be able to vary the quorum if necessary.
- (a) Immediate Past President remains a member of the Executive Committee.
10. Annual Membership Fees for the current year (calculated on number of members as at 31<sup>st</sup> December of the preceding year) shall be paid to the State Treasurer not later than 31<sup>st</sup> March in each year. Each Branch shall be responsible for the fees of its Life Members.

## **AMENDMENT OF BY-LAWS**

11. By-Laws shall be amended by the two-thirds majority of those voting at the Annual State Conference, provided that written notice of the proposed amendment has been forwarded to the State Secretary in time to be circulated to all Branches two calendar months before the first day of the State Conference.

# **PRESBYTERIAN WOMEN'S MISSIONARY UNION**

**305**

## **NAME**

1. The Presbyterian Women's Missionary Union (Qld) (PWMU Qld) is a Standing Committee of the Presbyterian Women's Association of Australia (Queensland Unit)

## **OBJECTS**

2.
  - (a) To support in effort and by financial assistance the mission of the Church as expressed through the APWM (Queensland) of the General Assembly of the Presbyterian Church of Queensland.
  - (b) To encourage the women of the Church to have a zeal for this mission outreach as revealed to us in the Word of God through our Lord and Saviour Jesus Christ and in obedience to His Commission to preach the Gospel to the whole world.
  - (c) To maintain direct and constant correspondence, support, prayer and generally encourage our Missionaries in their calling.
  - (d) To faithfully continue to maintain such other areas of mission and support as may be delegated to it by the Presbyterian Women's Association of Australia (Queensland Unit).

## **MEMBERSHIP**

3.
  - (a) Attendance at meetings is open to all Communicant Members and Adherents of the Presbyterian Church of Australia and Queensland.
  - (b) Only duly affiliated members of the Presbyterian Women's Association of Australia (Queensland Unit) are eligible to vote and hold office.
  - (c) An Associate member shall have all rights and privileges of members, except that they shall not move or second a motion or an amendment, vote on any question or occupy office; (see SO 10).

## **OFFICERS**

4. Will be elected annually at the Annual General Meeting of the Committee and shall be:
  - (a) Convener
  - (b) Deputy Convener
  - (c) Secretary

- (d) Treasurer
- (e) Representatives to: Presbyterian Women's Association of Australia (Queensland Unit) State Council.

### **EXECUTIVE.**

- 5. The Convener, Secretary and Treasurer shall comprise the Executive to make urgent decisions which must be reported to the next meeting of the Committee to be endorsed.

### **FINANCE**

- 6.
  - (a) All working accounts will be vested by the Treasurer in one bank account entitled Presbyterian Women's Missionary Union (Qld)
  - (b) All cheques and documents shall be signed by any two of the following: Convener, Secretary, and Treasurer.

### **ELECTIONS**

- 7.
  - (a) Only duly affiliated members of the PWA of A (Queensland Unit) are eligible to nominate or be nominated for any office or position;
  - (b) A Deputy Convener may hold a second office;
  - (c) All officers are elected at the Annual Meeting;
  - (d) Casual vacancies may be filled by the General Committee on a recommendation of the Executive Committee.

### **MEETINGS.**

- 8. The Committee shall meet as follows:
    - (a) The Annual General Meeting will be held normally on the first Friday of February at which the Annual Report and audited Financial Statement will be presented. Officers, appointees as set out in 4 above will be elected and the Auditor appointed.
    - (b) General meetings: as determined from time to time.
    - (c) Special meetings:
      - (i) may be called by the Convener on her own initiative
      - (ii) by the Deputy Convener on a written request by two members.
- Quorum - three (3) members.



### **ALTERATIONS TO CONSTITUTION**

9.
  - (a) The Constitution may be altered and/or amended by a two-thirds majority of those voting at a General Meeting after two months' notice given at a General Meeting and published in at least one issue of "Notes & News"
  - (b) All such alterations/amendments are provisional only until approved by the Presbyterian Women's Association of Australia (Queensland Unit).



# QUEENSLAND THEOLOGICAL COLLEGE

307

## 1. Interpretation

- 1.1 In this Constitution, unless the context requires otherwise: “Assembly” means the General Assembly of the Church; “Finance and Administration Board” means the Finance and Administration Board of the Church as constituted from time to time by the Rules and Forms of Procedure of the Church; “Chairman” means the Chairman of Directors appointed pursuant to Rule 5.15; “Church” means the body corporate incorporated in Queensland as The Presbyterian Church of Queensland; “Directors” means the Directors duly appointed from time to time by the State Assembly and through other processes; “Queensland Theological College” means the college currently owned by the Church; “Law” means the Corporations Law, and where appropriate, the Trust Act of Queensland; “Principal” means the Principal appointed by the Assembly; “Rules” means the provisions of this Constitution as amended, modified or supplemented by the Assembly or its Commission; and “Secretary” means any person appointed to perform the duties of a secretary of the Board.
- 1.2 In this Constitution, unless there be something in the subject or context inconsistent herewith:
- (a) Paragraph headings are for convenience only and shall not affect the interpretation of the provisions of this Constitution.
  - (b) Words importing only singular include the plural and vice versa.
  - (c) Words importing any gender include the other gender.
  - (b) Words importing only natural persons include corporations, partnerships, joint ventures, associations or other body corporate and any governmental or semi-governmental agency and vice versa.
  - (c) A reference to any statute or regulation includes all statutes and regulations amending, consolidating or replacing them and a reference to a statute includes all regulations, proclamations, ordinances and by-laws issued under that statute.
  - (d) A reference to a document includes an amendment or supplement to, or replacement or notation of that document.
  - (e) A reference to a party to a document includes that party’s successors and permitted assigns.
  - (f) A reference to a “Rule” means a clause number or sub-clause of this Constitution.

## **2. Name**

- 2.1 There shall be constituted an organisation within the Presbyterian Church of Queensland to be known as “Queensland Theological College” and all other references in other places of the Code of the Presbyterian Church of Queensland which refer to ministry training institutions shall be taken as referring to Queensland Theological College.

## **3. Objects**

- 3.1 The Queensland Theological College, from its position within the evangelical, biblical and reformed Christian tradition, exists to encourage and stimulate theological thinking and application, and to educate, disciple and train people for Christian life and service in a variety of situations both formal and informal; which is to be achieved by:
- (1) Training students to examine and evaluate contemporary challenges in the light of the gospel;
  - (2) Giving strong emphasis to evangelism;
  - (3) Giving specific and practical training for a variety of ministries;
  - (4) Giving particular attention to the essential training of men for the ministry of Word and Sacrament of the Presbyterian Church of Australia;
  - (5) Subject to teaching and training provisions as set forth in the Code, Regulations and Guidelines of the Presbyterian Church of Queensland and the Constitution, Procedure and Practice of the Presbyterian Church of Australia, act as the body within the Presbyterian Church of Queensland with the responsibility for provision of formal training in theology and ministry to support the ministry of congregations, Presbyteries, the Assembly, and other Committees, Boards and entities of the church.
  - (6) Developing flexible delivery systems where these are an appropriate means to achieve the above Objects.

## **4. Doctrinal Basis**

- 4.1 The doctrinal basis of the Presbyterian Church of Australia shall be the doctrinal basis of Queensland Theological College.

## **5. Management and Appointment of Directors**

- 5.1 The management of Queensland Theological College shall be vested in a Board as provided in this Constitution. Directors shall be appointed by the State Assembly or where necessary the Commission of that Assembly and appointments shall be for a period of three years. From the inception of this constitution sections of the board shall retire to ensure that a third of appointees

are made annually, each alternately serving ultimately, a three year term.

- 5.2 Written consent is required for each person who agrees to become a Director, such consent being made through the Assembly's nomination form. The Assembly shall seek to ensure, so far as possible, that the Board reflects the qualities of policy delivery, the culture and the ethos of the College, the College's corporate and historical profile, the foundational principles of the Christian faith and the succession process for the Board.
- 5.3 The Board shall consist of:
- (a) Five (5) persons all of whom are Communicant members or Ministers of the Church appointed by the Assembly, one of whom preferably shall have an accounting qualification and one of whom preferably shall have a legal qualification. Any vacancy caused by a resignation or termination of the membership of any of the five persons so appointed, shall be filled by the Assembly.
  - (b) Three (3) persons appointed by the Committee on Training for the Ministry.
  - (c) The Principal and Vice-Principal for the time being of Queensland Theological College by virtue of those persons holding those positions shall be members of the Board without the need for the Assembly making an appointment.
- 5.4 To be eligible for appointment as a Director, Directors shall be active members, or adherents of a Presbyterian Church as defined by Rule 1.8 (Communicants) and Rule 1.10 (Adherents) of the Rules and Forms of Procedure of the Church, and all Directors shall prior to their appointment sign the required nomination form.
- 5.5 The Directors appointed pursuant to this rule shall hold office for a three year term from 1 July in each year or the date of their appointment (whichever shall be the latter) for a three year term with the proviso that for the introductory period of this constitution sufficient members should retire for possible re- election to fulfill the requirements of the three year term.
- 5.6 The parties and bodies responsible for the appointment of Directors in accordance with this Rule shall endeavour to appoint persons who have qualifications, experience and ability in such fields as theology, ministry, education, finance, management, law, administration, communication, planning and design, public relations, social science or other fields related to the conduct of Queensland Theological College.

- 5.7 A person's appointment by the Assembly in terms of clause 5 as a Director shall be sufficient evidence of the validity of such appointment notwithstanding any invalidity or irregularity in any proceeding or meeting procedure of the body or association making such nomination in terms of this clause.
- 5.8 Any Director being otherwise qualified is eligible for re-appointment either in the same or a different capacity.
- 5.9 The office of Director becomes vacant if the Director:
- (a) becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health; or
  - (b) is absent without the prior consent of the Directors from more than three (3) consecutive meetings of the Directors; or
  - (c) holds any other office of profit under the Board except that of Principal or Vice-Principal; or
  - (d) is directly or indirectly interested in any contract or proposed contract with the Board and fails to declare the nature of his or her interest in a manner required by the Law and this Constitution; or
  - (e) becomes an employee of Queensland Theological College unless such employment is as Principal or as Vice-Principal; or
  - (f) ceases to be Principal or Vice-Principal of Queensland Theological College (in the case of the Directors appointed pursuant to Rule 5.3) and is not otherwise appointed to be a Director; or
- 5.10 Subject to other provisions of this Rule each member of the Board holds office for a period from the date of appointment until the end of the General Assembly which is at least three years after that date.
- 5.11 A person appointed to fill a casual vacancy shall be appointed for the balance of the term of office of the member of the Board being replaced. The Commission of Assembly shall approve the appointment of such a casual vacancy.
- 5.12 The Assembly may, from time to time, remove the Board members appointed by it or any of them, from membership of the Board and may also remove any person appointed pursuant to clause 5.14 hereof.
- 5.13 A member shall automatically and forthwith cease to be a member of the Board in any of the following circumstances:
- (a) On retirement or resignation of membership by notice in writing to the Chairman in that behalf;
  - (b) On failure to attend three consecutive meetings of the Board without the approval of the Board;
  - (c) When adjudicated bankrupt or has entered into a Deed of Arrangement

- or assigned his/her estate for the benefit of his/her creditors or otherwise takes advantage of laws in force for the time being relating to bankruptcy;
- (d) On incapacity to continue to act as a member or incapacity as determined by the Assembly on the basis of evidence submitted by the Board;
  - (e) Failure to subscribe to the objects of this Constitution and/or failure to observe any of the provisions of this Constitution or acts in breach of the terms of this Constitution;
  - (f) Is convicted of an indictable offence;
  - (g) Conducts himself or herself in a manner considered to be injurious or prejudicial to the Constitution or interests of Queensland Theological College or the Church.
  - (h) The Assembly or its Commission determines whether any of clauses 5.14(e), (f), (g) applies on the basis of evidence submitted to it.
- 5.14 The Chairman, Vice Chairman and Secretary shall be elected by the Board at the first meeting after each Annual General Assembly in each calendar year.
- 5.15 Where the position of Chairman, Vice Chairman or Secretary falls vacant during the year a new Chairman, Vice Chairman or Secretary as the case may be shall be elected by the Board at the first meeting after the vacancy occurs.
- 5.16 The Chairman, or in the absence of the Chairman, the Vice-Chairman, shall preside at all meetings of the Board and if neither are present by a member elected by those present.
- 5.17 The Chairman of a meeting shall have a deliberative vote and, if there is an equality of votes, he shall have a casting vote in terms of Standing Order 84.

## **6. Visitor**

- 6.1 The Moderator of the Assembly shall have the right to visit the College's premises at any time and to examine the manner in which any of the College's activities are being conducted.

## **7. Meetings**

- 7.1 The Board shall meet monthly or such times as it may determine. Additional or special meetings may be called by any three members of the Board as they shall deem necessary.
- 7.2 Four members, of whom two are appointed members, shall constitute a quorum at any duly convened meeting of the Board.
- 7.3 The Board may hold any meeting by electronic means whereby participants can be heard and can hear, but are not necessarily in the same place.
- 7.4 Decisions may be made by the Board without a meeting if a consent in writing

setting out such a decision is signed by all members of the Board other than those on leave of absence with the permission of the Board.

- 7.5 At least 48 hours' notice shall be given to members of the Board specifying the place, date and the hour of meeting of the Board or Subcommittee and the general nature of the business to be transacted. Such notice may be given to or served upon a member either personally, or by telephone, facsimile machine, electronic mail or by sending it through the post in a prepaid letter addressed to such member's usual or last known place of business or abode but the non-receipt of such notice by any member shall not invalidate the proceedings at any meeting. The members present (or participating in accordance with the provisions of this Constitution) and constituting a quorum at any meeting of the Board may, by unanimous decision, agree to abridge the period of notice required to be given for the holding of that meeting.
- 7.6 A special meeting of the Board must be held within 14 days after the Chairman receives a requisition in writing signed by the visitor or by not less than 1/3 of the members of the Board. The requisition must clearly state the reason the special meeting is being convened and the nature of the business to be transacted at the special meeting.

## **8. Report**

- 8.1 The Board shall arrange for the yearly audit of Queensland Theological College Profit and Loss Accounts and Balance Sheet. The audit shall be carried out by a person registered as an auditor with the Australian Securities Commission and approved by the Assembly.
- 8.2 The Board shall present a Report annually to the Assembly and shall on a quarterly basis, submit a written report of its activities to the Commission of Assembly together with a financial report which will not be required to be audited and which will in the first instance be provided to the Finance and Administration Board. It shall however present its audited annual financial statement to the Assembly immediately it is available.

## **9. Special Audit**

- 9.1 The Assembly may by resolution appoint an auditor to investigate the financial affairs of Queensland Theological College. Any auditor so appointed shall have full authority to inspect all account books and records of Queensland Theological College.



## **10. Powers**

- 10.1 Subject always to any direction or decision of the Assembly and to the provisions of this Constitution and in accordance with the Rules and Forms of Procedure of the Church, the Board shall be responsible for the whole management of Queensland Theological College and shall have the following powers:
- (a) To conduct appeals for funds and accept donations, gifts and bequests of money and any real or personal property provided however that any real property, securities or other property shall be held in the name of the Church;
  - (b) To make from time to time other regulations for the internal management, organisation, administration and procedures of Queensland Theological College, including the establishment of the Committees of the Board which may have membership beyond the membership of the Board provided that such regulations are not inconsistent with this Constitution;
  - (c) To provide the Principal of Queensland Theological College with policies and guidelines that will enable him to proceed with the day to day management of Queensland Theological College;
  - (d) To invest in the Principal of Queensland Theological College the authority to employ, supervise and discipline administrative staff as appropriate and in keeping with the policies and guidelines laid down.
  - (e) To appoint non-Faculty members to lecturing and teaching positions at the QTC upon the recommendation of the Academic Sub-Committee, subject to the concurrence of the Commission of Assembly in the case of any full-time appointments.
  - (f) To purchase, take on lease, exchange, hire or otherwise acquire an interest in any real or personal property;
  - (g) To borrow or raise money whether on mortgage or other security or otherwise as the Board may think fit;
  - (h) To erect buildings and maintain, alter and improve existing buildings and to provide the same with such facilities as it deems necessary and, for these purposes, to employ persons on such terms as the Board may determine;
  - (i) To make investments in any one or more of the forms of investment and to operate banking accounts whether trading, savings or investment accounts with such bank or banks as the Board may determine;
  - (j) In furtherance of the objects of Queensland Theological College to sell, improve, develop, dispose of, or otherwise deal with all or any part of the property and rights of Queensland Theological College.

- 10.2 The Directors may pay all expenses incurred in operating Queensland Theological College and may exercise powers to borrow money, to charge any property or business of the College but only in relation to the business of the College in accord with the Rules and Procedures of the Presbyterian Church of Queensland.
- 10.3 All acts done by any meeting of the Directors or of a committee of Directors or by any person acting as a Director are valid and effective, notwithstanding that it is afterwards discovered that there was some defect in the appointment of the person to be a Director or a member of a committee or to act or to continue to act as a Director, or that a person so appointed was disqualified.

## **11. Principal and Vice Principal**

- 11.1 The Assembly shall appoint a Principal and Vice Principal in terms of Chapter 6 of the Code of the Presbyterian Church of Queensland. The Board shall bring recommendations to the Assembly regarding these appointments and concerning any other Lecturers appointed by the Assembly, after consultation with the CTM.
- 11.2 In the event of the absence, resignation, removal or death of the Principal, the Vice Principal shall act as Principal, until and unless the Commission of Assembly determines to appoint another member of Faculty as acting Principal, on the recommendation of the Board in consultation with the CTM.
- 11.3 The CTM may appoint another full-time lecturer as acting Vice Principal in the event of the absence, resignation, removal or death of the Vice Principal to the next Assembly, such appointments being made after consultation with the CTM.
- 11.4 The requirements of the Principal and Vice Principal shall be as set out in the addendum to this constitution and the Commission of Assembly shall have the power to change such addendum on the recommendation of the Board.
- 11.5 The Principal shall chair an Academic Subcommittee, comprised of the Vice Principal and up to three other members of the lecturing staff of the QTC who shall be appointed by the Board and upon nomination of the Principal, which shall oversee and arrange the delivery of all courses, units and subjects.

## **12. Discipline of Academic Staff**

- 12.1 In terms of 4.1 it is acknowledged that the doctrinal basis of QTC is that of the Presbyterian Church of Australia. This constitution acknowledges that any discipline of academic staff which falls within the jurisdiction of the Code of Discipline shall be undertaken by the appropriate bodies in terms of that code.
- 12.2 Other administrative matters concerning employment shall be dealt with by the Board in terms of specific employment contracts or agreements whereby in terms of the Code of the Presbyterian Church of Queensland appeal may be made to a superior body.



### **13. Relationship with the Committee on Training for the Ministry**

- 13.1 The Queensland Theological College shall be the official training institution within Queensland for both students and candidates for the ministry of Word and Sacrament and for candidates for the order of deaconesses.
- 13.2 The Queensland Theological College shall ensure that all training programs in relation to the Training of Ministers or Deaconesses shall conform to the requirements of the General Assembly of Australia and the College Committee as well as any external body so approved by the Assembly.
- 13.3 The Queensland Theological College shall participate in any post graduate studies which fall within the post graduate scholarship fund administered by the Committee on Training for the Ministry.
- 13.4 The Queensland Theological College shall cooperate both with the Faculty and the Committee on Training for the Ministry in relation to field education appointments and allowances administered by the Committee on Training for the Ministry.

### **14. Candidates and Probationary Students for the ministry of the Presbyterian Church of Australia and Deaconess students**

- 14.1 QTC will provide studies as required by the General Assembly of Australia and the College Committee and where applicable any decisions of the Queensland State Assembly in relation to such training.
- 14.2 The Academic Subcommittee shall communicate to the Faculty its proposed or enacted decisions which will have a major impact upon the delivery of the candidates' course, and consult with the Faculty on such changes where practicable.

### **15. Operational Management**

- 15.1 The Board of QTC shall be responsible for the policy direction of the college always in terms of any instructions given to the Board by the State Assembly or its Commission.
- 15.2 The day to day implementation of the policy of the Board together with daily operational matters shall be under the direction of the Principal of the college.
- 15.3 An Executive Management Team made up of specific members of staff and led by the Principal shall be established to direct and administer the day to day operations of the college. This Executive shall be comprised of the Principal, Vice Principal and three other members of staff appointed by the Principal.
- 15.4 All administrative staff shall be appointed in terms of the Rules and Regulations of the Presbyterian Church of Queensland and shall be reported to the Board for noting.

- 15.5 The Board is required to set reserve powers in relation to any financial or other matters which it may allocate to the Executive Management Team.
- 15.6 The Lecturer (or Professor) on Church History in Queensland Theological College shall be entitled The Caldwell–Morrow Lecturer (or Professor).

## **16. Winding Up**

- 16.1 If any resources or assets of Queensland Theological College have been received in terms of any not-for-profit status then the Assembly shall act in accordance with any relevant Law or Tax requirement and distribute such assets to any other authority, organisation, fund or institution of the Assembly's choosing. Such authority, organisation, fund or institution shall have the same or similar objects of Queensland Theological College, which prohibit the distribution of its or their income and property among its or their members and which is an organisation to which gifts are allowable deductions under the provisions of the Income Assessment Act as amended.
- 16.2 The Queensland Theological College is an institution solely owned and operated by the Presbyterian Church of Queensland and in the event of QTC being wound up then the Assembly of the Presbyterian Church of Queensland shall determine the future use of such assets.

## **ADDENDUM**

### **The Role of the Principal and Vice Principal under the Constitution**

#### **(A) PRINCIPAL**

The Principal shall implement Faculty decisions, Committee on Training for the Ministry (CTM) decisions related to Queensland Theological College (QTC) and manage the day to day operations of QTC and in doing so shall:

1. Report to the Board on the day to day operations of QTC and on identified future directions and needs.
2. Manage the relationship with the GAA College Committee.
3. In accordance with the policies developed by the Board, exercise management responsibility and oversight of:
  - (a) the admission, enrolment and progression of students at QTC.
  - (b) arrangements for the education, support and development of students.
  - (c) the holdings, services and acquisitions of the Gibson-Radcliffe Library.
4. Operate the programs of QTC within the budget approved by the Board.
5. Manage the recruitment of Library, administrative and other staff to support the operation of QTC by:
  - (a) Developing specific job descriptions for those who work in non- teaching roles at QTC (e.g. financial management, administrative, promotion) for approval by the Board in terms of the relevant rules.
  - (b) Appointing personnel to those non-teaching positions approved by the Board and where the Board has approved the budget for such positions.
6. Manage those appointed to work in non-teaching roles (including library staff) in the college including making arrangements for regular performance reviews and providing appropriate pastoral care.
7. Lead the performance appraisals of QTC lecturers under the arrangements put in place by the Board, and make arrangements for performance appraisals of other teachers and tutors at QTC as required by the Board.
8. Develop specific job descriptions for those who work in lecturing and teaching positions at QTC, for approval in terms of the relevant rules.

## **(B) VICE-PRINCIPAL**

Under the direction of the Principal, the Vice-Principal is to:

1. Assist the Principal in his management of strategic and pastoral matters, and represent/deputise for the Principal;
2. Perform the role and duties of Acting Principal when the Principal is on leave, or otherwise absent from QTC;
3. Retain current knowledge of the tertiary education sector in Australia and of theological education practices and methods in Australia and overseas, and regularly review the curriculum and educational practices of QTC in relation to the needs of students, PCQ and destination ministries. Provide advice and recommendations to relevant QTC personnel and bodies on these matters to assist them to ensure that the college is performing its educational function at the level of best-practice;
4. Manage the relationship with the Australian College of Theology on behalf of QTC;
5. Supervise the QTC Academic Dean, QTC Registrar, and other staff as directed by the Principal;

## SECOND ADDENDUM

The appointment of persons to the lecturing and teaching positions in terms of constitution 10.1(e). The Board of Queensland Theological College may appoint persons who are ministers, elders or communicant members of the Presbyterian Church of Australia in terms of Queensland Theological College Constitution 10.1(e) on the following conditions:

1. The appointment shall be dealt with in terms of 6.7 of the Queensland Code.
2. The Board of Queensland Theological College shall make the appointment but which needs to be confirmed by the Commission of Assembly.
3. Should the person to be appointed be a communicant member of the Presbyterian Church of Australia rather than a minister or elder of that church then the person to be appointed shall sign an agreement concerning his faith and his adherence to the doctrines and practices of the church in the following terms:
  - (i) Do you confess anew your faith in God as your Heavenly Father, in Jesus Christ as your Saviour and Lord, and in the Holy Spirit as your Sanctifier?
  - (ii) Do you profess your faith in the Gospel of the love and grace of God, wherein through Jesus Christ His only Son our Lord, He freely offers to all men forgiveness and eternal life, and calls them into the fellowship and service of His Kingdom?
  - (iii) Do you believe the Scriptures of the Old and New Testaments to be the Word of God, the only rule of faith and practice?
  - (iv) Do you own and accept the Westminster Confession of Faith, read in the light of the Declaratory Statement contained in the Basis of Union adopted by this Church on the 24th day of July, 1901, as an exhibition of the sense in which you understand the Holy Scriptures and as a confession of your faith?
  - (v) Are the glory of Almighty God, love to the Lord Jesus Christ, and an earnest desire to see people come to a saving faith in Christ, your chief reasons for accepting the position of Lecturer within the Queensland Theological College of the Presbyterian Church of Queensland?
  - (vi) Do you engage in the strength of the Lord Jesus Christ to lead a life worthy of your office, to discharge with integrity and cheerfulness the duties entrusted to you to seek furtherance of the Kingdom of God?
  - (vii) Will you, by God's grace, carry out all lawful instructions issued directly by your supervising authorities, and by the Board of the Queensland Theological College of the Assembly of the Presbyterian Church of Queensland, or through their delegated officers?



- (viii) All these things you profess and promise, through grace as you would answer to your Lord, and enter into His eternal glory?
4. This statement of faith and affirmation shall form part of the contract of employment of such a professor lecturer.
  5. At the first available meeting of the Board of Queensland Theological College the lecturer shall make public testimony of the faith and affirmation referred to above and this shall be recorded in the minutes of the Board of Queensland Theological College.

When such an appointment is made and confirmed by the Commission then that appointee shall not be entitled to a seat in any court or other body of the church and his terms of contract shall include the provision of Rule 6.10.

### THIRD ADDENDUM

*The appointment of persons to lecturing and teaching positions is in terms of Constitution 10.1(e). The Board of QTC may appoint a person who is not a minister, elder or communicant member of the PCA on the following conditions, only:*

- 1. The person to be appointed is a full or communicant member of a Protestant denomination, and subscribes, personally, to one of the following five Protestant Confessions of Faith:*
  - (i) The Thirty-Nine Articles of Religion (1562)*
  - (ii) The Book of Concord (1580)*
  - (iii) The "Three Forms of Unity," i.e. all three of: The Belgic Confession (1561) and the Heidelberg Catechism (1563) and the Canons of Dort (1619)*
  - (iv) The Savoy Declaration (1658)*
  - (v) The 1689 Baptist Confession of Faith (the "Second London Baptist Confession")*
- 2. The appointment is made pursuant to rule 6.7 of the Queensland Code; The Commission of Assembly gives its concurrence to the appointment;*
- 3. The person to be appointed will be the only full-time lecturer with QTC who is not a minister, elder or communicant member of the PCA;*
- 4. The person to be appointed shall sign an agreement concerning their faith and adherence to the doctrines and practices of the church in the following terms:*
  - (i) Do you confess anew your faith in God as your Heavenly Father, in Jesus Christ as your Saviour and Lord, and in the Holy Spirit as your Sanctifier?*
  - (ii) Do you profess your faith in the Gospel of the love and grace of God, wherein through Jesus Christ His only Son our Lord, He freely offers to all men forgiveness and eternal life, and calls them into the fellowship and service of His Kingdom?*
  - (iii) Do you believe the Scriptures of the Old and New Testaments to be the Word of God, the only rule of faith and practice?*
  - (iv) Do you own and accept [insert the title of a Protestant Confession of Faith listed for this purpose in this Addendum], as an exhibition of the sense in which you understand the Holy Scriptures and as a confession of your faith?*
  - (v) Are the glory of Almighty God, love to the Lord Jesus Christ, and an earnest desire to see people come to a saving faith in Christ, your chief reasons for accepting the position of Lecturer within the Queensland Theological College of the Presbyterian Church*

of Queensland?

- (vi) *Do you engage in the strength of the Lord Jesus Christ to lead a life worthy of your office, to discharge with integrity and cheerfulness the duties entrusted to you to seek furtherance of the Kingdom of God?*
- (vii) *Will you, by God's grace, carry out all lawful instructions issued directly by your supervising authorities, and by the Board of the Queensland Theological College of the Assembly of the Presbyterian Church of Queensland, or through their delegated officers?*
- (viii) *All these things you profess and promise, through grace as you would answer to your Lord, and enter into His eternal glory?*

*This statement of faith and affirmation shall form part of the contract of employment of such a lecturer.*

- 6 *In relation to the signed agreement referred to in Clause 5 of this Addendum, one of the following shall be used as an acceptable Protestant Confession of Faith at 5(iv) above which is owned and accepted by the appointee:*

- (i) *The Thirty-Nine Articles of Religion (1562)*
- (ii) *The Book of Concord (1580)*
- (iii) *The "Three Forms of Unity," i.e. all three of: The Belgic Confession (1561) and the Heidelberg Catechism (1563) and the Canons of Dort (1619)*
- (iv) *The Savoy Declaration (1658)*
- (v) *The 1689 Baptist Confession of Faith (the "Second London Baptist Confession")*

*As soon as practicable after the relevant agreement has been signed, all members of the PCQ Assembly shall be advised as to which of the above Confessions the appointee has affirmed, in order that their theological position is clearly and well-known along with any points of difference to the position of the PCA.*

7. *At the first available meeting of the Board of Queensland Theological College after signature by the lecturer, the lecturer's statement and affirmation referred to above shall be received and be recorded in the minutes of the Board of Queensland Theological College.*
8. *When such an appointment is made and confirmed by the Commission then that appointee shall not be entitled to a seat in any court, committee, Board, or other body of the church. A person appointed under the terms of this Addendum shall not be eligible to deliberate or to vote in relation to any matter regarding candidates or students for the ministry of the Presbyterian Church of Australia within meetings of the Faculty of Theology, the Committee for Training for the Ministry, or any other bodies of the Presbyterian Church of*

- Australia. A person appointed under the terms of this Addendum shall not be placed in a supervisory relationship over other employees at the Queensland Theological College.*
9. *The employment contract of the lecturer to be appointed shall include provisions consistent with current Australian employment law, which require the appointee in the conduct of their QTC duties, to support the standards, doctrine, polity, mission, and ethos of the Presbyterian Church of Australia and of the Queensland Theological College, and to not undermine or discourage adherence to these. The employment contract, while allowing and supporting the fruitful exercise of ministry in a non-Presbyterian church, must also include provisions specifying that where the appointee undertakes activities beyond the Presbyterian Church of Australia, that the Queensland Theological College and the Presbyterian Church of Australia shall not be defamed, ridiculed or undermined by the appointee but that they be positively supported and commended.*
  10. *The employment contract of the lecturer to be appointed shall include provisions consistent with current Australian employment law, which require the appointee to adhere to a suitable standard of conduct to be expected of Christians exercising a public teaching ministry. The contract shall also include provision(s) which allow for the employment contract to be terminated (or other sanctions or penalties to be imposed) by the General Assembly, its Commission, or the Board of the Queensland Theological College for a failure to adhere to this standard, or for breaching any part of the agreement referred to in Clause 4 of this Addendum. This may include a requirement to sign a binding Code / Standard of Conduct alongside or as part of the employment contract.*
  11. *The appointee shall be a full or communicant member of a Protestant church, and remain so for the duration of their appointment. Their employment contract shall require this membership as a condition of their ongoing employment at QTC, and that they remain subject to the pastoral care and discipline of a Protestant church throughout the period of their employment.*
  12. *The employment contract of the lecturer to be appointed shall include provisions consistent with current Australian employment law, which allow the employment contract to be terminated by the General Assembly, its Commission, or the Board of the Queensland Theological College at any time, for conducting themselves in a manner which undermines the standards, doctrine, polity, mission, or ethos of the Queensland Theological College or of the Presbyterian Church of Australia.*
  13. *This Addendum to the QTC Constitution shall not be set aside, removed, or amended without the approval of at least 75% of the General Assembly, at least 75% of all Presbyteries, and at least 75% of all Sessions of the Presbyterian Church of Queensland.*

# FAIRHOLME COLLEGE TOOWOOMBA

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## 1. Interpretation

### 1.1 In this Constitution, unless the context requires otherwise:

**“Assembly”** means the General Assembly of the Church;

**“Finance and Administration Board”** means the Finance and Administration Board of the Church as constituted from time to time by the Rules and Forms of Procedure of the Church;

**“Chairman”** means the Chairman of Directors appointed pursuant to Rule 4.1;

**“Church”** means the body corporate incorporated in Queensland as The Presbyterian Church of Queensland;

**“Directors”** means the Directors of Fairholme College duly appointed from time to time by the State Assembly;

**“Fairholme College”** means the school currently owned by the Church at Wirra Wirra Street, Toowoomba in the State of Queensland;

**“Law”** means the Australian Corporations Law, and where appropriate the Queensland Trust Act;

**“Principal”** means the Principal appointed by the Directors pursuant to Rule 10.1;

**“Rules”** means the provisions of this Constitution as amended, modified or supplemented by the Assembly or its Commission; and

**“Secretary”** means any person appointed to perform the duties of a secretary of the Board.

### 1.2 In this Constitution, unless there be something in the subject or context inconsistent herewith:

(a) Paragraph headings are for convenience only and shall not affect the interpretation of the provisions of this Constitution.

(b) Words importing only singular include the plural and vice versa.

(c) Words importing any gender include the other gender.

(d) Words importing only natural persons include corporations, partnerships, joint ventures, associations or other body corporate and any governmental or semi-governmental agency and vice versa.

(b) A reference to any statute or regulation includes all statutes and regulations amending, consolidating or replacing them and a reference to a statute includes all regulations, proclamations, ordinances and by-laws issued under that statute.

(c) A reference to a document includes an amendment or supplement to, or replacement or notation of that document.

(d) A reference to a party to a document includes that party's successors and permitted assigns.

- (e) A reference to a “Rule” means a clause number or sub-clause of this Constitution.

## **2. Name**

- 2.1 There shall be constituted an organisation within the Presbyterian Church of Queensland to be known as ‘Fairholme College Toowoomba’.

## **3. Objects**

- 3.1 To conduct a school in Toowoomba having the following key objectives:
- (a) 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 that creation.
  - (b) To seek excellence in the provision of quality teaching and learning.
  - (c) To provide an environment that offers opportunities for students to grow and extend and enrich their God given talents.
  - (d) To develop contributing members of future communities through providing rich and diverse experiences of leadership, service and learning, all of which to take place within the context of the gospel message.

## **4. Management and Appointment of Directors**

- 4.1 The management of Fairholme College shall be vested in a Board as provided in this Constitution. Directors shall be appointed by the State Assembly or where necessary the Commission of that Assembly and appointments shall be for a period of three years. From the inception of this constitution sections of the board shall retire to ensure that a third of appointees are made annually, each alternately serving ultimately, a three year term.
- 4.2 Written consent is required for each person who agrees to become a Director of the Board, such consent being made through the Assembly’s nomination form. The Assembly shall seek to ensure, so far as possible, that the Board reflects the qualities of policy delivery, the culture and the ethos of the College, the College’s corporate and historical profile, the foundational principles of the Christian faith and the succession process for the Board.
- 4.3 Nine directors shall be appointed by the Assembly (on nomination of the board) for a three year term of whom at least six shall be members of the Presbyterian Church.
- 4.4 Two Directors shall be appointed annually by the Assembly on nomination through the Board by The Parents’ and Friends’ Association of Fairholme College (or its successor, should that Association become incorporated or replaced by a similar body).

- 4.5 The process by which clauses 4.3 and 4.4 are carried out shall be:
- (a) In the first instance the nomination shall be presented to the Board or its Chairman.
  - (b) In its Annual Report to the Assembly the Board shall provide comment in relation to each nomination and include each nomination into a Deliverance for the Assembly's consideration. Any other nomination shall first of all be referred to the Board for its comment, and should this process not be finalised, the Assembly shall authorise the Commission of Assembly to make the final determination concerning the appointment.
- 4.6 To be eligible for appointment as a Director, all Directors, other than those referred to in Rule 4.4 shall be active members, or adherents of a branch of the Christian Church as defined by Rule 1.8 (Communicants) and Rule 1.10 (Adherents) of the Rules and Forms of Procedure of the Church. If a Director is not a member of the Presbyterian Church that Director shall comply to the equivalent of some other branch of the Christian Church (4.3). Prior to their appointment they shall be required to subscribe in writing to the Educational Aims of the Church in its Schools as declared from time to time by the Assembly.
- 4.7 The Principal for the time being of Fairholme College by virtue of that person holding that position shall be a member of the Board without the need for the Assembly making an appointment.
- 4.8 The Directors appointed pursuant to this rule shall hold office for a three year term from 1 July in each year or the date of their appointment (whichever shall be the latter) for a three year term with the proviso that for the introductory period of this constitution sufficient members should retire for possible re-election to fulfill the requirements of the three year term.
- 4.9 The parties and bodies responsible for the appointment of Directors in accordance with this Rule shall endeavour to appoint persons who have qualifications, experience and ability in such fields as theology, education, finance, management, law, administration, communication, planning and design, public relations, social science or other fields related to the conduct of a school.
- 4.10 A person nominated through the Board to be a Director as a nominee as a body or association referred to shall, upon being appointed by the Assembly be a Director unless disqualified by these rules or the law from being a Director.

- 4.11 A person's appointment by the Assembly in terms of clause 4.10 as a Director as a nominee of a body or association referred to shall be sufficient evidence of the validity of such appointment notwithstanding any invalidity or irregularity in any proceeding or meeting procedure of the body or association making such nomination in terms of this clause.
- 4.12 Any Director being otherwise qualified is eligible for re-appointment either in the same or a different capacity.
- 4.13 The office of Director becomes vacant if the Director:
- (a) becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health; or
  - (b) is absent without the prior consent of the Directors from more than three (3) consecutive meetings of the Directors; or
  - (c) holds any other office of profit under the Board except that of Principal; or
  - (d) is directly or indirectly interested in any contract or proposed contract with the Board and fails to declare the nature of his or her interest in manner required by the Law and this Constitution; or
  - (e) becomes an employee of Fairholme College unless such employment is as Principal; or
  - (f) ceases to be Principal of Fairholme College (in the case of the Director appointed pursuant to Rule 4.7) and is not otherwise appointed to be a Director; or
- 4.14 Subject to other provisions of this Rule each member of the Board holds office for a period from the date of appointment until the end of the General Assembly which is at least three years after that date.
- 4.15 A person appointed to fill a casual vacancy shall be appointed for the balance of the term of office of the member of the Board being replaced. The Commission of Assembly shall approve the appointment of such a casual vacancy.
- 4.16 The Assembly may, from time to time, remove the Board members appointed by it or any of them, from membership of the Board and may also remove any person appointed pursuant to clause 4.15 hereof.
- 4.17 A member shall automatically and forthwith cease to be a member of the Board in any of the following circumstances:
- (a) On retirement or resignation of membership by notice in writing to the Chairman in that behalf;
  - (b) On failure to attend three consecutive meetings of the Board without the approval of the Board;



- (c) When adjudicated bankrupt or has entered into a Deed of Arrangement or assigned his/her estate for the benefit of his/her creditors or otherwise takes advantage of laws in force for the time being relating to bankruptcy;
  - (d) On incapacity to continue to act as a member or incapacity as determined by the Assembly on the basis of evidence submitted by the Board;
  - (e) Failure to subscribe to the objects of this Constitution and/or failure to observe any of the provisions of this Constitution or acts in breach of the terms of this Constitution;
  - (f) Is convicted of an indictable offence;
  - (g) Conducts himself or herself in a manner considered to be injurious or prejudicial to the Constitution or interests of Fairholme College or the Church.
  - (h) The Assembly determines whether any of clauses 4.17(e), (f), (g) applies on the basis of evidence submitted to it.
- 4.18 The Chairman and Vice Chairman shall be elected by the Board at the first meeting after each Annual General Assembly in each calendar year.
- 4.19 Where the position of Chairman or Vice Chairman falls vacant during the year a new Chairman or Vice Chairman as the case may be shall be elected by the Board at the first meeting after the vacancy occurs.
- 4.20 The Chairman, or in the absence of the Chairman, the Vice-Chairman, shall preside at all meetings of the Board and if neither are present by a member elected by those present.
- 4.21 The Chairman of a meeting shall have a deliberative vote and, if there is an equality of votes, he shall have a casting vote in terms of Standing Order 84.
- 4.22 The Board shall appoint a secretary to the Board, and a Director or an employee of the College may be appointed to this position. Any act carried out by the secretary shall be effective even if the secretary's appointment or the continuance of that appointment is invalid because the Board or secretary did not comply with this Constitution or any provision of the law.

## **5. Visitor**

The Moderator of the Assembly shall have the right to visit the College's premises at any time and to examine the manner in which any of the College's activities are being conducted.

## **6. Meetings**

- 6.1 The Board shall meet monthly or such times as it may determine. Additional or special meetings may be called by any three members of the Board as they shall deem necessary.
- 6.2 Seven members shall constitute a quorum at any duly convened meeting of the Board.
- 6.3 The Board may hold any meeting by electronic means whereby participants can be heard and can hear, but are not necessarily in the same place.
- 6.4 Decision may be made by the Board without a meeting if a consent in writing setting out such a decision is signed by all members of the Board other than those on leave of absence with the permission of the Board.
- 6.5 At least 48 hours' notice shall be given to members of the Board specifying the place, date and the hour of meeting of the Board or Subcommittee and the general nature of the business to be transacted. Such notice may be given to or served upon a member either personally, or by telephone, facsimile machine, electronic mail or by sending it through the post in a prepaid letter addressed to such member's usual or last known place of business or abode but the non-receipt of such notice by any member shall not invalidate the proceedings at any meeting. The members present (or participating in accordance with the provisions of this Constitution) and constituting a quorum at any meeting of the Board may, by unanimous decision, agree to abridge the period of notice required to be given for the holding of that meeting.
- 6.6 A special meeting of the Board must be held within 14 days after the Chairman receives a requisition in writing signed by the visitor or by not less than 1/3 of the members of the Board. The requisition must clearly state the reason the special meeting is being convened and the nature of the business to be transacted at the special meeting.

## **7. Report**

- 7.1 The Board shall arrange for the yearly audit of Fairholme College Profit and Loss Accounts and Balance Sheet. The audit shall be carried out by a person recognised as an auditor and approved by the Assembly or its Commission.
- 7.2 The Board shall present a Report annually to the Assembly and shall on a quarterly basis, submit a written report of its activities to the Commission of Assembly together with a financial report which will not be required to be audited and which will in the first instance be provided to the Finance and Administration Board. It shall however present its audited annual financial statement to the Assembly immediately it is available.

## **8. Special Audit**

- 8.1 The Assembly may by resolution appoint an auditor to investigate the financial affairs of Fairholme College. Any auditor so appointed shall have full authority to inspect all accounts books and records of Fairholme College.

## **9. Powers**

- 9.1 Subject always to any direction or decision of the Assembly and to the provisions of this Constitution and in accordance with the Rules and Forms of Procedure of the Church, the Board shall be responsible for the whole management of Fairholme College and shall have the following powers:
- (a) To conduct appeals for funds and accept donations, gifts and bequests of money and any real or personal property provided however that any real property, securities or other property shall be held in the name of the Church;
  - (b) To make from time to time other regulations for the internal management, organisation, administration and procedures of Fairholme College, including the establishment of the Committees of the Board which may have membership beyond the membership of the Board provided that such regulations are not inconsistent with this Constitution;
  - (c) To provide the Principal of Fairholme College with policies and guidelines that will enable him/her to proceed with the day to day management of Fairholme College;
  - (d) To invest in the Principal of Fairholme College the authority to employ, supervise and discipline staff as appropriate and in keeping with the policies and guidelines laid down.
  - (e) To purchase, take on lease, exchange, hire or otherwise acquire an interest in any real or personal property;
  - (f) To borrow or raise money whether on mortgage or other security or otherwise as the Board may think fit;
  - (g) To erect buildings and maintain, alter and improve existing buildings and to provide the same with such facilities as it deems necessary and, for these purposes, to employ persons on such terms as the Board may determine;
  - (h) To make investments in any one or more of the forms of investment and to operate banking accounts whether trading, savings or investment accounts with such bank or banks as the Board may determine;
  - (i) In furtherance of the objects of Fairholme College to sell, improve, develop, dispose of, or otherwise deal with all or any part of the property and rights of Fairholme College.

- 9.2 The Directors may pay all expenses incurred in operating Fairholme College and may exercise powers to borrow money, to charge any property or business of the College but only in relation to the business of the College in accord with the Rules and Procedures of the Presbyterian Church of Queensland.
- 9.3 All acts done by any meeting of the Directors or of a committee of Directors or by any person acting as a Director are valid and effective, notwithstanding that it is afterwards discovered that there was some defect in the appointment of the person to be a Director or a member of a committee or to act or to continue to act as a Director, or that a person so appointed was disqualified.

## **10. Principal**

- 10.1 The Directors shall appoint a Principal and, until otherwise authorised by a resolution of the Assembly, must include in the Principal's Contract of Employment requirements that the Principal shall:
- (a) be and remain a member of a Protestant Christian Church; and
  - (b) subscribe, in writing, to the Education Aims of the Church in its schools as declared from time to time by the Assembly.

## **11. Business Manager**

- 11.1 The Directors shall appoint a Business Manager with terms and conditions approved by the Board.

## **12. Chaplains**

- 12.1 (a) The Directors shall appoint a College Chaplain to carry out activities at Fairholme College:
- (i) The Appointee shall preferably be an ordained minister of the Presbyterian Church of Australia or shall be a member of a Protestant Christian denomination.
  - (ii) The Commission of Assembly shall concur in the appointment before it is validated.
  - (iii) The Appointee shall sign a form of the acceptance of the appointment in which he/she shall agree that the appointment shall be terminated if the appointee withdraws from membership of the body in which he had standing when the appointment was made.
  - (iv) If the Appointee is a Presbyterian minister he must subscribe to the church's Educational Aims as to schools, as declared from time to time by the Assembly.
  - (v) If the Appointee is not a Presbyterian minister he/she should be accepted by the Committee on Ministry Resourcing as a Home Missionary or a specialised Ministry Worker and shall have an

understanding and acceptance of the confessional position of the Presbyterian Church of Australia and the appointee shall subscribe to the church's Educational Aims as to schools as declared from time to time by the Assembly.

- (vi) The Appointee shall conform to any additional specific requirements the Board may approve.
- (b) The Directors may appoint one or more assistant chaplains who shall be a member of a Christian denomination and conform in general to the requirements of clause (a) above; however the Commission of Assembly shall not be required to concur in such an appointment.
- (c) Teachers of Christian Education within the school are appointed by the Principal in the normal course of the Principal's management responsibility.

### **13. Indemnity**

- 13.1 The Board shall be responsible to ensure that each member of the Board is protected in the situation where a case involving any form of liability is brought against a member of the Board or the Board corporately.
- 13.2 Nevertheless this Constitution recognises that when the Board or any member of the Board acts in good faith in terms of Civil and Ecclesiastical Law then the responsibility for Fairholme College stands as an act of ministry of the Presbyterian Church of Queensland and shall be dealt with in terms of the corporation of the Presbyterian Church of Queensland as represented by the Trustees of the corporation established under Letters Patent.

### **14. Alteration to the Constitution**

- 14.1 This Constitution may be amended from time to time by the Assembly or by a special meeting of the Board called for the purpose provided that:
  - (a) Notice in writing of the proposed amendment has been given to all members of the Board not less than fourteen (14) days before the date of the special meeting;
  - (b) The motion to amend is supported by a majority of the members present and voting at the meeting;
  - (c) The amendment to become effective shall require the approval of the Assembly by a 60% majority.

### **15. Use of income and property**

- 15.1 The income and property of Fairholme College shall be applied solely towards the promotion of the objects of Fairholme College as set forth in this Constitution.

- 15.2 No portion thereof shall be paid or transferred directly or indirectly by way of bonus dividend or otherwise to any member or members of Fairholme College or any member or members of the Board or any member or members of The Presbyterian Church of Queensland.
- 15.3 Nothing herein contained shall prevent the payment in good faith:
- (a) to any officers, servants or contractors of Fairholme College in return for any services actually rendered or for goods supplied in the ordinary and usual course of business;
  - (b) to any officers or servants or contractors of out-of-pocket expenses, money lent, reasonable and proper charges for goods hired by Fairholme College or reasonable and proper rent for premises demised or let to Fairholme College.
- 15.4 With the exception of the Principal no member of the Board of Fairholme College shall be employed by Fairholme College save that the Chairman of the Board of Fairholme College may be remunerated for governance work done on terms and conditions recommended by the Board of Fairholme College and as approved by the Assembly or its Commission.

## **16. Dissolution**

- 16.1 Fairholme College may be dissolved and its affairs wound up by:
- (a) a resolution of the Assembly, provided written advice from the Board of Finance and Administration and the Board of Fairholme College is first obtained.
  - (b) subject to the approval of the Assembly, a resolution of the Board supported by at least three-fourths of the members of the Board provided that notice of the proposal to put such a resolution is given to all members of the Board at least twenty-one (21) days prior to the meeting at which such proposal is to be considered.
- 16.2 Upon dissolution the assets of Fairholme College after payment of all expenses and liabilities shall be transferred, handed over or paid by resolution of the Assembly after consideration of any recommendation from the Board to one or more authority, organization, fund or institution, having similar objects or in part similar objects to that of Fairholme College and which prohibits the distribution of its or their income and property among its or their members and which is an organization to which gifts are allowable deductions under the provisions of the *Income Tax Assessment Act* as amended.

# PRES CARE

## 331

### 1. Name

There shall be constituted an organisation to be known as "PresCare".

### 2. Interpretation

In the interpretation of this Constitution, the following words and expressions shall, where the context so admits and requires, have the following meanings:

**"Community Services"** means personal welfare services, aged care residential services, child care services, health services, disability services, crises and care accommodation.

**"The Board"** means the Board of Management of PresCare.

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

**"The Assembly"** means the General Assembly of The Presbyterian Church of Queensland or a Commission of that Assembly.

**"Social Mission"** means A Christian Outreach which reflects the Ministry and Compassion of Jesus Christ

### 2A. Historical Background

The Presbyterian Church of Queensland has been involved in social mission in a variety of forms from 1929. This work included hostels, children's homes and aged persons establishments and were governed by a variety of Assembly committees. Since 1977, post union, all of the social mission work was gathered under an Assembly committee known as the Committee for Social Mission and the operation was carried out by the Department for Social Mission. By 1998 the church established an organisation known as PresCare and that organisation operates under a Board which is governed by this constitution.

PresCare is the sole body responsible for carrying out the Social Mission responsibilities of the Presbyterian Church of Queensland

### 3. Objects

The objects of PresCare are:

- 3.1 To establish, build, lease or in any other way acquire aged persons complexes and any other health, social and family related activities including but not limited to respite, social housing, disability services, daycare and the provision of other Community Services to be operated under the governance of the Board of PresCare.

- 3.2 To provide aged health care, and/or community services to the public as a part of PresCare's ministry.
- 3.3 To broaden any of the above requirements in 3.1 or 3.2 with the approval of the State Assembly.
- 3.4 To carry out all of the above work as a ministry of the Presbyterian Church of Queensland to ensure the gospel of Jesus Christ is central to the operation of the organisation and the Board, and is administered with the compassion in the name and spirit of Christ, yet at the same time carrying out the work irrespective of religious belief or social or other factors in a manner which best serves the needs of the community.
- 3.5 To provide education and training for persons involved in aged, health, religious or charitable activities.
- 3.6 To engage in any other activity of a charitable or specifically religious nature which the Board considers necessary or desirable to fulfil the above aims.
- 3.7 To enter into arrangements or joint ventures with other associations or bodies to benefit the charitable or religious objects of PresCare or which, in the opinion of the Board, will enhance or promote the future viability of the business of PresCare.
- 3.8 To act as Trustee of or to merge with any other association to benefit the charitable or religious objects of PresCare.
- 3.9 To initiate processes that will enable PresCare to conform to the standards for accreditation determined from time to time by the Aged Care Standards Agency.
- 3.10 To conduct research by all such means as the Board may think advisable into all or any matters that may relate to the above objects whether or not in collaboration with any other authority.
- 3.11 To engage in all such activities and to do make perform and execute all such further acts matters and things incidental or conducive to the attainment of the above objects.
- 3.12 To carry out commercial activities which will support the work of PresCare and provide wherever possible financial support for PresCare; such commercial activities shall ultimately report to the Board of PresCare.

Properties, projects or activities to be commenced, modified or concluded in any way, although requiring an approvals process in terms of clause 12.1 shall not be deemed to be 'new' in terms of Rule 5.26(a)(b)(c).



Before carrying out any activity or action in relation to clause 3.7 and 3.8 (other than preliminary research for the purpose of formulating a report for the Board of PresCare and/or the Assembly) the Board shall:

1. Decide whether the proposed action expands the scope of the business of PresCare into new initiatives beyond its existing activities or activities allowed in this constitution; and
2. If so, it shall obtain the concurrence of the Assembly or, if urgent and emergent, the Commission of Assembly before undertaking the activity.

#### **4. Management and Appointment of Directors**

- 4.1 The management of PresCare shall be vested in a Board as provided in this Constitution. Directors shall be appointed by the State Assembly or where necessary the Commission of that Assembly and appointments shall be for a period of three years. From the inception of this constitution sections of the board shall retire to ensure that a third of appointees are made annually, each alternately serving ultimately, a three year term.
- 4.2 The Board shall consist of:
  - (a) Not more than eight (8) persons and not less than three persons, which three persons may be only the ex-officio members, all of whom are Communicant Members or Ministers of the Church appointed by the Assembly, one of whom preferably shall have an accounting qualification and one of whom preferably shall have a legal qualification. Any vacancy caused by any resignation or termination of the membership of any of the eight persons so appointed, shall be filled by the Assembly or its Commission.
  - (b) Ex officio: The Moderator, the Clerk of the Assembly and Treasurer of the Church.
- 4.3 Written consent is required for each person who agrees to become a Director of the Board, such consent being made through the Assembly's nomination form. The Assembly shall seek to ensure, so far as possible, that the Board reflects the qualities of policy delivery, the culture and the ethos of PresCare, the foundational principles of the Christian faith and the succession process for the Board.
- 4.4 Directors shall be appointed by the Assembly (on nomination of the board) for a three year term.
- 4.5 The process by which clauses 4.3 and 4.4 are carried out shall be:
  - (a) In the first instance the nomination shall be presented to the Board or its Chairman.

- (b) In its Annual Report to the Assembly the Board shall provide comment in relation to each nomination and include each nomination into a Deliverance for the Assembly's consideration. Any other nomination shall first of all be referred to the Board for its comment, and should this process not be finalised, the Assembly shall authorise the Commission of Assembly to make the final determination concerning the appointment.
- 4.6 The Assembly or its Commission in being responsible for the appointment of Directors in accordance with this Rule shall endeavour to appoint persons who have qualifications, experience and ability in such fields as theology, finance, management, law, administration, communication, planning and design, public relations, social science or other fields related to the work of PresCare.
- 4.7 The Board may from time to time, form and disband Subcommittees and determine their terms of reference. The Board may delegate to any Subcommittee such power or powers as it may think fit and may at any time revoke such delegation.
- 4.8 The Board may appoint a person to serve on a Subcommittee whether or not that person is a member of the Board.
- 4.9
  - (i) The Assembly shall from time to time appoint an Officer to manage PresCare known as the CEO.
  - (ii) The Board shall submit a nomination of the person to fill this position, together with such terms and conditions as approved by the Board, to go before the State Assembly or its Commission.
  - (iii) In making any decision, the Assembly shall act in terms of the processes outlined in the Rules and Forms of Procedure of the Church.
- 4.10 The Assembly shall ensure that the Directors will include in any Contract of Employment for the Officer to manage PresCare, irrespective of his title, a requirement that the Officer shall be and remain a member of a Protestant Christian Church. (BB 2014 Minute 46.4)

## **5. Term of Office**

- 5.1 Subject to other provisions of this Rule 5 each member of the Board holds office for a period from the date of appointment until the end of the General Assembly which is at least three years after that date but no longer than four years in total unless the Assembly designates the time of such appointment for some other period of time.
- 5.2 A person appointed to fill a casual vacancy shall be appointed for the balance of the term of office of the member of the Board being replaced. The Commission of Assembly may approve the appointment of such a casual vacancy. (BB 2014 Minute 46.4)

- 5.3 The Assembly may, from time to time, remove the Board members appointed by it or any of them, from membership of the Board and may also remove any person appointed pursuant to clause 4.5 hereof.

## **6. Termination of Membership**

A member shall automatically and forthwith cease to be a member of the Board in any of the following circumstances:

- 6.1 On retirement or resignation of membership by notice in writing to the Chairman in that behalf;
- 6.2 On failure to attend three consecutive meetings of the Board without the approval of the Board;
- 6.3 When adjudicated bankrupt or has entered into a Deed of Arrangement or assigned his/her estate for the benefit of his/her creditors or otherwise takes advantage of laws in force for the time being relating to bankruptcy;
- 6.4 On incapacity to continue to act as a member or incapacity as determined by the Assembly on the basis of evidence submitted by the Board;
- 6.5 Failure to subscribe to the objects of this Constitution and/or failure to observe any of the provisions of this Constitution or acts in breach of the terms of this Constitution;
- 6.6 Is convicted of an indictable offence;
- 6.7 Conducts himself or herself in a manner considered to be injurious or prejudicial to the Constitution or interests of PresCare or the Church.
- 6.8 The Assembly determines whether any of clauses 6.3, 6.4 or 6.7 applies on the basis of evidence submitted to it.

## **7. Chairman**

- 7.1 The Chairman and Vice Chairman shall be elected by the Board at the first meeting after each Annual General Assembly in each calendar year.
- 7.2 Where the position of Chairman or Vice Chairman falls vacant during the year a new Chairman or Vice Chairman as the case may be shall be elected by the Board at the first meeting after the vacancy occurs.
- 7.3 The Chairman, or in the absence of the Chairman, the Vice-Chairman, shall preside at all meetings of the Board and if neither are present by a member elected by those present.
- 7.4 The Chairman of a meeting shall have a deliberative vote and, if there is an equality of votes, the motion shall be deemed to be lost.

## **8. Visitor**

There shall be two visitors appointed by the Assembly:

- (a) The Chairman of the Finance and Administration Board of the Church or a representative appointed by that Board;
- (b) The Convener of the Committee on Ministry Resourcing or a representative appointed by that Committee.

Each of these visitors of PresCare shall have the right to visit PresCare at any time to examine the procedures of the Board and the manner in which PresCare is being conducted and to see that the Assembly's laws, rules and regulations are being duly observed and executed. Each visitor shall have the right to examine ancillary factors relating to PresCare to enable them to undertake their function. (BB 2014 Minute 46.4)

## **9. Meetings**

- 9.1 The Board shall meet monthly or such times as it may determine. Additional or special meetings may be called by any three members of the Board as they shall deem necessary.
- 9.2 Four members, of whom two are appointed members, shall constitute a quorum at any duly convened meeting of the Board.
- 9.3 The Board may hold any meeting by electronic means whereby participants can be heard and can hear, but are not necessarily in the same place.
- 9.4 Decision may be made by the Board without a meeting if a consent in writing setting out such a decision is signed by all members of the Board other than those on leave of absence with the permission of the Board.
- 9.5 At least 48 hours' notice shall be given to members of the Board specifying the place, date and the hour of meeting of the Board or Subcommittee and the general nature of the business to be transacted. Such notice may be given to or served upon a member either personally, or by telephone, facsimile machine, electronic mail or by sending it through the post in a prepaid letter addressed to such member's usual or last known place of business or abode but the non-receipt of such notice by any member shall not invalidate the proceedings at any meeting. The members present (or participating in accordance with the provisions of clause 9.3 of this Constitution) and constituting a quorum at any meeting of the Board may, by unanimous decision, agree to abridge the period of notice required to be given for the holding of that meeting.

- 9.6 A special meeting of the Board must be held within 14 days after the Chairman receives a requisition in writing signed by the visitor or by not less than 1/3 of the members of the Board. The requisition must clearly state the reason the special meeting is being convened and the nature of the business to be transacted at the special meeting.

## **10. Report**

- 10.1 The Board shall arrange for the yearly audit of PresCare's Profit and Loss Accounts and Balance Sheet. The audit shall be carried out by a person registered as an auditor with the Australian Securities Commission and approved by the Assembly.
- 10.2 The Board shall present a Report annually to the Assembly and shall on a quarterly basis, submit a written report of its activities to the Commission of Assembly, together with a financial report which will not be required to be audited, which will in the first instance be provided to the Finance and Administration Board. It shall however present its audited annual financial statement to the Assembly immediately it is available. However, in reporting for a period to the Commission of Assembly the Board shall also include in its reports any item of substance which may be anticipated to be worked on by the Board beyond the reporting period.

## **11. Special Audit**

The Assembly may by resolution appoint an auditor to investigate the financial affairs of PresCare. Any auditor so appointed shall have full authority to inspect all accounts books and records of PresCare.

## **12. Powers**

- 12.1 Subject always to any direction or decision of the Assembly and to the provisions of this Constitution and in accordance with the Rules and Forms of Procedure of the Church, the Board shall be responsible for the whole management of PresCare and shall have the following powers:
- (a) To conduct appeals for funds and accept donations, gifts and bequests of money and any real or personal property provided however that any real property, securities or other property shall be held in the name of the Church;
  - (b) To make from time to time other regulations for the internal management, organization, administration and procedures of PresCare, provided that such regulations are not inconsistent with this Constitution;

- (c) To provide the Manager of PresCare with policies and guidelines that will enable him/her to proceed with the day to day management of PresCare;
- (d) To invest in the Manager of PresCare the authority to employ, supervise and discipline staff as appropriate and in keeping with the policies and guidelines laid down.
- (e) To purchase, take on lease, exchange, hire or otherwise acquire an interest in any real or personal property;
- (f) To borrow or raise money whether on mortgage or other security or otherwise as the Board may think fit;
- (g) To erect buildings and maintain, alter and improve existing buildings and to provide the same with such facilities as it deems necessary and, for these purposes, to employ persons on such terms as the Board may determine;
- (h) To make investments in any one or more of the forms of investment and to operate banking accounts whether trading, savings or investment accounts with such bank or banks as the Board may determine;
- (i) In furtherance of the objects of PresCare to sell, improve, develop, dispose of, or otherwise deal with all or any part of the property and rights of PresCare.
- (j) Power to enter into derivatives, interest rate and foreign currency transactions:
  - "to enter into and perform its obligations under:
    - (i) Derivative Transactions; and
    - (ii) Master Agreements,

In this clause:

Derivative Transaction means any:

- (i) interest rate swap, currency swap, currency option, interest rate option, swap option, smart forward, money market transaction, foreign exchange transaction, margin foreign exchange transaction, futures transaction, forward rate agreement, forward rate bill transaction, synthetic forward exchange transaction, deposit transaction, currency transaction, interest rate transaction, bond option, commodity (including precious metals, electricity or energy) option or other transaction, credit derivative, equity derivative, capital market transaction, securities buy-back transaction or sell-back transaction;

- (ii) other product traded, or transaction undertaken, on financial markets (whether on an exchange or not) from time to time and at any future time;
- (iii) synthesis or derivative of any of them; and
- (iv) option on any transaction or product referred to in paragraphs (i) - (iii) above.

Master Agreement means any agreement (however described) that sets out the terms of, or otherwise relates to, any Derivative Transaction, and which is published or prepared by any bank, financial institution, domestic or international financial industry body or association, and any schedule, annexure, annex, supplement, addendum (however described) to, or of, that agreement."

### **13. Chaplains**

- (a) The Executive Manager of Mission for PresCare shall be appointed by the Assembly in consultation with the Board of PresCare and the Committee on Ministry Resourcing of the Church;
- (b) Serving or retired Ministers, Accredited Ministry Workers and Deaconesses of the Presbyterian Church of Queensland, on recommendation by the Executive Manager of Mission following consultation with the Committee on Ministry Resourcing, may be appointed by the Board of PresCare as full or part-time Chaplains to carry out chaplaincy in support of any PresCare Service and the Board of PresCare may designate any Chaplain as a Senior Chaplain to perform duties as required by the Board;
- (c) Paid part-time Chaplains may be appointed by the Board of PresCare in support of a PresCare Service for up to a period of 20 hour per week for any one worker, on the recommendation of the Executive Manager of Mission after consultation with the Committee on Ministry Resourcing;
- (d) Appointees covered by clauses 13 (a), (b) and (c) shall be remunerated on the basis of the stipends package of the Presbyterian Church of Queensland;
- (e) Inducted or retired Ministers and Accredited Missionary Workers and Deaconesses of the Presbyterian Church of Queensland, on recommendation by the Executive Manager of Mission may be appointed by the Board of PresCare as Honorary Chaplains to carry out chaplaincy work in support of any PresCare Service;
- (f) Chaplains may be appointed by the Executive Manager of Mission as Honorary Chaplain in accordance with the Service Agreement in effect from time to time, with the concurrence of the Board of PresCare, to carry out pastoral visitation as part of any PresCare Service;

- (g) Visiting Chaplains from other Christian denominations shall be monitored by the Executive Manager of Mission through the local PresCare Chaplain in accordance with the Service Agreement in effect from time to time.

#### **14. Alteration to the Constitution**

This Constitution may be amended from time to time by the Assembly or by a special meeting of the Board called for the purpose provided that:

- (a) Notice in writing of the proposed amendment has been given to all members of the Board not less than fourteen (14) days before the date of the special meeting;
- (b) The motion to amend is supported by a majority of the members present and voting at the meeting;
- (c) The amendment to become effective shall require the approval of the Assembly.

#### **15. Use of Income and Property**

- 15.1 The income and property of PresCare shall be applied solely towards the promotion of the objects of PresCare as set forth in this Constitution.
- 15.2 No portion thereof shall be paid or transferred directly or indirectly by way of bonus dividend or otherwise to any member or members of PresCare or any member or members of the Board or any member or members of The Presbyterian Church of Queensland.
- 15.3 Nothing herein contained shall prevent the payment in good faith:
  - (a) to any officers, servants or contractors of PresCare in return for any services actually rendered or for goods supplied in the ordinary and usual course of business;
  - (b) to any officers or servants or contractors of out-of-pocket expenses, money lent, reasonable and proper charges for goods hired by PresCare or reasonable and proper rent for premises demised or let to PresCare.
- 15.4 No member of the Board of PresCare shall be employed either directly or in a contractual relationship with PresCare save that the Chairman of the Board of PresCare may be remunerated for governance work done on terms and conditions recommended by the Board of PresCare and as approved by the Assembly or its Commission. (BB 2014 Minute 46.4)

#### **15A Intellectual Property**

- 15A.1 The Presbyterian Church of Queensland is the legal owner of the business name of PresCare. The Church continues to maintain the registration of that business



name with the Australia Securities and Investments Commission on behalf of the Board of PresCare.

- 15A.2 The Presbyterian Church of Queensland is the legal owner of the intellectual property found in the trademark number Registered Number 1827208. The Church will continue to maintain the registration of the trademark on behalf of the Board of PresCare.

## **16. Dissolution**

- 16.1 PresCare may be dissolved and its affairs wound up by:
- (a) a resolution of the Assembly, provided written advice from the Board and Finance and Administration Board is first obtained.
  - (b) subject to the approval of the Assembly, a resolution of the Board supported by at least three-fourths of the members of the Board provided that notice of the proposal to put such a resolution is given to all members of the Board at least twenty-one (21) days prior to the meeting at which such proposal is to be considered.
- 16.2 Upon dissolution the assets of PresCare after payment of all expenses and liabilities shall be transferred, handed over or paid by resolution of the Assembly after consideration of any recommendation from the Board to one or more authority, organization, fund or institution, having similar objects or in part similar objects to that of PresCare and which prohibits the distribution of its or their income and property among its or their members and which is an organization to which gifts are allowable deductions under the provisions of the *Income Tax Assessment Act* as amended.



## **CREDERE SERVICES GROUP**

### **333**

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# CONSTITUTION OF CREDERE SERVICES GROUP PTY LTD A COMPANY LIMITED BY SHARES

## 1. General

### 1.1 Name of company

The name of the Company is Credere Services Group Pty Ltd.

### 1.2 Proprietary company

The Company is a proprietary limited company.

### 1.3 Liability of Members

The liability of Members is limited.

### 1.4 Replaceable Rules not to apply

The Replaceable Rules do not apply to the Company but instead the rules contained in this Constitution apply to the Company.

## 2. Definitions and interpretation

### 2.1 Definitions

In this document:

Term	Definition
<b>ASIC</b>	means the Australian Securities and Investments Commission.
<b>Business Day</b>	means a day that is not a Saturday, Sunday or public holiday in the place where the contract or act is being performed.
<b>Church</b>	means The Presbyterian Church of Queensland.
<b>Company</b>	means Credere Services Group Pty Ltd.
<b>Corporations Act</b>	means Corporations Act 2001 (Cth).
<b>Directors</b>	means the directors of the Company.
<b>Executive Officer</b>	for the purposes of rule 22, has the meaning set out in rule 22.
<b>Liability</b>	has the meaning set out in rule 22.

<b>Term</b>	<b>Definition</b>
<b>Member</b>	means a shareholder of the Company in accordance with the Corporations Act.
<b>Officer</b>	for the purposes of rule 22, has the meaning set out in rule 22.
<b>PresCare</b>	means PresCare ABN 85 338 603 114, being the sole Member of the Company.
<b>Relevant Corporation</b>	has the meaning set out in rule 14.4(e).
<b>Replaceable Rules</b>	means all or any of the replaceable rules contained in the Corporations Act from time to time and includes any replaceable rule that was or may become, a provision of the Corporations Act.
<b>Reserve Powers</b>	means the reserve powers in respect of the Company place from time to time.
<b>Seal</b>	means the common seal of the Company, if any, and includes any certificate seal of the Company.
<b>Secretary</b>	means any person appointed to perform the duties of a Secretary of the Company.

## 2.2 Interpretation

In this document:

- (a) a reference to a clause, schedule, annexure or party is a reference to a clause of, and a schedule, annexure or party to, this document and references to this document include any schedules or annexures;
- (b) a reference to a party to this document or any other document or agreement includes the party's successors, permitted substitutes and permitted assigns;
- (c) if a word or phrase is defined, its other grammatical forms have a corresponding meaning;
- (d) a reference to a document or agreement (including a reference to this document) is to that document or agreement as amended, supplemented, varied or replaced;
- (e) a reference to this document includes the agreement recorded by this document;
- (f) a reference to legislation or to a provision of legislation (including subordinate legislation) is to that legislation as amended, re-enacted or replaced, and includes any subordinate legislation issued under it;

- (g) if any day on or by which a person must do something under this document is not a Business Day, then the person must do it on or by the next Business Day;
- (h) a reference to a person includes a corporation, trust, partnership, unincorporated body, government and local authority or agency, or other entity whether or not it comprises a separate legal entity; and
- (i) a reference to 'month' means calendar month.

### **3. Share capital and variation of rights**

#### **3.1 Holders of ordinary shares**

The holder of an ordinary share has the right:

- (a) to receive notice of and to attend general meetings of the Company;
- (b) to vote at a general meeting of the Company, on the basis of one vote for each share held;
- (c) in a winding up or reduction of capital of the Company to repayment of the capital paid up on that share and to participate in the distribution of the surplus assets of the Company; and
- (d) to receive dividends as determined from time to time by the Directors to be payable to the holders of ordinary shares.

#### **3.2 Directors power to issue shares**

- (a) Without prejudice to any special rights previously conferred on the holders of any existing share or class of shares but subject to the Corporations Act, shares in the Company may be issued by the Directors with such preferred, deferred or other special rights or such restrictions, whether with regard to dividend, voting, return of capital or otherwise, as the Directors determine.
- (b) Subject to the Corporations Act, any preference shares may be issued on the terms that they are, or at the option of the Company are, liable to be redeemed.

#### **3.3 Variation of rights**

- (a) The rights attached to any class of shares (unless otherwise provided by the terms of issue of the shares of that class) may, whether or not the Company is being wound up be varied with the consent in writing of Members with at least 75% of the votes in the class, or with the sanction of a special resolution passed at a separate meeting of the holders of the shares of that class.

- (b) The rights conferred upon the holders of the shares of any class issued with preferred or other rights are, unless otherwise expressly provided by the terms of issue of the shares of that class, deemed not to be varied by the creation or issue of further shares ranking equally with the first mentioned shares.

### **3.4 Commission and brokerage**

- (a) The Company may exercise the power to make payments by way of brokerage or commission conferred by the Corporations Act in the manner provided by the Corporations Act.
- (b) Payments by way of brokerage or commission may be satisfied by the payment of cash, by the allotment of fully or partly paid shares or partly by the payment of cash and partly by the allotment of fully or partly paid shares.

### **3.5 Recognition and disclosure of interests**

- (a) Except as required by law, the Company does not recognise a person as holding a share upon any trust.
- (b) The Company is not bound by or compelled in any way to recognise (whether or not it has notice of the interest or right concerned) any equitable, contingent, future or partial interest in any share or unit of a share or (except as otherwise provided by these rules or by law) any other right in respect of a share except an absolute right of ownership in the registered holder.

## **4. Right to share certificate**

### **4.1 Availability of certificates**

It is a condition of issue of any shares that the Company need not have ready for delivery any certificate relating to those shares unless the person who is registered as the current holder of the shares makes a request in writing for the Company to complete and deliver the share certificates in which case the Company must do so within one calendar month of receipt by the Company of such a request. Where the Company is required to issue certificates for shares, every Member is entitled, without payment, to one certificate for the shares registered in that Member's name or to several certificates in reasonable denominations, each for a part of the shares.

### **4.2 Delivery of certificates**

Delivery of a certificate for a share to one of several joint holders is sufficient delivery to all such holders.

## **5. Lien**

### **5.1 Lien on a share**

- (a) The Company has a first and paramount lien on every share (not being a fully paid share) for all money (whether presently payable or not) called or payable at a fixed time in respect of that share.
- (b) The Company also has a first and paramount lien on all shares (other than fully paid shares) registered in the name of a sole holder for all money presently payable by the holder or their estate to the Company.
- (c) The Directors may at any time exempt a share wholly or in part from the provisions of this rule.
- (d) The Company's lien (if any) on a share extends to all dividends payable in respect of the share.

### **5.2 Sale under lien**

- (a) Subject to rule 5.2(b), the Company may sell, in such manner as the Directors think fit, any shares over which the Company has a lien.
- (b) A share on which the Company has a lien may not be sold unless:
  - (i) a sum in respect of which the lien exists is presently payable; and
  - (ii) not less than 14 days before the date of the sale, the Company has given to the registered holder for the time being of the share or the person entitled to the share by reason of the death or bankruptcy of the registered holder, a notice in writing setting out and demanding payment of such part of the amount in respect of which the lien exists as is presently payable.

### **5.3 Transfer on sale under lien**

- (a) For the purpose of giving effect to a sale mentioned in rule 5.2, the Directors may authorise a person to transfer the shares sold to the purchaser of the shares.
- (b) The Company must register the purchaser as the holder of the shares comprised in any such transfer and the purchaser is not bound to see to the application of the purchase money.
- (c) The title of the purchaser to the shares is not affected by any irregularity or invalidity in connection with the sale.

### **5.4 Proceeds of sale**

The proceeds of a sale mentioned in rule 5.2 are to be applied by the Company in payment of such part of the amount in respect of which the lien exists as is presently payable, and the residue (if any) is (subject to any like lien for sums not presently payable that existed upon the shares before the sale) to be paid to the person entitled to the share at the date of the sale.



## **6. Calls on shares**

### **6.1 Directors to make calls**

- (a) The Directors may make calls upon the Members in respect of any money unpaid on the shares of the Members and not by the terms of issue of those shares made payable at fixed times, except that no call may exceed one quarter of the sum of issue price of the shares or be payable earlier than one month from the date fixed for the payment of the last preceding call.
- (b) Each Member must, upon receiving at least 14 days' notice specifying the time and place of payment, pay to the Company at the time and place so specified the amount called on their shares.
- (c) The Directors may revoke or postpone a call.

### **6.2 Time of call**

A call is deemed to have been made at the time when the resolution of the Directors authorising the call is passed and may be required to be paid by instalments.

### **6.3 Members liability**

The joint holders of a share are jointly and severally liable to pay all calls in respect of the share.

### **6.4 Interest upon default**

If a sum called in respect of a share is not paid before or on the day appointed for payment of the sum, the person from whom the sum is due must pay interest on the sum from the day appointed for payment of the sum to the time of actual payment at such rate not exceeding 8% per annum as the Directors determine, but the Directors may waive payment of that interest wholly or in part.

### **6.5 Fixed instalments deemed calls**

Any sum that, by the terms of issue of a share, becomes payable on allotment or at a fixed date is for the purposes of these rules deemed to be a call duly made and payable on the date on which by the terms of issue the sum becomes payable, and, in case of non-payment, all the relevant provisions of these rules as to the payment of interest and expenses, forfeiture or otherwise apply as if the sum had become payable by virtue of a call duly made and notified.

### **6.6 Differentiation between Members as to calls**

The Directors may, on the issue of shares, differentiate between holders as to the amount of calls to be paid and the times of payment.

## **6.7 Prepayment of calls**

- (a) The Directors may accept from a Member the whole or a part of the amount unpaid on a share although no part of that amount has been called up.
- (b) The Directors may authorise payment by the Company of interest upon the whole or part of an amount so accepted, until the amount becomes payable, at such rate, not exceeding the prescribed rate, as is agreed upon between the Directors and the Member paying for the sum.
- (c) For the purposes of rule 6.7(b), the prescribed rate of interest is:
  - (i) if the Company has, by resolution, fixed a rate – the rate so fixed; and
  - (ii) in any other case – 8% per annum.

## **7. Transfer of shares**

### **7.1 Forms of instrument of transfer**

- (a) Subject to these rules, and in particular rule 7.2, a Member may transfer all or any of their shares by instrument in writing in any usual or common form or in any other form that the Directors approve.
- (b) An instrument of transfer referred to in rule 7.2(b) is to be executed by or on behalf of both the transferor and the transferee.

### **7.2 Registration procedure**

- (a) A transferor of shares remains the holder of the shares transferred until the transfer is registered and the name of the transferee is entered in the register of Members in respect of the shares.
- (b) The instrument of transfer must be left for registration at the registered office of the Company or such other place nominated by the Directors, together with such fee (if any) not exceeding \$10 as the Directors require, accompanied by the certificate of the shares to which it relates and such other information as the Directors properly require to show the right of the transferor to make the transfer, and thereupon the Company must, subject to the powers vested in the Directors by these rules, register the transferee as a Member.

### **7.3 Directors may decline to register or suspend**

- (a) The Directors may in their absolute discretion and without assigning any reason therefore decline to register any transfer of shares.
- (b) The registration of transfers may be suspended at such times and for such periods as the Directors from time to time determine not exceeding in the whole 30 days in any year.

## **8. Transmission of shares**

### **8.1 Transmission of shares on death of holder**

In the case of the death of a Member, the survivor or survivors, where the deceased was a joint holder (unless the shares are held as tenants in common), and the legal personal representatives of the deceased, where the deceased was a sole holder or the shares are held as tenants in common, are the only persons recognised by the Company as having any title to the deceased's interest in the shares, but this rule does not release the estate of a deceased joint holder from any liability in respect of a share that had been jointly held by the deceased with other persons.

### **8.2 Right to registration on death or bankruptcy**

- (a) Subject to the Bankruptcy Act 1966 (Cth), a person becoming entitled to a share in consequence of the death or bankruptcy of a Member may, upon such information being produced as is properly required by the Directors, elect either to be registered themselves as holder of the share or to have some other person nominated by them registered as the transferee of the share.
- (b) If the person becoming entitled elects to be registered themselves, they must deliver or send to the Company a notice in writing signed by them stating that they so elect.
- (c) If they elect to have another person registered, they must execute a transfer of the share to that other person.
- (d) All the limitations, restrictions and provisions of these rules relating to the right to transfer, and the registration of a transfer, of shares are applicable to any such notice or transfer as if the death or bankruptcy of the Member had not occurred and the notice or transfer were a transfer signed by that Member.

### **8.3 Effect of transmission**

- (a) Where the registered holder of a share dies or becomes bankrupt, their personal representative or the trustee of their estate, as the case may be, is, upon the production of such information as is properly required by the Directors, entitled to the same dividends and other advantages, and to the same rights (whether in relation to meetings of the Company or to voting or otherwise) as the registered holder would have been entitled to if the registered holder had not died or become bankrupt.
- (b) Where two or more persons are jointly entitled to any share in consequence of the death of the registered holder, they are, for the purpose of these rules, deemed to be joint holders of the share.

## **9. Forfeiture of shares**

### **9.1 Notice requiring payment of call**

- (a) If a Member fails to pay a call or instalment of a call on the day appointed for payment of the call or instalment, the Directors may, at any time thereafter during such time as any part of the call or instalment remains unpaid, serve a notice on the Member requiring payment of so much of the call or instalment as is unpaid, together with any interest that has accrued.
- (b) The notice is to name a further day (not earlier than the expiration of 14 days from the date of service of the notice) on or before which the payment required by the notice is to be made and state that, in the event of non-payment on or before the time appointed, the shares in respect of which the call was made are liable to be forfeited.

### **9.2 Forfeiture for failure to comply with notice**

- (a) If the requirements of a notice served under rule 9.1 are not complied with, any share in respect of which the notice has been given may at any time thereafter, before the payment required by the notice has been made, be forfeited by a resolution of the Directors to that effect.
- (b) Such a forfeiture includes all dividends to be paid in respect of the forfeited shares and not actually paid before the forfeiture.
- (c) A forfeited share may be sold or otherwise disposed of on such terms and in such manner as the Directors think fit and, at any time before a sale or disposition, the forfeiture may be cancelled on such terms as the Directors think fit.

### **9.3 Effect of forfeiture on former holder's liability**

A person whose shares have been forfeited ceases to be a Member in respect of the forfeited shares but remains liable to pay to the Company all money that, at the date of forfeiture, was payable by them to the Company in respect of the shares (including interest at the rate of 8% per annum from the date of forfeiture on the money for the time being unpaid if the Directors think fit to enforce payment of the interest), but the Member's liability ceases if and when the Company receives payment in full of all moneys (including interest) payable in respect of the shares.

### **9.4 Evidence of forfeiture**

A statement in writing declaring that the person making the statement is a Director or a Secretary of the Company, and that a share in the Company has been duly forfeited on a date stated in the statement, is prima facie evidence of the facts stated in the statement as against all persons claiming to be entitled to the share.

## **9.5 Transfer of forfeited share**

- (a) The Company may receive the consideration (if any) given for a forfeited share on any sale or disposition of the share and may execute a transfer of the share in favour of the person to whom the share is sold or disposed of.
- (b) Upon the execution of the transfer, the transferee will be registered as the holder of the share and is not bound to see to the application of any money paid as consideration.
- (c) The title of the transferee to the share is not affected by any irregularity or invalidity in connection with the forfeiture, sale or disposal of the share.

## **9.6 Forfeiture applies to non-payment of instalments**

The provisions of these rules as to forfeiture apply in the case of non-payment of any sum that, by the terms of issue of a share, becomes payable at a fixed time as if that sum had been payable by virtue of a call duly made and notified.

## **10. General meetings**

### **10.1 General meeting**

- (a) A Director may whenever the Director thinks fit call a general meeting.
- (b) Except as permitted by the Corporations Act, the Members may not call a general meeting of the Company. By resolution of the Directors, any general meeting (other than a general meeting which has been requisitioned or otherwise called by Members in accordance with the Corporations Act) may be cancelled or postponed prior to the date on which it is to be held.

### **10.2 Notice of general meeting**

- (a) A notice of a general meeting is to specify the place, the day and the hour of meeting and the general nature of the business to be transacted at the meeting as well as any other matters required to be specified by the Corporations Act.
- (b) If the meeting is to be held at two or more places the notice is to set out details of the technology that will be used to facilitate such a meeting and any other matters required to be stated by the Corporations Act in relation to the use of such technology.

## **11. Proceedings at general meetings**

### **11.1 Quorum**

- (a) No business may be transacted at any general meeting unless a quorum of Members is present at the time when the meeting proceeds to business.
- (b) Where the Company has only one Member that Member shall constitute a valid quorum.
- (c) For the purpose of determining whether a quorum is present, a person attending as a proxy, or an attorney or as a representative of a corporation that is a Member, is deemed to be a Member.

### **11.2 Appointment and powers of chairman of general meeting**

- (a) The chairman of PresCare is to preside as chairman at every general meeting.
- (b) Where a general meeting is held and the chairman is not present within 15 minutes after the time appointed for the holding of the meeting or is unwilling to act, the Directors present must elect one of their number to be chairman of the meeting.
- (c) Where the Directors present fail to elect one of their number as chairman of the meeting as provided by rule 11.2(b) or such chairman is unwilling or unable to act then the Members present may elect one of their number to be chairman of the meeting.

### **11.3 Adjournment of general meeting**

- (a) The chairman may, with the consent of any meeting at which a quorum is present, and must, if so directed by the Members present who may cast a majority of votes able to be cast at the meeting, adjourn the meeting from time to time and from place to place, but no business may be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.
- (b) When a meeting is adjourned for 30 days or more, notice of the adjourned meeting shall be given as in the case of an original meeting.
- (c) Except as provided by rule 11.3(b), it is not necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.

### **11.4 Voting at general meeting**

At any general meeting a resolution put to the vote of the meeting is decided on a show of hands.

### **11.5 Equality of votes**

In the case of equality of votes, the chairman of the meeting at which a show of hands takes place or at which a poll is demanded, has no casting vote in addition to the Chairman's deliberative vote (if any).

### **11.6 Entitlement to vote**

Subject to any rights or restrictions for the time being attached to any class or classes of shares:

- (a) at meetings of Members or classes of Members each Member entitled to vote may vote in person or by proxy or attorney;
- (b) on a show of hands every person present who is a Member or a representative of a Member has one vote except where a proxy has two or more appointments that specify different ways to vote on a resolution, in which case the proxy cannot vote; and
- (c) on a poll every person present in person or by proxy or attorney has one vote for each share they hold.

### **11.7 Joint Member's vote**

In the case of joint holders the vote of the senior who tenders a vote, whether in person or by proxy or by attorney, is to be accepted to the exclusion of the votes of the other joint holders and, for this purpose, seniority is determined by the order in which the names stand in the register of Members.

### **11.8 Effect of unpaid call**

A Member is not entitled to vote at a general meeting unless all calls and other sums presently payable by them in respect of shares in the Company have been paid.

### **11.9 Objection to voting qualification**

- (a) An objection may be raised to the qualification of a vote only at the meeting or adjourned meeting at which the vote objected to is given or tendered.
- (b) Any such objection is to be referred to the chairman of the meeting, whose decision is final.
- (c) A vote not disallowed pursuant to such an objection is valid for all purposes.

### **11.10 Appointment of proxy**

- (a) An instrument appointing a proxy is to be signed by the appointor or their attorney duly authorised in writing or, if the appointor is a corporation, either under Seal or under the hand of an officer or attorney duly authorised.
- (b) An instrument appointing a proxy may specify the manner in which the proxy is to vote in respect of a particular resolution and, where an instrument of proxy so provides, the proxy is not entitled to vote on the resolution except as specified in the instrument.
- (c) An instrument appointing a proxy is deemed to confer authority to speak on behalf of the appointor to the extent permitted by law and demand, or join in demanding, a poll.
- (d) A Member who is entitled to cast two or more votes at the meeting may appoint two proxies. If the Member does so, and the appointment does not specify the proportion or number of the Member's votes each proxy may exercise, then each proxy may exercise half of the votes.
- (e) The Directors may determine from time to time the form of an instrument appointing a proxy.

### **11.11 Deposit of proxy and other instruments**

An instrument appointing a proxy is not effective unless the instrument, and the power of attorney or other authority (if any) under which the instrument is signed or a notarially certified copy of that power or authority, is or are deposited, at least 48 hours before the meeting or adjourned meeting at which the person named in the instrument proposes to vote, or, in the case of a poll, not less than 24 hours before the time appointed for the taking of the poll, at the registered office of the Company or faxed to the registered office of the Company or at such other place within the State, fax number or electronic address as may be specified for that purpose in the notice calling the meeting.

### **11.12 Validity of vote in certain circumstances**

A vote given in accordance with the terms of an instrument or proxy or a power of attorney is valid notwithstanding the previous death or unsoundness of mind of the principal, the revocation of the instrument (or of the authority under which the instrument was executed) or of the power, or the transfer of the share in respect of which the instrument or power is given, if no intimation in writing of the death, unsoundness of mind, revocation or transfer has been received by the Company at the registered office before the commencement of the meeting or adjourned meeting at which the instrument is used or the power is exercised.



### **11.13 Special meetings**

All the provisions of these rules as to general meetings apply to any special meeting of any class of Members which may be held pursuant to the operation of these rules or the Corporations Act.

### **11.14 Resolutions passed without meetings**

- (a) Where the Company has:
  - (i) one Member; or
  - (ii) a class of shares with only one holder of the shares in that class, the Company may pass a resolution by written resolution without holding a general meeting as permitted by the Corporations Act.
- (b) A circular resolution signed by all Members eligible to vote in respect of the subject matter of the resolution, may be used to pass a resolution of Members in lieu of holding a general meeting, as permitted by the Corporations Act.

## **12. Appointment, removal and remuneration of Directors**

### **12.1 Number and appointment of Directors**

- (a) The names of the Directors are those persons listed as consenting to act as Directors at the date of adoption of these rules.
- (b) The Board may comprise such number of Directors as the Board of PresCare shall determine from time to time but must comprise:
  - (i) a majority of Directors who are members of the Church;
  - (ii) one Director who is the chief executive officer of PresCare from time to time, who will also act as chief executive officer of the Company;
  - (iii) one Director who is the chairman of PresCare from time to time; and
  - (iv) one Director who is a trustee of the Church, as nominated by the Church from time to time; and
- (c) In addition to the Directors, the Church may, by written notice to the Company, nominate one trustee of the Church (in addition to the person appointed as a Director under rule 12.1(b)(iv)) to receive notice and minutes of all board meetings of the Company and any circular resolutions, and attend any board meetings of the Company as an observer (Observer).

### **12.2 Casual vacancy**

The Directors have the power at any time to appoint any person to be a Director to fill a casual vacancy in accordance with Rule 12.1.

### **12.3 Removal of Directors**

The Members may not remove or appoint Directors.

### **12.4 Remuneration of Directors**

- (a) A Director is to be paid such remuneration as the Directors, subject to the Reserve Powers, determine from time to time or if the Company has a sole Director who is also the sole Member, then the Company is to determine the Director's remuneration.
- (b) Remuneration is deemed to accrue from day to day.
- (c) The Directors may also be paid all travelling and other expenses properly incurred by them in attending and returning from meetings of the Directors or any committees of the Directors or general meetings of the Company or otherwise in connection with the business of the Company.

### **12.5 Share qualification of Directors**

The shareholding qualification for Directors may be fixed by the Company in general meeting, and unless and until so fixed, there is no qualification.

### **12.6 Vacation of office of Director**

The office of a Director is vacated:

- (a) upon the death of the Director;
- (b) upon the Director becoming an insolvent under administration, suspending payment generally to creditors or compounding with or assigning the Director's estate for the benefit of creditors;
- (c) upon the Director becoming a person of unsound mind or a person who is a patient under laws relating to mental health or whose estate is administered under laws relating to mental health;
- (d) upon the Director being absent from meetings of Directors during a period of three consecutive calendar months without leave of absence from the Directors where the Directors have not, within 14 days of having been served by the Secretary with a notice giving particulars of the absence, resolved that leave of absence be granted;
- (e) upon the Director resigning office by notice in writing to the Company;
- (f) upon the Director being lawfully removed from office; or
- (g) upon the Director being prohibited from being a Director by reason of the operation of law.

### **13. Powers and duties of Directors**

#### **13.1 Directors to manage Company**

Subject to the Corporations Act, the Reserve Powers, and to any other provision of these rules, the business of the Company is to be managed by the Directors, who may pay all expenses incurred in promoting and forming the Company and be reimbursed for all such expenses by the Company, and may exercise all such powers of the Company as are not, by the Corporations Act or by these rules, required to be exercised by the Company in general meeting.

#### **13.2 Appointment of attorney**

- (a) The Directors may, by power of attorney, appoint any person or persons to be the attorney or attorneys of the Company for such purposes, with such powers, authorities and discretions (being powers, authorities and discretions vested in or exercisable by the Directors) for such period and subject to such conditions as they think fit.
- (b) Any such power of attorney may contain such provisions for the protection and convenience of a person dealing with the attorney as the Directors think fit and may also authorise the attorney to delegate all or any of the powers, authorities and discretions vested in him.

#### **13.3 Execution of Company cheques, etc.**

All cheques, promissory notes, bankers drafts, bills of exchange and other negotiable instruments, and all receipts for money paid to the Company, are to be signed, drawn, accepted, endorsed or otherwise executed, as the case maybe, by a Director or in such other manner as the Directors determine.

### **14. Proceedings of Directors**

#### **14.1 Directors' meetings**

- (a) The Directors may meet together for the dispatch of business, adjourn and otherwise regulate their meetings as they think fit. Each Director, and the Observer, is entitled to reasonable notice of any meetings of the Directors of the Company.
- (b) Notice is deemed to have been given to a Director and the Observer, and all Directors are hereby deemed to have consented to the method of giving notice, if notice is sent by mail, personally delivered, sent by facsimile transmission or electronically to the usual place of residence, fax number or electronic address of the Director or at any other address given to the Secretary by the Director from time to time subject to the right of a Director to withdraw such consent within a reasonable period before a meeting.

- (c) The Directors may meet either in person or by any technology consented to by all Directors subject to the right of a Director to withdraw such consent within a reasonable period before a meeting. All persons participating in the meeting must be able to hear and be heard by all other participants. A meeting conducted by telephone or other technology is deemed to be held at the place agreed upon by the Directors attending the meeting, provided that at least one of the Directors present at the meeting was at that place for the duration of the meeting.

#### **14.2 Questions decided by majority**

- (a) Subject to these rules, and in particular Rule 14.3, questions arising at a meeting of Directors are decided by a majority of votes of Directors present and entitled to vote and any such decision is for all purposes deemed to be a decision of the Directors. The Observer shall not be entitled to vote.
- (b) In the case of an equality of votes, the chairman of the meeting has no casting vote, in addition to his deliberative vote.

#### **14.3 Reserve Powers**

The Directors must operate the Company in accordance with the Reserve Powers.

#### **14.4 Directors' interests**

- (a) Subject to the Corporations Act and subject to satisfying the requirements of Rule 14.4(b), neither the holding of office as a Director (nor the fact that a Director was a promoter of the Company) nor the fiduciary relationship resulting therefrom:
  - (i) disqualifies any Director from holding any office or place of profit (other than that of auditor) in the Company or in any Relevant Corporation;
  - (ii) disqualifies any Director from entering into any arrangement, contract or dealing with the Company or any Relevant Corporation or any other person in any capacity;
  - (iii) avoids or vitiates any arrangement, contract or dealing entered into by or on behalf of the Company or any Relevant Corporation in which a Director is in any way interested; or
  - (iv) renders any Director or any corporation of which a Director is an officer or Member or in any way interested or any partnership of which a Director is a Member or in any way interested liable to account for any profit arising out of the holding of any such office or place of profit or any such arrangement contract or dealing.

- (b) The nature and extent of a Director's interest is to be disclosed at the meeting of Directors at which the arrangement, contract or dealing is determined by the Directors, if the Director's interest then exists, or, in any other case, at the meeting of Directors next following the acquisition of their interest.
- (c) Subject to the Corporations Act, a Director who is any way interested in any arrangement, contract or dealing as referred to in Rule 14.4(a)(iii) (whether existing or proposed) may vote in respect thereof at a meeting of the Directors and be counted in a quorum present at such meeting.
- (d) A Director may affix or attest the affixation of the Seal to any instrument or otherwise execute any document notwithstanding any interest which such Director has in the subject matter of that instrument or any other office or place of profit held by such Director.
- (e) In this rule, Relevant Corporation means any corporation in which the Company owns shares or is in any way interested or which owns shares in the Company or with which the Company has or may have dealings or any corporation which would be deemed under the Corporations Act and for the purposes of the Corporations Act to be related to the Company.

#### **14.5 Alternate Directors**

A Director may not appoint a person (whether a Member or not) to be an alternate Director in their place.

#### **14.6 Quorum for Directors meetings**

- (a) At a meeting of Directors, the number of Directors whose presence is necessary to constitute a quorum is such number as is determined by the Directors and, unless so determined, is two Directors.
- (b) Rule 14.6(a) does not apply where the Company has been formed with one Director or where only one Director holds office in accordance with the Corporations Act (subject to Rule 14.7), in which case a sole Director may pass a resolution by written resolution in accordance with the Corporations Act.

#### **14.7 Remaining Directors may act**

Where the Company has more than one Director, and a vacancy or vacancies in the office of a Director or offices of Directors occurs, the remaining Directors may act but, if the number of remaining Directors is not sufficient to constitute a quorum at a meeting of Directors, they may act only for the purpose of increasing the number of Directors to a number sufficient to constitute such a quorum or of convening a general meeting of the Company.

#### **14.8 Chairman of Directors**

- (a) The chairman of PresCare shall also be the chairman of the Company.
- (b) Where a meeting of Directors is held and the chairman is not present within ten minutes after the time appointed for the holding of the meeting or is unwilling to act, the Directors present must elect one of their number to be chairman of the meeting.

#### **14.9 Directors' committees**

- (a) The Directors may delegate any of their powers to a committee or committees consisting of such of their number as they think fit.
- (b) A committee to which any powers have been so delegated may exercise the powers delegated in accordance with any directions of the Directors and a power so exercised is deemed to have been exercised by the Directors.
- (c) The Members of such a committee may elect one of their number as chairman of their meetings.
- (d) Where such a meeting is held and:
  - (i) a chairman has not been elected as provided by Rule 14.9(c); or
  - (ii) the chairman is not present within ten minutes after the time appointed for the holding of the meeting or is unwilling to act,
  - (iii) the Members present may elect one of their number to be chairman of the meeting.
- (e) A committee may meet and adjourn as it thinks proper.
- (f) Questions arising at the meeting of a committee are determined by a majority of votes of the Members present and voting.
- (g) In the case of an equality of votes, the chairman has no casting vote in addition to their deliberative vote.

#### **14.10 Resolution in writing**

- (a) A resolution in writing of which notice has been given to all Directors and which is signed by all of Directors entitled to vote on the resolution is as valid and effective as if it had been passed at a meeting of the Directors duly called and constituted and may consist of several documents in the same form each signed by one or more of the Directors.
- (b) For the purposes of this rule the references to Directors include any alternate Director for the time being present in Australia who is appointed by a Director not for the time being present in Australia but does not include any other alternate Director.
- (c) A facsimile transmission or other document produced by mechanical or electronic means under the name of a Director with the Director's authority is deemed to be a document in writing signed by the Director.

#### **14.11 Validity of acts of Directors**

All acts done by any meeting of the Directors or of a committee of Directors or by any person acting as a Director are as valid as if the person had been duly appointed and was qualified to be a Director or to be a Member of the committee notwithstanding that it is afterwards discovered that there was some defect in the appointment of a person to be a Director or a Member of the committee, or to act as a Director, or that person so appointed was disqualified from acting as a Director.

#### **14.12 Appointment of managing Director**

- (a) The Directors may from time to time appoint one or more of their number to the office of managing Director for such period and on such terms as they think fit, and, subject to the terms of any agreement entered into in a particular case, may revoke any such appointment.
- (b) A Director's appointment pursuant to Rule 14.12(a) is automatically determined if they cease from any cause to be a Director.

#### **14.13 Remuneration of managing Director**

A managing Director, subject to the terms of any agreement entered into in a particular case and the Reserve Powers, is to receive such remuneration (whether by way of salary, commission or participation in profits, or partly in one way and partly in another) as the Directors determine.

#### **14.14 Powers of managing Director**

- (a) The Directors may, upon such terms and conditions and with such restrictions as they think fit, confer upon a managing Director any of the powers exercisable by them.
- (b) Any powers so conferred may be concurrent with, or be to the exclusion of, the powers of the Directors.
- (c) The Directors may at any time withdraw or vary any of the powers so conferred on a managing Director.

#### **14.15 Nominee Directors**

If at any time the Company is or becomes a wholly owned subsidiary of a corporation then the Directors appointed by that corporation to the board of the Company are hereby authorised and permitted to take into account the interests of the appointor corporation when exercising their powers or performing their duties as Directors of the Company, acting together or individually.

#### **15. Secretary**

A Secretary of the Company holds office on such terms and conditions, as to remuneration and otherwise, as the Directors determine.

## **16. Execution of documents**

### **16.1 Company Seal is optional**

The Company may have a Seal.

### **16.2 If the Company has a Seal**

- (a) If the Company has a Seal then the Directors must provide for the safe custody of the Seal.
- (b) Subject to Rule 16.2(c), the Seal is to be used only by the authority of the Directors, or of a committee of the Directors authorised by the Directors to authorise the use of the Seal, and every document to which the Seal is affixed is to be signed by a Director and countersigned by another Director, a Secretary or another person appointed by the Directors to countersign that document or a class of documents in which that document is included.
- (c) If one person is the sole Director and the sole Secretary of the Company, then that person may affix the Company Seal and near the Seal, sign the document to which the Seal is affixed.

### **16.3 Execution of documents without a Seal**

The Company may execute a document, including a deed, by having the document signed by:

- (a) two Directors;
- (b) a Director and the company Secretary; or
- (c) if the Company has a sole Director who is also the company Secretary, that Director, and if the Company executes a deed, the document is to be expressed to be executed as a deed and be executed in accordance with the appropriate procedures set out in Rule 16.2 or this rule.

### **16.4 Other ways of executing documents**

Notwithstanding the provisions of Rules 16.2 and 16.3, any document including a deed, may also be executed by the Company in any other manner permitted by law.

## **17. Inspection of Records**

The Directors may determine whether and to what extent, and at what time and place and under what conditions, the financial records and other books of the Company or any of them are to be open to the inspection of Members other than Directors, and a Member other than a Director does not have the right to inspect any book or record of the Company except as provided by law or as authorised by the Directors.



## **18. Dividends and reserves**

### **18.1 Payment of dividends**

The Directors may:

- (a) subject to clause 18.2, pay any interim and final dividends that, in their judgment, the financial position of the Company justifies;
- (b) rescind a decision to pay a dividend if they decide, before the payment date, that the Company's financial position no longer justifies the payment; and
- (c) pay any dividend required to be paid under the terms of issue of a share.

### **18.2 Conditions**

A dividend may only be paid if permitted by law.

### **18.3 Reserves and profits carried forward**

- (a) The Directors may:
  - (i) set aside out of the Company's profits, the sums they think proper as reserves, to be applied at the discretion of the Directors, for any purpose for which the Company's profits may be properly applied;
  - (ii) appropriate to the Company's profits any amount previously set aside as a reserve or provision; or
  - (iii) carry forward any profits remaining that they consider appropriate, without transferring those profits to a reserve or provision.
- (b) Setting aside an amount as a reserve or provision does not require the Directors to keep the amount separate from the Company's other assets or prevent the amount being used in the Company's business or being invested as the Directors decide.

### **18.4 Calculation and apportionment of dividends**

- (a) Subject to the rights of Members owning shares with special rights as to dividend (if any), all dividends are to be paid according to the amounts paid or credited as paid on the shares for which the dividend is paid.
- (b) All dividends are to be apportioned and paid proportionately to the amounts paid or credited as paid on the shares during any portion or portions of the period for which the dividend is paid. If any share is issued on terms providing that it will rank for dividend as from a particular date, that share ranks accordingly.
- (c) An amount paid or credited as paid on a share in advance of a call is not to be taken for the purposes of this rule to be paid or credited as paid on the share.

### **18.5 Record date**

- (a) The Directors may fix a record date for a dividend, with or without suspending the registration of transfers from that date under Rule 7.3.
- (b) A dividend must be paid to the person who is registered, as the holder of the share:
  - (i) where the Directors have fixed a record date for the dividend, on that date; or
  - (ii) where the Directors have not fixed a record date for that dividend, on the date fixed for payment of the dividend, and a transfer of a share that is not registered, on or before that date is not effective, as against the Company, to pass any right to the dividend.

### **18.6 No interest**

Interest is not payable by the Company in respect of any dividend.

### **18.7 Method of payment**

- (a) The Directors may pay dividends by:
  - (i) cheque sent to the address of the Member shown in the register of Members, or for joint holders, the first listed name and address;
  - (ii) by any electronic or other means approved by the Directors directly to an account (of a type approved by the Directors) nominated in writing by the Member or the joint holders; or
  - (iii) any other method the Directors may decide.
- (b) Different methods of payment may apply to different Members or groups of Members.
- (c) A cheque sent under Rule 18.7(a)(i):
  - (i) may be made payable to bearer or to the order of the Member to whom it is sent or any other person the Member directs; and
  - (ii) is sent at the Member's risk.
- (d) If the Directors decide to pay dividends by electronic means under Rule 18.7(a)(ii), but:
  - (i) no account is nominated by the Member; or
  - (ii) an electronic transfer into a nominated account is rejected or refunded, the Company may credit the amount payable to an account of the Company to be held until the Member nominates a valid account.

- (e) Where a Member does not have a registered address or the Company believes that a Member is not known at the Member's registered address, the Company may credit an amount payable to the Member to an account of the Company to be held until the Member claims the amount or nominates an account into which payment may be made.
- (f) An amount credited to an account under Rules 18.7(a)(ii) or 18.7(e) is to be treated as having been paid to the Member at the time it is credited to that account. The Company is not a trustee of the money and no interest accrues on the money.

## **18.8 Deductions from dividends**

The Directors may deduct from any dividend payable to a Member all sums of money (if any) presently payable by the Member to the Company on account of calls or otherwise in relation to shares in the Company.

## **18.9 Retention of dividends**

The Directors may retain the dividend payable on a share:

- (a) where a person is entitled to a share because of an event under Rule 8, until that person becomes registered as the holder of that share or transfers it; and
- (b) apply it to any amount presently payable by the holder of that share to the Company.

## **18.10 Distribution of specific assets**

- (a) The Directors may distribute specific assets, including paid-up shares or other securities of the Company or of another body corporate, either generally or specifically to Members as direct payment of the dividend in whole or in part and, if they do so they may:
  - (i) fix the value of any asset distributed;
  - (ii) make cash payments to Members on the basis of the value fixed or for any other reason so as to adjust the rights of Members between themselves; and
  - (iii) vest an asset in trustees.
- (b) Where the Company satisfies a dividend by way of distribution of securities of another body corporate, each Member is taken to have agreed to become a Member of that corporation and to have agreed to be bound by the constitution of that corporation. Each Member also appoints each Director their agent and attorney to:
  - (i) agree to the Member becoming a Member of that corporation;
  - (ii) agree to the Member being bound by the constitution of that corporation; and

- (iii) sign any transfer of shares or securities, or other document required to give effect to the distribution of shares or other securities to that Member.

### **18.11 Source of dividends**

The Directors may pay a dividend to particular Members wholly or partly out of any particular fund or reserve or out of profits derived from any particular source, and to the other Members wholly or partly out of any other particular fund or reserve or out of profits derived from any other particular source.

### **18.12 Reinvestment of dividends**

The Directors may permit the Members or any class of Members to:

- (a) reinvest cash dividends by subscribing for shares or other securities in the Company or a related body corporate; and
- (b) forgo the right to receive cash dividends and receive instead some other form of distribution of entitlement (including securities),
- (c) on any terms the Directors think fit.

### **18.13 Unclaimed dividends**

Unclaimed dividends may be invested by the Directors as they think fit for the benefit of the Company until claimed or until required to be dealt with under the law.

## **19. Capitalisation of profits**

### **19.1 Power of Directors**

- (a) Subject to the Reserve Powers, the Directors may resolve that it is desirable to capitalise any sum, being the whole or a part of the amount for the time being standing to the credit of any reserve account or the profit and loss account or otherwise available for distribution to Members, and that that sum be applied, in any of the ways mentioned in Rule 19.1(b), for the benefit of Members in the proportions to which those Members would have been entitled in a distribution of that sum by way of dividend.
- (b) The ways in which a sum may be applied for the benefit of Members under Rule 19.1(a) are:
  - (i) in paying up any amounts unpaid on shares held by Members;
  - (ii) in paying up in full unissued shares or debentures to be issued to Members fully paid; or
  - (iii) partly as mentioned in Rule 19.1(b)(i) and partly as mentioned in Rule 19.1(b)(ii).

## **19.2 Further powers of Directors**

- (a) The Directors may do all things necessary to give effect to their resolution to capitalise described in this rule and, in particular, to the extent necessary to adjust the rights of the Members among themselves, may:
  - (i) issue fractional certificates or make cash payments in cases where shares or debentures become issuable in fractions; and
  - (ii) authorise any person to make, on behalf of all the Members entitled to any further shares or debentures upon the capitalisation, an agreement with the Company providing for the issue to them, credited as fully paid up, of any such further shares or debentures or for the payment up by the Company on their behalf of the amounts or any part of the amounts remaining unpaid on their existing shares by the application of their respective proportions of the sum resolved to be capitalised.
- (b) Any agreement made under an authority referred to in Rule 19.2(a)(ii) is effective and binding on all the Members concerned.

## **20. Notices**

### **20.1 Service of notices**

- (a) A notice may be given by the Company to any Member either by serving it on them personally or by sending it by post to them at their address as shown in the register of Members or the address supplied by them to the Company for the giving of notices to them or by sending it to the facsimile number or electronic address (if any) nominated by the Member.
- (b) Any notice served on a Member personally is deemed to have been served when delivered. Any notice served on a Member by post is deemed to have been served 48 hours after posting. Any notice served on a Member by facsimile transmission or other electronic means is deemed to have been served when the transmission or electronic message is sent.
- (c) A notice may be given by the Company to the joint holders of a share by giving the notice to either or any of the joint holders.
- (d) A notice may be given by the Company to a person entitled to a share in consequence of the death or bankruptcy of a Member by serving it on them personally or by sending it to them by post addressed to them by name, or by the title of representative of the deceased or assignee of the bankrupt, or by any like description, at the address (if any) within the State supplied for the purpose by the person or, if such an address has not been supplied at the address to which the notice might have been sent if the death or bankruptcy had not occurred.

## **20.2 Persons entitled to notice of general meeting**

- (a) Notice of every general meeting is to be given in the manner authorised by Rule 20.1 to:
  - (i) each Member individually who is entitled to vote at general meetings of the Company;
  - (ii) each Director;
  - (iii) each person entitled to a share in consequence of the death or bankruptcy of a Member who, but for their death or bankruptcy, would be entitled to receive notice of the meeting; and
  - (iv) the auditor, if any, for the time being of the Company.
- (b) No other person is entitled to receive notices of general meetings.

## **21. Winding up**

### **21.1 Power of liquidator**

If the Company is wound up, the liquidator may, with the sanction of a special resolution, divide among the Members in kind the whole or any part of the property of the Company and may for that purpose set such value as he considers fair upon any property to be so divided and may determine how the division is to be carried out as between the Members or different classes of Members.

### **21.2 Vesting of property**

The liquidator may, with the sanction of a special resolution, vest the whole or any part of any such property in trustees upon such trusts for the benefit of the contributories as the liquidator thinks fit, but so that no Member is compelled to accept any shares or other securities in respect of which there is any liability.

## **22. Indemnity and insurance**

### **22.1 Indemnity in favour of Directors, Secretaries and Executive Officers**

Subject to the Corporations Act and Rule 22.2 the Company shall indemnify each Director, Secretary and Executive Officer to the maximum extent permitted by law, against any Liability incurred by them by virtue of their holding office as, and acting in the capacity of, Director, Secretary or Executive Officer of the Company, other than:

- (a) a Liability owed to the Company or a related body corporate of the Company;

- (b) a Liability for a pecuniary penalty order under section 1317G Corporations Act or a compensation order under section 1317H Corporations Act; or
- (c) a Liability owed to a person other than the Company that did not arise out of conduct in good faith.

## **22.2 Indemnity for legal costs**

The Company shall indemnify each Director, Secretary and Executive Officer to the maximum extent permitted by law, against any Liability for legal costs incurred by them in respect of a Liability incurred by them by virtue of their holding office as, and acting in the capacity of, Director, Secretary or Executive Officer of the Company other than for legal costs incurred:

- (a) in defending or resisting proceedings, in which the Director, Secretary or Executive Officer is found to have a Liability for which they could not be indemnified under Rule 22.1;
- (b) in defending or resisting criminal proceedings in which the Director, Secretary or Executive Officer is found guilty;
- (c) in defending or resisting proceedings brought by the ASIC or a liquidator for a court order if the grounds for making the order are found by the court to have been established (but this Rule 22.2 (c) the ASIC or a liquidator as part of an investigation before commencing proceedings for the court order); or
- (d) in connection with proceedings for relief to the Director, Secretary or Executive Officer under the Corporations Act in which the court denies the relief.

## **22.3 Indemnity for other Officers**

Subject to the Corporations Act and Rule 22.4, the Company may indemnify an employee, who is not a Director, Secretary or Executive Officer of the Company, to the maximum extent permitted by law, against any Liability incurred by them by virtue of their holding office as, and acting in the capacity of, an Officer of the Company, other than:

- (a) a Liability owed to the Company or a related body corporate of the Company;
- (b) a Liability for a pecuniary penalty order under section 1317G Corporations Act or a compensation order under section 1317H Corporations Act; or
- (c) a Liability owed to a person other than the Company that did not arise out of conduct in good faith.

## **22.4 Indemnity for legal costs of other Officers**

The Company may indemnify an employee other than a Director, Secretary or Executive Officer to the maximum extent permitted by law, against any Liability for legal costs incurred in respect of a Liability as, or by virtue of their holding office as, and acting in the capacity of, an Officer of the Company other than for legal costs incurred:

- (a) in defending or resisting proceedings, in which the Officer is found to have a Liability for which they could not be indemnified under Rule 22.3;
- (b) in defending or resisting criminal proceedings in which the Officer is found guilty;
- (c) in defending or resisting proceedings brought by the ASIC or a liquidator for a court order if the grounds for making the order are found by the court to have been established (but this Rule 22.4(c) does not apply to costs incurred in responding to actions taken by the ASIC or a liquidator as part of an investigation before commencing proceedings for the court order); or
- (d) in connection with proceedings for relief to the Officer under the Corporations Act in which the court denies the relief.

## **22.5 Proceedings**

For the purposes of Rules 22.2 and 22.4, proceedings includes the outcomes of the proceedings and any appeal in relation to the proceedings.

## **22.6 Insurance for the benefit of Directors, Secretaries and Executive Officers**

- (a) Subject to the Corporations Act, the Company may pay a premium for a contract insuring a person who is or has been a Director, Secretary or Executive Officer of the Company acting in that capacity against:
  - (i) costs and expenses in defending any proceedings, whether civil or criminal, whatever their outcome; or
  - (ii) a Liability arising from negligence or other conduct.

## **22.7 Insurance for other Officers**

Subject to the Corporations Act, the Company may pay a premium for a contract insuring a person who is or has been an employee and also an Officer of the Company, acting in that capacity, but who is not a Director, Secretary or Executive Officer of the Company against:

- (a) costs and expenses in defending any proceedings, whether civil or criminal, whatever their outcome; or
- (b) a Liability arising from negligence or other conduct.



## **22.8 When insurance may not be provided by the Company**

The Company shall not pay, nor agree to pay, a premium for a contract insuring a person who is or has been a Director, Secretary or Executive Officer or an employee who is also an Officer of the Company, against a Liability (other than one for legal costs) arising out of:

- (a) conduct involving a wilful breach of duty in relation to the Company; or
- (b) a contravention of section 182 or section 183 Corporations Act.

## **22.9 Definitions for the purposes of Rule 22**

In this rule, except to the extent the context otherwise requires:

<b>Term</b>	<b>Definition</b>
<b>Executive Officer</b>	means a person who is concerned in, or takes part in, the management of the Company (regardless of the person's designation and Company).
<b>Liability</b>	includes any claim, action, suit, proceeding, investigation, inquiry, damage, loss, cost or expense.
<b>Officer</b>	means: a Director or Secretary of the Company; or a person: who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business of the Company; who has the capacity to affect significantly the Company's financial standing; or in accordance with whose instructions or wishes the Directors are accustomed to act (excluding advice given by the person in the proper performance of functions attaching to the person's professional capacity or their business relationship with the Directors or the Company).

## Annexure A

### Reserve Powers

#### Tier 1 – PresCare only

Despite the rules set out in Credere Services Group's constitution, the following matters may only be undertaken by Credere Services Group with the prior written approval of the board of PresCare:

- (a) **(allotment of securities)** the allotment of shares, convertible notes, options or other securities in Credere Services Group;
- (b) **(share option schemes)** the approval of any employee share or option scheme for the issue of securities to employees, directors or consultants of Credere Services Group;
- (c) **(transfer of assets)** the transfer by Credere Services Group of an asset or assets of Credere Services Group having an aggregate book or market value (whichever is the greater) of more than 10% of the aggregate book or market value of its net assets;
- (d) **(loans)** the making of a loan or giving of credit or other financial accommodation to a person which is not specifically provided for in the Annual Program;
- (e) **(encumbrances)** the grant of any encumbrance over any assets of Credere Services Group save for in favour of trade creditors the ordinary course of business;
- (f) **(guarantees)** the giving or entry into any guarantee, letter of comfort or performance bond which has a liability (whether actual or contingent) of more than \$25,000 and which is not specifically provided for in the Annual Program;
- (g) **(new business)** Credere Services Group entering into or agreeing to any commitment, indemnity or liability (whether actual or contingent) of more than \$25,000 which is not specifically provided for in the Annual Program or otherwise in the ordinary and usual course of the Business;
- (h) **(acquisition of businesses)** the acquisition by Credere Services Group of an interest in any other business or any other company, which is within the budget provision for acquisitions contained in the Annual Program;
- (i) **(operational expenditure)** any operational expenditure above that specifically provided for in the Annual Program or otherwise in the ordinary and usual course of the Business which:
  - (i) is in excess of \$100,000; or
  - (ii) would otherwise cause total operational expenditure of Credere Services Group to exceed that specifically provided for in the Annual Program by \$100,000 or more;

- (j) **(remuneration and bonuses)** except as approved under the Annual Program, the agreement to set or increase the remuneration per annum or any bonus payable to any senior employee of Credere Services Group (excluding the Directors but including the managing Director if appointed);
- (k) **(insurance)** the amendment or variation of the insurance cover over Credere Services Group or the business activities of Credere Services Group except as provided in the Annual Program;
- (l) **(unusual agreements)** the entry into or variation of agreements which are:
  - (i) other than in the ordinary and usual course of the Business;
  - (ii) not on arm's length terms;
  - (iii) unusual or abnormal;
  - (iv) with a related party;
  - (v) likely to involve performance at a loss; or
  - (vi) of a term of more than three years;
- (m) **(material agreements)** the termination, variation, assignment, novation or enforcement of, or waiver of a right under, or decision not to comply with, any material agreement;
- (n) **(material litigation)** the instigation or settlement of, or implementation of any strategy about, any dispute, claim, litigation or arbitration proceedings by Credere Services Group when the amount claimed is more than \$50,000 or, in the case of trading debts, is more than \$20,000
- (o) **(transactions concerning Directors)** the entry into, termination, variation, assignment, novation or enforcement of, or waiver of a right under, or decision not to comply with, any contract or arrangement with or for the benefit of a Director;
- (p) **(change in nature of business and winding up)** stopping carrying on, or materially altering, the scale or nature of operations of Credere Services Group or commencing any material business or operational activities other than the current business operations of Credere Services Group, including any proposal to wind up the Company;
- (q) **(branding)** changing the business names, trademarks, service marks, trade names, domain names, logos or branding of Credere Services Group or the Business;
- (r) **(Annual Programs)** the adoption of an Annual Program and any material variation to any approved Annual Program;
- (s) **(dividends)** the declaration of any dividends or decision to pay any dividends, including by way of distribution of specific assets;
- (t) **(reserves)** the decision to set aside out of the Company's profits, any sums as reserves;
- (u) **(delegation of powers)** the delegation of any powers from the Board;

and

(v) **(agreement to do things)** the agreement to do any of the things listed above.

## **Tier 2 – PresCare and the Assembly or the Commission of the Assembly**

Despite the rules set out in the Credere Services Group' constitution, the following matters may only be undertaken by Credere Services Group with the prior written approval of the board of PresCare and the prior written approval of the Assembly or the Commission of the Assembly of the Church:

- (a) **(constitutions)**
  - (i) any amendment to the constitution of Credere Services Group;
  - (ii) however, despite the rule set out in Tier 2(a)(i) above the Assembly or the Commission of the Assembly grants Credere Services Group all delegated authority to approve any constitution of any subsidiary entity of Credere Services Group, subject to obtaining the prior written approval of the board of PresCare;
- (b) **(indebtedness)** the incurring of external financial indebtedness in excess of the amount that is determined by the Assembly or the Commission in respect of PresCare from time to time;
- (c) **(acquisition of businesses)** the acquisition by Credere Services Group of an interest in any other business or any other company other than within the budget provision for acquisitions contained in the Annual Program;
- (d) **(remuneration and bonuses of Directors)** except as approved under the Annual Program, the agreement to set or increase the remuneration per annum or any bonus payable to any Director of Credere Services Group;
- (e) **(capital expenditure)** any capital expenditure above that specifically provided for in the Annual Program which:
  - (i) is in excess of \$5 million; or
  - (ii) would otherwise cause total capital expenditure of Credere Services Group to exceed that specifically provided for in the Annual Program by \$5 million or more; and
- (f) **(agreement to do things)** the agreement to do any of the things listed above.

## Reports

### Company to keep records

The Company and the Directors must ensure that its records and accounting books:

- (a) are kept in accordance with the Corporations Act;
- (b) contain full, true and correct entries of all dealings and transactions of the Business and the Company's affairs; and
- (c) are sufficient to enable PresCare to comply with its reporting requirements, as set out in the constitution of PresCare.

### Member access to records and employees

The Company must permit, after receiving reasonable notice, its Member or any accountant, agent, consultant or employee of its Member to, at the Member's own cost, at reasonable times and as often as is reasonable:

- (a) visit and inspect any property of the Company;
- (b) inspect and take copies of documents relating to the Business and the Company's affairs, including its financial records; and
- (c) discuss the affairs, finances and financial records of the Company with the officers, employees and auditors of the Company,
- (d) for any purpose.

### Definitions

For the purposes of this document, the capitalised terms have the meanings given to them in the constitution of Credere Services Group and the following terms have the meanings given to them below:

#### **Annual Program**

Means a program for carrying on the Business during a financial year consisting of:  
a business plan setting out proposed marketing plans, finance arrangements, capital expenditures, operational expenditures and activities for carrying on the Business during that financial year; and  
a budget setting out an estimate of the income to be received and the expenses to be incurred in carrying out that business plan.

#### **Board**

means the board of directors of Credere Services Group.

#### **Business**

means the business as carried on by Credere Services Group from time to time.

#### **Company or Credere Services Group**

means Credere Services Group Pty Ltd.

# GRACE COLLEGE

## 351

### 1. INTERPRETATION

On the interpretation of this Constitution the following words and expressions shall where the context so admits or requires have the meanings attached thereto, that is to say:

**The Assembly** means the General Assembly of the Presbyterian Church of Australia within the State of Queensland or where the context permits, any committee or body appointed in that behalf by the Assembly for the purposes of taking any steps or making any decision referred to in this Constitution.

**Chairperson** means the person appointed as the Chairperson in accordance with clause 13(a) of this Constitution.

**The College** means the residential college for women students of The University of Queensland known as “Grace College”.

**Dean of Students** means the person appointed to this position by the Principal from time to time.

**Deputy Chairperson** means the person appointed as the Deputy Chairperson in accordance with clause 13(a) of this Constitution.

**Executive Committee** means the committee formed in accordance with clause 13(b) of this Constitution.

**Grace Alumnae Association** means the organisation representing past students of the College as may be in existence from time to time.

**Ordained minister** means a person:

- a) ordained as a Minister of the Word or Deacon in The Uniting Church in Australia; or
- b) ordained as a Minister in the Presbyterian Church of Australia.

**Regulations** means regulations made by the Council in accordance with clause 15(b) of this Constitution.

**Secretary** means the person appointed as the Secretary in accordance with clause 13(a) of this Constitution.

**The Senate** means The Senate of The University of Queensland established under *The University of Queensland Act 1998*.

**Special meeting** means a meeting convened in accordance with clause 14(b) of this Constitution.

**Student Club** means the association formed by the current residential students of the College in accordance with the *Associations Incorporation Act 1981*.

**The Synod** means the Queensland Synod of The Uniting Church in Australia or where the context permits, any committee or body appointed in that behalf by the Synod for the purposes of taking any steps or making any decision referred to in this Constitution.

**Treasurer** means the person appointed as the Treasurer in accordance with clause 13(a) of this Constitution.

**The University** means The University of Queensland established under *The University of Queensland Act 1998*.

The masculine gender shall wherever the context so admits include the feminine gender.

## **2. NAME**

The name of the College is Grace College.

## **3. OBJECTS**

The objects of the College will be:

- a) to provide proper accommodation and tuition for women students of the University for the purpose of giving such students the benefit of collegiate life and of making provision for their care, guidance, discipline and instruction;
- b) to encourage a liberal education for its students by endeavouring to draw its students from all faculties within the University;
- c) to provide all necessary facilities for the presentation of and instruction in the Christian faith, including worship, study, teaching and counselling; and
- d) to encourage students to relate their academic disciplines to Christianity and grow in the Christian faith.

## **4. GOVERNMENT**

- a) The government in every respect of the College and all matters relating thereto, including the pursuit of the objects of the College, shall at all times be vested in a Council appointed in accordance with clause 5.
- b) The Council may nominate up to 3 additional members from time to time when the Council considers that it requires the assistance of a person or persons with particular qualifications or experience, appointed in accordance with this Constitution.



## **5. THE COUNCIL AND OTHER MEMBERS**

### **5.1 The Council**

The Council shall consist of:

- a) six persons appointed by the Synod, of whom at least one and no more than three must be ordained ministers and at least three must be women;
- b) three persons appointed by the Assembly of whom only one must be an ordained minister and at least one must be a woman;
- c) the Principal of the College, who shall be a non-voting member;
- d) three graduate students of the College appointed by the Council on the recommendation of the Chairperson in consultation with the Grace Alumnae Association which will, where practicable, consult with the community of past students;
- e) two students who are residents of the College elected in accordance with the rules of the Student Club by the residential students of the College; and
- f) a person nominated by the Senate.

### **5.2 Other Members**

From time to time, the following persons may also form part of the Council as non-voting members:

- a) any additional members nominated by the Council in accordance with clause 4(b); and
- b) if the Principal of the College has appointed a person to the position of Dean of Students - the Dean of Students subject to the approval of the Chairperson of the Council.

## **6. APPOINTMENT**

- a) The members of the Council appointed by the Synod and the Assembly shall be appointed for a term of three years and shall hold office from the first day of January in the year next after the year in which the Synod and the Assembly appointing them meet. This period of three years is hereinafter called "the term".
- b) No member appointed by the Synod or the Assembly shall hold office for more than four complete consecutive terms, unless otherwise determined by the Synod or the Assembly from time to time.
- c) The member nominated by the Senate of the University shall be a member for such period as determined by the Senate.

- d) Student members shall hold office for one year commencing on the date determined by the Student Club in accordance with the rules of the Student Club but shall be eligible for re-election.
- e) Graduate students shall hold office for a period of three years from the first day of January in the year following the year in which they are appointed. They shall hold office for no more than four complete consecutive terms.
- f) Any additional member who accepts the nomination of the Council to the position on the Council:
  - i. shall support the objects of the College;
  - ii. shall hold office for such period as determined by the Council;
  - iii. shall be appointed by the Council by formal resolution at any ordinary meeting of the Council; and
  - iv. is eligible for re-appointment following the conclusion of the initial period of appointment and any subsequent period of appointment.

## 7. QUALIFICATIONS

- a) A person is not eligible to be a member of the Council if the person:
  - i. has affairs under liquidation by arrangement with creditors;
  - ii. is an undischarged bankrupt;
  - iii. has been convicted of an indictable offence;
  - iv. is an insane person within the meaning of the laws in force for the time being, relating to insanity; or
  - v. if they are otherwise disqualified from managing a corporation or from being a member of the Council within the meaning of the laws in force for the time being relating to corporations
- b) In addition, in the case of members nominated by the churches the following shall apply:
  - i. Presbyterian nominees must be communicant members of the Presbyterian Church in Queensland; and
  - ii. Uniting Church nominees shall have an affiliation with a Christian church.

- c) If after appointment or nomination to the Council, a member of the Council becomes aware of a matter which results in that member no longer being eligible in accordance with this clause:
  - i. the member must disclose the matter in writing to the organisation which appointed or nominated the member to the Council;
  - ii. the member must also disclose the matter to the Chairperson; and
  - iii. if the member is the Chairperson, the Chairperson must disclose the matter to the Executive Committee,

and the office of the member shall be vacated in accordance with clause 8.

## **8. VACATING OFFICE**

The office of member of Council shall be vacated:

- a) if disqualified under this Constitution;
- b) if absent from three consecutive ordinary meetings of the Council without leave of absence or good cause shown;
- c) upon resignation by signed notice given by the member to the Chairperson; or
- d) upon the death of the member.

## **9. REMOVAL FROM OFFICE**

- a) The Synod may from time to time remove any or all of the members of the Council who have been appointed by it.
- b) The Assembly may from time to time remove any or all of the members of the Council who have been appointed by it.
- c) The Synod or the Assembly which so removes members of the Council from office shall appoint members to the Council to fill the vacancies so created and such members shall hold office for the balance of the term in which they are appointed.
- d) The Senate of the University may from time to time remove and replace its nominee on the Council.

## **10. CASUAL VACANCY**

- a) Any casual vacancy occurring among the members of the Council appointed by the Synod shall be filled by the Synod or by any committee or body appointed in that behalf by the Synod.
- b) Any casual vacancy occurring among the members of the Council appointed by the Assembly shall be filled by the Assembly or by any committee or body appointed in that behalf by the Assembly.
- c) All persons appointed under this clause shall hold office for the balance of the term in which they are appointed.
- d) Any casual vacancy occurring in the case of the member appointed by the Senate shall be filled by the Senate.
- e) Any casual vacancy occurring in the case of residential student members shall be filled in accordance with the rules of the Student Club as soon as practicable thereafter.
- f) Any casual vacancy occurring in the case of a graduate student member shall be filled by the Council on the recommendation of the Chairperson in consultation with the Grace Alumnae Association which will, where practicable, consult with the community of past students.

## **11. PRINCIPAL**

- a) The Principal of the College shall be appointed by the Council on such conditions and for such period as may in each instance be resolved by the Council prior to the appointment. The Principal may be re-appointed from time to time.
- b) The Principal shall be a practising member of a branch of the Christian church.
- c) The Principal shall have such other qualifications as the Council may determine, provided that the qualifications must be such as to enable the Principal to give effect to the Objects of the College.
- d) The Council may from time to time by resolution determine the powers and the duties of the Principal.

## **12. VISITORS**

- a) The Moderator of the Synod and the Moderator of the Assembly shall by virtue of such office and so long as they shall hold office, be Visitors of the College.
- b) The Visitors of the College:
  - i. have the right to attend all meetings of the Council and any committee thereof;
  - ii. have the right to visit the College at any time, subject to complying with the usual procedures of the College regarding guests entering the College;
  - iii. may, at any time, request copies of the minutes of the meeting of the Council and any other documents circulated to Council members; and
  - iv. may appoint an appropriately qualified delegate to exercise any of the powers of the Visitors under this clause.
- c) The Visitors of the College may:
  - i. of their own volition; or
  - ii. at the request of the Council; or
  - iii. if the Visitor is the Moderator of the Synod - at the direction of the Synod; or
  - iv. if the Visitor is the Moderator of the Assembly - at the direction of the Assembly, examine the manner in which the College is conducted to ensure that its objects are being implemented and its Regulations are being duly observed.

## **13. OFFICE BEARERS AND EXECUTIVE COMMITTEE**

- a) The Council shall at the Annual General Meeting each year from amongst its members elect a Chairperson, a Deputy Chairperson, a Secretary and a Treasurer who shall respectively perform the duties normally associated with such offices, and who shall hold office until their successors are appointed at the next Annual General Meeting. Any casual vacancy occurring in any office may be filled by resolution of the Council.
- b) The Chairperson, Deputy Chairperson, Secretary, Treasurer and Principal shall form the Executive Committee of the Council. The Executive Committee shall exercise such powers and responsibility as may be delegated to it by the Council from time to time.

#### **14. MEETINGS OF THE COUNCIL**

- a) Ordinary meetings of the Council shall be held at least three times each year at such times and places as may be appointed by the Council for that purpose.
- b) Special meetings may be convened by the Chairperson, and a special meeting must be convened between 3 and 14 days after receipt of a written requisition signed by not less than five members of the Council.
- c) There shall be a meeting of the Council not later than the month of April each year which shall be called the Annual General Meeting at which the business shall be:
  - i. the presentation by the Executive Committee of an Annual Report covering the previous year's activities;
  - ii. the presentation of duly audited accounts covering the financial operations of the previous year and the financial position as at the conclusion of the previous year;
  - iii. the election of office bearers;
  - iv. the appointment of an auditor;
  - v. any other business which the Executive Committee may place on the agenda.
- d) Except for a meeting called in accordance with clause 20 of this Constitution, at all meetings of the Council eight voting members present shall constitute a quorum, and no business (other than adjournment) shall be transacted in the absence of a quorum.
- e) The votes of all meetings of the Council shall be taken inclusive of the Chairperson or person presiding, but when there is an equality of votes the Chairperson or person presiding shall have a casting vote as well as a deliberative vote.
- f) A member may take part and vote in a meeting of the Council in person or by using any technology that reasonably allows the member to hear and take part in discussions as they happen and a member who participates in a meeting by any of these methods is taken to be present at the meeting.

- g) If a member of the Council has a conflict of interest or conflict of duty in relation to any matter which is proposed to be considered at a meeting of the Council, the member of the Council must:
- i. declare the conflict at the beginning of the meeting; and
  - ii. leave the meeting of the Council when the Council considers the relevant matter; and
  - iii. not discuss the relevant matter with any member of the Council or seek to influence any member of the Council to determine or deal with the relevant matter in a particular manner.

## 15. POWERS OF THE COUNCIL

- a) The Council shall administer and control the finances of the College in all respects and shall have the power to borrow as well as to pledge the assets of the College and in all other respects may exercise the powers conferred by the *Religious Educational and Charitable Institutions Acts*, 1861 to 1967, as continued in force by the operation of section 144 of the *Associations Incorporation Act* 1981.
- b) The Council shall have power to make such regulations for or in any way relating to the governance or ordering of the College and for the effective working of the Council as it may from time to time think fit. The Council may amend any such Regulations provided always that no Regulation or amended Regulation shall be made which shall be inconsistent with any part of the Constitution.
- c) The Council may engage and employ for any of the purposes of the College such persons and on such terms as it may from time to time think fit.
- d) The Council shall if requested at any time but at least once in each year present a report of the activities of the College and audited financial statements prepared in accordance with relevant Australian accounting standards summarising the financial position of the College both to the Synod and the Assembly. The Synod or the Assembly may request additional information at any time and the Council must provide a response to such a request as soon as practicable.
- e) The general powers of the Council as the governing body of the College shall not in any way be restricted or affected by the foregoing enumeration of particular powers.

## 16. STUDENTS

- a) Students of the College may be residential or non-residential.
- b) Students may be admitted to the College at the discretion of the Principal having regard to the objects of the College and the provisions of this clause.
- c) No student will be admitted to residence in the College unless having qualified to undertake studies at the University, she will be pursuing a course of study at the University or will, whether at the University or at the College be engaged in research.
- d) Notwithstanding the provisions of paragraphs (a), (b) and (c), the Principal may admit to residence a limited number of other students who have qualified to undertake a course of study at a recognised tertiary institution where that course of study is not available at the University.

## 17. INCORPORATION

The Chairperson, the Secretary and the Treasurer having been incorporated under the provisions of the *Religious, Educational and Charitable Institutions Acts*, 1861 to 1967 (as continued in force by the operation of section 144 of the *Associations Incorporation Act* 1981) shall, subject to the approval of the Governor in Council bear the corporate name of "Grace College".

## 18. COMMON SEAL

- a) The Council shall provide a Common Seal for the purpose of the College and the seal shall not be affixed to any instrument except pursuant to a resolution of the Council and in the presence of any two of the following persons - The Principal, the Chairperson, the Deputy Chairperson, the Secretary and the Treasurer.
- b) The form of attestation shall be as follows:  
  
Given under the Common Seal of Grace College this ... day of ... 20...  
pursuant to a resolution of the Council and in the presence of:  
  
...  
and  
  
...  
  
c) The Seal is affixed over the signatures. Any two of the persons mentioned in this paragraph of the Constitution may sign.
- d) All uses of the seal must be recorded in the Minutes of Grace College Council.



## **19. ALTERATION OF CONSTITUTION**

Subject to the proviso hereto, this Constitution may be amended from time to time by resolution of the Council passed by not less than three-quarters of all the members of the Council or certified in writing by not less than three-quarters of all such members provided that any such amendment shall not take effect until the same has been duly approved by the Synod, the Assembly and the Senate of the University.

## **20. WINDING-UP OF THE COLLEGE**

- a) The College shall not be wound up unless:
  - i. the approval of the Synod, the Assembly and the Senate is obtained; and
  - ii. before the approval referred to in paragraph (a) is sought, a resolution to that effect has been passed at a Special Meeting of the Council called for the sole purpose of considering the winding-up of the College, provided that:
    - A. at least 21 days' notice in writing of the Meeting to consider the proposed winding-up has been given to all members of the Council; and
    - B. at least three-quarters of the current voting members of the Council attend the Special Meeting to consider the proposed winding-up; and
    - C. the resolution to wind up the College is supported by not less than three-quarters of the members present whose signatures to the resolution shall be duly attested by a Justice of the Peace or a Commissioner for Declarations who is not a member of the Council.
- b) In the event that the College is wound up or its endorsement as a deductible gift recipient under the Income Tax Assessment Act 1997 (Commonwealth) (or any similar applicable status under any replacement legislation that applies from time to time) is revoked (whichever occurs first), any surplus of the following assets which remain after the winding-up or the revocation of the endorsement as a deductible gift recipient (whichever is applicable) shall be transferred to another organisation to which income tax deductible gifts can be made:
  - i. gifts of money or property for the principal purpose of the organisation;

- ii. contributions made in relation to eligible fundraising events held for the principal purpose of the organisation;
  - iii. money received by the organisation because of such gifts and contributions.
- c) In the event that the College is wound up, then:
  - i. after the debts and liabilities of the College have been paid, including any expenses associated with the winding up of the College; and
  - ii. the College land and improvements have been transferred to the University in accordance with the requirements of the Deed of Grant in Trust; and
  - iii. any assets identified in clause 20(b) are dealt with in accordance with clause 20(b),

any other surplus assets must be transferred to another university residential college which:

  - A. has similar purposes and is not carried on for the purposes of profit or gain to its individual members; and
  - B. is approved and specified by the Council in the resolution about winding up referred to in clause 20(a).

## **21. NON-PROFIT CLAUSE**

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

# ST ANDREW'S TOOWOOMBA HOSPITAL

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# CONSTITUTION OF ST ANDREW'S TOOWOOMBA HOSPITAL

## BACKGROUND

- A. St Andrew's Toowoomba Hospital (**Hospital**) was founded in 1961, opened in 1966 and governed until 1977 as an integral work of the Presbyterian Church of Queensland (**Church**), in partnership with the community of Toowoomba.
- B. The property of the Hospital was held as part of the property of the Church on the usual charitable trust for the advancement of the Christian faith in the Presbyterian cause, in this case by the hospital ministry of healing as embodied in its objects in its constitution.
- C. During the course of Church Union in 1977 the General Assembly of the Church (**Assembly**) approved the transfer of ownership of the Hospital property to the Hospital and Assembly enacted a new constitution for the Hospital, with half of the Governors to be appointed by Assembly and half by the Synod of the Uniting Church of Queensland (UCQ).
- D. The 1977 constitution continued until it was varied by Assembly in 2003, following the withdrawal of UCQ (at its request) from an appointment role of Governors of the Hospital, leaving that appointment role and constitutional approval role solely to Assembly.
- E. The Hospital and Assembly conducted a review of their constitutional relationship throughout 2013 and 2014 and adopted this Constitution by resolution of the Board of Governors dated \_\_\_\_ and by resolution of Assembly dated \_\_\_\_.

## F. Legal Status

- i. The Hospital is a body corporate created under the Hospital Letters Patent executed by the then Governor of Queensland on 30 March 1978 pursuant to the authority of the *Religious Education and Charitable Institutions Act 1861 (RECI Act)*.
- ii. Following the repeal of the *RECI Act*, the Hospital Letters Patent were preserved through s144 of the *Associations Incorporation Act 1981 (Associations Incorporation Act)*.
- iii. By the Hospital Letters Patent, the Chairman, the Vice-Chairman and the Treasurer of the Hospital are declared to be a 'Body Corporate' by the 'name and style of St Andrew's Toowoomba Hospital'.

## NAME AND FORMATION

- 1. The name of the Hospital is *St Andrew's Toowoomba Hospital* and by that name the persons at any given time elected by and from amongst the Board of Governors under Rule 9 and thus occupying the offices of Chairman, Vice-Chairman and Treasurer of the Hospital together shall:
  - (a) Continue to constitute a body politic and corporate; and
  - (b) Be authorized to make application for incorporation.

## **OBJECTS**

2. The Objects of the Hospital are:
  - (a) To conduct and maintain a true community hospital in which Jesus Christ is proclaimed as Healer and Redeemer and in which religious services are conducted for patients and staff with due regard for their personal freedom;
  - (b) To provide health services for members of the public irrespective of their religious beliefs;
  - (c) To contribute to professional education in health and health related fields; and
  - (d) To do all such things as may be essential or conducive to the furtherance of the above objects.

## **GOVERNMENT**

3. The whole governance and oversight of the management and operations of the Hospital shall be vested in the Board of Governors.
4. For the avoidance of doubt, in carrying out their role and responsibilities, each of the members of the Board of Governors must act at all times in the interests of the Hospital having regard to the Objects of the Hospital as set out in Rule 2.
5. The Board of Governors shall have all of the powers and authorities necessary or incidental to the conduct and operation of the Hospital including the power to delegate any of its powers or authorities to others on terms as the Board of Governors sees fit.

## **BOARD OF GOVERNORS**

6. Assembly performs the function of making appointments to the Board of Governors, other than appointments made by the Board of Governors to fill casual vacancies under Rule 16.
7. The Board of Governors as at the date of adoption of this Constitution shall be the persons who comprised the Board of Governors immediately prior to its adoption.
8. As from the adoption of this Constitution, the Board of Governors shall consist of at least 9 and not more than 16 persons appointed by Assembly, of which, subject to Rule 9:
  - (a) at least one shall be a Minister of the Church;
  - (b) at least one shall be a member of the Presbytery of the bounds or representative of a Presbyterian women's group operating within the bounds of the Presbytery;
  - (c) at least three shall be Medical Practitioners who are or have been registered as such with AHPRA within the last 5 years; and
  - (d) at least three quarters shall be members of a Christian Church.

9. Notwithstanding Rule 8:
  - (a) if for any reason the number of Governors falls below 9, the Board of Governors shall have the power to act solely for the purposes of filling any casual vacancies so as to bring the total number of Governors back to at least 9; and
  - (b) if for any reason there are at least 9 Governors but there is deficiency in the composition of the Board of Governors, having regard to the requirements of paragraphs (a) to (d) of Rule 8 (**Rule 8 Composition Requirements**) and the Nominations Policy:
    - (a) the Board of Governors shall, notwithstanding the deficiency, continue to have the full power to act until such time as any casual vacancies can be filled so as to restore the Board to compliance with the Rule 8 Composition Requirements and the Nominations Policy; and
    - (i) the Board of Governors must act promptly and in good faith to exercise its power under Rule 16 to fill any casual vacancies so as to restore the Board to compliance with the Rule 8 Composition Requirements and the Nominations Policy.
10. The Board of Governors shall elect from amongst their number 3 separate Governors to fill the respective offices of Chairman, Vice-Chairman and Treasurer:
  - (a) at the first meeting of the Board of Governors after conclusion of the meeting of the General Assembly each year; and
  - (b) if a casual vacancy arises on the Board of Governors at any time which results in any of those offices being vacated, as soon as reasonably practicable after the casual vacancy arises.

## ROTATIONAL RETIREMENTS AND APPOINTMENTS

11. As and from the date of adoption of this Constitution, the persons who are on the Board of Governors shall retire in the order and at the time set out in Schedule 'A' to this Constitution but shall be eligible for reappointment by Assembly, provided that they fulfill the Board Eligibility Criteria.
12. Each person appointed to the Board of Governors by Assembly after the date of adoption of this Constitution shall be appointed for a term of 3 years commencing as and from the date of their appointment.
13. Provided that the person fulfills the Board Eligibility Criteria, including any express limitation on the number of terms a person may serve, a person shall be eligible for appointment or reappointment as a Governor.
14. All appointments to the Board of Governors must be made in accordance with the Nominations Policy.

15. Notwithstanding any other provision of this Constitution, the Nominations Policy or the Board Eligibility Criteria, a person who:
- (a) is under 18 years of age;
  - (b) has entered into a Deed of Arrangement with his/her creditors or has executed a Deed of Assignment for their benefit under the laws relating to bankruptcy;
  - (c) is an uncertificated or undischarged bankrupt;
  - (d) has been convicted of an indictable offence; or
  - (e) becomes physically or mentally unable to carry out properly his/her duties as a Governor Shall be incapable of being appointed to a continuing to be a member of the Board of Governors.

### **CASUAL VACANCIES**

16. If a casual vacancy arises on the Board of Governors due to any person retiring from or otherwise vacating their position on the Board of Governors, the Board of Governors may appoint a person to fill such vacancy provided that:
- (a) the appointment shall be subject to an comply with the Nominations Policy;
  - (b) the person appointed to fill the casual vacancy fulfills the Board Eligibility Criteria and Board Composition Requirements;
  - (c) the appointment shall be for the balance of the term of appointment of the person who vacated the position on the Board of Governors that gave rise to the casual vacancy; and
  - (d) the appointment shall be subject to approval by Assembly.

### **REMOVAL OR RETIREMENT OF GOVERNORS**

17. Whether by its own initiative or on request of the Board of Governors supported by a Special Resolution of the Board of Governors, Assembly may by a resolution of not less than 75% of its members present and voting and entitled to vote from time to time remove any or all of the Governors from the Board of Governors provided that all such persons to be removed are given by the Assembly:
- (a) at least 14 days notice in writing of the proposal to remove them from the Board of Governors;
  - (b) written reasons for the proposal to remove them; and
  - (c) a reasonable opportunity to make written and oral submissions to Assembly in response.
18. The shall inform, and invite comments from, the Board of Governors as a whole in advance of any proposal to remove any or all of the Governors.

19. The office of Governor shall otherwise become vacant:
  - (a) if, without leave first obtained from the Board in that behalf, a Governor has been absent from all meetings of the Board held during a period of six consecutive months; or
  - (b) upon resignation or death of a Governor; or upon a Governor becoming incapable under Rule 15 of continuing to act as such.

## **CONDUCT OF MEETINGS**

20. The Chairman or in his absence, the Vice-Chairman shall preside at the meetings of the Board, but if no such Chairman or Vice-Chairman is elected or if at any meeting neither the Chairman nor the Vice-Chairman is present at the time appointed for holding the same, the Governors present shall choose someone of their number to be Chairman of the meeting.
21. The voting at all meetings of the Board shall be taken inclusively of the Chairman or person presiding, but when there is an equality of votes, the person presiding shall have a casting vote as well as a deliberative vote.
22. The Board may meet together for the dispatch of business, adjourn and otherwise regulate their proceedings as they think fit. The votes and proceedings of a majority at a meeting at which a quorum is present shall be taken and accepted as the votes and proceedings of the Board.
23. A quorum for a meeting of the Board of Governors is the number equal to a simple majority of the total number of Governors then in office.
24. A Board of Governors' meeting may be called or held using any technology consented to by all the Governors on the proviso that all Governors are heard and understood throughout the meeting. The consent may be a standing one. A Governor may only withdraw his or her consent within a reasonable period before the meeting. The Governors may otherwise regulate their meetings as they think fit.

## **REPORTS TO ASSEMBLY**

25. The Board of Governors shall present a quarterly report of its activities to the Assembly. Such report shall be accompanied by a financial updated.
26. The Board of Governors shall present an annual report of its activities to Assembly. Such report shall be accompanied by the annual audited financial statements of the Hospital.

## **EXECUTION OF DOCUMENTS**

27. The execution of documents by the Hospital shall be in accordance with the express delegations and authorities of the Board to the extent permissible by law.



## **DELEGATION OF POWERS TO COMMITTEES**

28. The Board may delegate any of its powers to committees consisting of such Governors and such other persons as they think fit.
29. In the exercise of any powers delegated to it, a committee formed by the Board:
  - (a) must conform to the directions of the Board; and
  - (b) otherwise shall conduct its meetings and proceedings in accordance with the provisions of this Constitution, as far as practicable, as if they were meetings and proceedings of the Board.

## **NOMINATIONS POLICY**

30. The Nominations Policy as at the date of adoption of this Constitution is set out in Schedule 'B' to this Constitution and sets out the Board Eligibility Criteria and Board Composition Requirements;
31. The Nominations Policy may be amended, modified, supplemented or replaced from time to time by:
  - (a) a Special resolution of the Board of Governors; and
  - (b) a resolution of Assembly passed by a simple majority of its members present and voting thereon and entitled to vote.
32. A nominations committee, which shall include a person appointed by the Assembly, shall be established and shall provide advice and make recommendations to the Board of Governors and Assembly with respect to nominations for appointment to the Board of Governors in accordance with the Nominations Policy.

## **BY-LAWS AND RULES**

33. The Board of Governors shall have power from time to time to make, repeal or alter all such by-laws and Rules as the Board of Governors shall deem expedient for carrying into effect the several provisions of this Constitution and the objects of the Board of Governors and particularly for meetings of the Board of Governors and its Committees and the ordering of all things in and connected with the Hospital.

## **ALTERNATION OF CONSTITUTION**

### **Alteration**

34. This Constitution may be altered in any respect by:
  - (a) a Special Resolution of the Board of Governors; and
  - (b) a resolution of Assembly passed by at least 60% of its members present and voting thereon and entitled to vote.

## **Letters Patent**

35. The persons occupying the offices of Chairman, Vice-Chairman and Treasurer, who together constitute the body politic and corporate under the Letters Patent must not seek revocation of the Letters Patent except in accordance with:
- (a) A Special Resolution of the Board of Governors; and
  - (b) A resolution of Assembly passed by at least 75% of its members present and voting thereon and entitled to vote.

## **INCOME AND PROPERTY**

36. All of the income and property of the Hospital shall be used and applied solely in promotion of the Objects and the exercise of the powers of the Board of Governors and no portion thereof shall be distributed directly or indirectly to any person other than in accordance with Rule 37.
37. Nothing in Rule 36 prevents the payment in good faith of interest to any person in respect of:
- (a) moneys advanced by the person to the Hospital or otherwise owing by the Hospital to the person;
  - (b) the supply in good faith of property, goods or services to the Hospital by the person; or
  - (c) reasonable out-of-pocket expenses actually incurred by the person in relation to their role as an employee or a Governor, provided that, in the case of Governors, the incurring of the expense has been agreed in advance by the Board of Governors.

## **INDEMNITY**

### **Costs and expenses**

38. Every Governor and past Governor is and will continue to be indemnified by the Hospital to the extent permissible by law, for and against all costs, claims and expenses suffered or incurred by that person in their capacity as a Governor whether:
- (a) in defending any proceedings, whether civil or criminal, in which judgment is given in favour of that person or in which that person is acquitted; or
  - (b) in connection with any application in relation to those proceedings in which the Court grants relief to that person.

### **Liabilities to third parties**

39. Every Governor and past Governor is and will continue to be indemnified by the Hospital to the extent permitted by law, for and against all liability incurred by that person in their capacity as a Governor to any person other than the Hospital or a related body corporate, except that they shall not be indemnified in respect of any liability which arises from conduct that involves a lack of good faith.

### **Insurance premiums**

40. The Hospital may pay the premium on a contract insuring a person who is or has been a Governor of the Hospital against:
- (a) A liability for costs and expenses incurred by the person in defending proceedings arising out of the person's conduct as an officer, whether civil or criminal and whatever their outcome; and
  - (b) Other liability incurred by the person as an officer of the Hospital except a liability which arises from conduct that involves a willful breach of duty in relation to the Hospital.

## **SURPLUS ASSETS ON WINDING UP OR DISSOLUTION**

### **Surplus**

41. Subject to clause 42, upon the winding up or dissolution of the Hospital, any remaining property after satisfaction of all debts and liabilities, will not be paid to or distributed among the persons constituting the Hospital as a body corporate (see Rule 1) (the **Corporators**) nor among the members of the Board of Governors, but will be given or transferred to some other charitable institution or organization which:
- (a) gifts of money or property for the principal purpose of the organization;
  - (b) contributions made in relation to an eligible fundraising event held for the principal purpose of the organization;
  - (c) money received by the organization because of such gifts and contributions.

### **Deductible gifts**

42. Notwithstanding clause 41, if the Hospital is wound up or its endorsement as a deductible gift recipient is revoked (whichever occurs first), any surplus of the following assets shall be transferred to another charitable organization to which income tax deductible gifts can be made:
- (a) gifts of money or property for the principal purpose of the organization;
  - (b) contributions made in relation to an eligible fundraising event held for the principal purpose of the organization;
  - (c) money received by the organization because of such gifts and contributions.

## **INTERPRETATION**

### **References to law and the Constitution**

43. A reference to:
- (a) any legislation includes any regulation or instrument made under it and where amended, re-enacted or replaced means that amended, re-enacted or replacement legislation; or

- (b) this Constitution, where amended, means this Constitution as so amended.

### **Presumptions of interpretation**

- 44. Unless the context otherwise requires a word which denotes:
  - (a) The singular denotes the plural and vice versa;
  - (b) Any gender denotes the other genders; and
  - (c) A person denotes an individual and a body corporate.
- 45. Where a word or phrase is given a defined meaning any other part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.
- 46. Headings and any table of contents must be ignored in the interpretation of this Constitution.
- 47. Unless the context otherwise requires a reference to a time of day means that time of day in Queensland.
- 48. For the purpose of determining the length of a period (but not its commencement) a reference to:
  - (a) A day means a period of time commencing at midnight and ending 24 hours later; and
  - (b) A month means a calendar month which is a period commencing at the beginning of a day of one of the 12 months of the year and ending immediately before the beginning of the corresponding day of the next month or, if there is no such corresponding day, ending at the expiration of that next month.
- 49. Where a period of time is specified and is to be calculated before or after a given day, act or event it must be calculated without counting that day or the day of that act or event.
- 50. A provision of this Constitution which has the effect of requiring anything to be done on or by a date which is not a business day must be interpreted as if it required it to be done on or by the next business day.
- 51. A reference to a business day means a day during which banks are open for general banking business in Queensland.

### **DEFINITIONS**

- 52. In this Constitution, except where the context requires otherwise:
  - (a) **AHPRA** means the Australian Health Practitioners Regulation Agency which manages the register of Medical Practitioners registered by the Medical Board of Australia, and includes any successor bodies or associations carry out similar functions.
  - (b) **Assembly** means the General Assembly of the Presbyterian Church of Queensland and includes, where the context permits, the Commission of Assembly as defined in this Constitution;

- (c) **Board Composition Requirements** means, in addition to the provisions of Rule 8 of this Constitution, the criteria from time to time forming part of the Nominations Policy in relation to the preferred composition of skills and other competencies of the Board;
- (d) **Board of Governors** means governing body of the Hospital appointed in accordance with this Constitution;
- (e) **Board Eligibility Criteria** means, in addition to the provisions of Rule 15 of this Constitution, the eligibility criteria from time to time forming part of the Nominations Policy for the appointment of persons to the Board of Governors;
- (f) **Church** means the Presbyterian Church of Queensland;
- (g) **Commission of Assembly** means the body appointed by Assembly to represent it when it is not meeting and which body has been delegated authority to act for Assembly and to make decisions as if it were Assembly;
- (h) **Governor** means a person appointed to the Board of Governors pursuant to this Constitution;
- (i) **Hospital** means the body corporate known as St Andrew's Toowoomba Hospital which was created under the Hospital Letters Patent;
- (j) **Hospital Letters Patent** means the Letters Patent executed by the then Governor of Queensland on 30 March 1978 pursuant to the authority of the Religious Educational and Charitable Institutions Act and by which the Hospital created as a body corporate;
- (k) **Nominations Policy** means the document or documents contemplated by Rule 30 approved by the Board of Governors and Assembly from time to time which sets the policy for selection, nomination and appointment of all persons to the Board of Governors and includes the Board Eligibility Criteria and Board Composition Requirements;
- (l) **Objects** means the Objects of the Hospital set out in Rule 2;
- (m) **Presbytery or Presbytery of the bounds** means the Darling Downs Presbytery of the Church in Queensland or its successor presbytery in the event of an alteration to the number or boundaries of the presbyteries of the church affecting the boundaries of the Darling Downs Presbytery.
- (n) **Special Resolution of the Board of Governors** means a resolution of the Board of Governors passed by a majority of not less than 75% of the Governors present and voting thereon and entitled to vote, at a meeting of Governors convened on not less than 28 days' notice, such notice to include the terms of the proposed resolution.

## SCHEDULE 'A'

### PROGRESSIVE RETIREMENT OF BOARD OF GOVERNORS (SEE RULE 11)

	June 2016	June 2017	June 2018
1 x Chairman			John Rowe
3 x Ecclesiastical	Jan Saunders	Very Rev Dr Ken Gardner	Rev John Gilmour
3 x Medical	Dr Neil Parker	Dr David van Gend	Dr Stuart Paige
9 x General	Greg Skelton Nathan Bouchier Dr Tim Porter	Liz Farr Paul McMahon Jeanette Loxton	Ian Andersen Isaac Moody William Laird
<b>Total 16</b>			

## **SCHEDULE 'B'**

### **NOMINATIONS POLICY (SEE CONSTITUTION – RULE 30)**

This document sets out:

- (a) the board composition requirements for the preferred composition of skills and other competencies on the Board, in addition to the provisions of Rule 8 of the Constitution;
- (b) the eligibility criteria for the appointment of persons to the Board of Governors in addition to the provisions of Rule 15 of the Constitution; and
- (c) the policy contemplated by Rule 30 of the Constitution for selection, nomination and appointment of all persons to the Board of Governors.

#### **1. Board of Eligibility Criteria**

- 1.1 The individual eligibility criteria for each candidate for election or appointment as a Governor are as follows, namely that each person:
  - (a) is not a full-time or permanent part-time employee of the Hospital (being St Andrew's Toowoomba Hospital);
  - (b) has either never previously been elected or appointed as a Governor, or one of the following applies:
    - (i) in the case of an existing Governor other than a Governor described in paragraph (ii) below, has served less than three consecutive terms of office as Governor since the date this Nominations Policy was first adopted; or
    - (ii) in the case of an existing Governor who was appointed as Chair during his or her third term of office, has served less than four consecutive terms of office as Governor since the date this Nominations Policy was first adopted; or
    - (iii) in the case of a person who has already served the maximum number of consecutive terms of office as relevant under paragraph (i) or (ii): at least one year has elapsed since the person's last term of office;
  - (c) is not ineligible by law to be appointed as a Governor;
  - (d) has a sound understanding of the role and purpose of the Hospital;
  - (e) has a sound understanding of the governance role, operation, legal duties and functions of boards;
  - (f) has a sound ability to read and understand financial statements of the kind used within the Hospital for the purposes of board reporting;

- (g) has a breadth of interest and expertise relevant to the role and purpose of the Hospital;
  - (h) has sufficient time and flexibility to contribute fully to the Board of Governor's role and purpose;
  - (i) has completed a conflict of interest declaration in a form from time to time approved by the Board of Governors;
  - (j) has affirmed in writing that person does not have any conflict of interest which would hinder, or be reasonably likely to hinder, the person's ability to exercise independent judgment in decision-making as a Governor; and
  - (k) has a sound understanding of the Presbyterian Church of Queensland's views on moral and ethical issues and the presentation of the Gospel in a hospital context.
- 1.2 For the purpose of determining eligibility under paragraph 1.1(b):
- (a) A Governor is deemed to have served one term of office as a Governor at the time the person first retires; and
  - (b) A Governor appointed by the Board to fill a casual vacancy is deemed not to have served a term of office as a Governor before the person is first re-elected or re-appointed, if at all.
- 1.3 The Assembly may waive the eligibility criteria set out in paragraph 1.1(b).

### **Board Composition Requirements**

- 1.4 Under Rule 8 of the Constitution:
- (a) The Board of Governors consists of at least 9 and up to 16 persons.
  - (b) The Assembly (being the General Assembly of the Presbyterian Church of Queensland) has authority to appoint at least 9 and up to 16 Governors, of which:
    - (i) at least one Governor must be a Minister of the Church (being the Presbyterian Church of Queensland);
    - (ii) at least one Governor must be a member of the Presbytery of bounds or a representative of a Presbyterian women's group operating within the bounds of the Presbytery;
    - (iii) at least three Governors must be Medical Practitioners who are or have been registered as such with AHPRA within the last five years; and
    - (iv) at least three quarters must be members of a Christian Church.
- 1.5 The Board should comprise a balance of medical, commercial and management skills and, if possible:
- (a) a majority of Governors with a strong understanding of local and national health care issues;



- (b) a majority of Governors who reside or work in the region serviced by the Hospital and have linkages or engagement with the community in that region.
- 1.6 The Board must not comprise more than one third of Governors practicing in any one profession.

## **Nominations Committee**

### **Composition**

- 1.7 Under Rule 32 of the Constitution, the Nominations Committee must include a person appointed by the Assembly of the Presbyterian Church of Queensland.
- 1.8 The Nominations Committee shall comprise up to four members, being:
  - (a) the Chair of the Board of Governors, or a Governor appointed by the Chair of the Board of Governors;
  - (b) a person appointed by the Assembly of the Presbyterian Church of Queensland; and
  - (c) one or two persons, appointed by the Board of Governors, who each:
    - (i) has at least five years cumulative experience as a member of one or more boards of like-sized organisations; and
    - (ii) is not a Governor or permanent employee of the Hospital.
- 1.9 A candidate for appointment or election as a Governor is not eligible to be a member of the Nominations Committee during the period his or her candidacy is being reviewed by the Nominations Committee.
- 1.10 The chairperson of the Nominations Committee must be the person appointed by the Assembly under paragraph 3.2(b) unless the Nominations Committee decides otherwise.

### **Role**

- 1.11 The Nominations Committee has the following responsibilities:
  - (a) make recommendations to the Board on the composition of the Board of Governors;
  - (b) make recommendations to the Board on selection criteria for appointment as a Governor;
  - (c) make recommendations to the Board on the nominations processes and procedures for appointment as a Governor;
  - (d) assess the eligibility of candidates for appointment as a Governor against this Nominations Policy and advise the Board of that assessment; and
  - (e) such or other things as the Board refers or delegates to the Nominations Committee from time to time.
- 1.12 A report of the Nominations Committee to the Board of the matters referred to in paragraph 3.5 shall be reported by the Board to the Assembly.

- 1.13 Prior to the Board appointing a person to fill a casual vacancy as Governor, the Board must receive a report of the Nominations Committee to the Board of the matters referred to in paragraph 3.5(d) in relation to that person. Prior to the Assembly appointing a person as Governor, the Assembly must receive a report of the Nominations Committee to the Board of the matters referred to in paragraph 3.5(d) in relation to that person.
- 1.14 The Nominations Committee is not required to provide any reasons to the Board, the Assembly or a candidate in relation to the outcome of the assessment relating to the candidate's eligibility.

# THE PRESBYTERIAN AND METHODIST SCHOOLS ASSOCIATION

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## 1. NAME AND AUTHORITY

- 1.1 This is the Constitution for the Presbyterian and Methodist Schools Association (**PMSA**).
- 1.2 The PMSA is incorporated under letters patent issued pursuant to the *Religious Educational & Charitable Institutions Act 1861-1959* on 28 June 1918.

## 2. DEFINITIONS AND INTERPRETATION

### 2.1 Definitions

In this Constitution, unless the context or subject matter otherwise require:

- (1) **“ACNC”** means the Australian Charities & Not-for-profits Commission.
- (2) **“ACNC Act”** means the *Australian Charities & Not-for-profits Commission Act 2012* (Cth).
- (3) **“Appointing Body”** means either the Presbyterian Church, the Uniting Church or the Board itself, as the context requires.
- (4) **“Basic Christian Doctrine”** means the pursuit of Christian Doctrine as summarised in the Apostles Creed.
- (5) **“Board”** means the governing body of the PMSA.
- (6) **“Board Member”** means any person who is a duly appointed member of the Board and who therefore holds and exercises the office of Councillor for the time being as named in the Letters Patent.
- (7) **“Calendar Year”** means the period of 12 months commencing on the 1st day of January and ending on the 31st day of December every year.
- (8) **“Chaplain”** means a Church recognised lay or ordained person whose primary role is in Christian formation of the School community members.
- (9) **“Churches”** means the religious entities that appoint Board Members to the PMSA, namely:
  - (a) Presbyterian Church; and
  - (b) Uniting Church.
- (10) **“Constitution”** means those rules for the operation of the PMSA set forth in this Constitution and as amended, modified or supplemented from time to time.
- (11) **“Corporations Act”** means the Corporations Act 2001 (Cth).
- (12) **“Financial Quarter”** means a period of three (3) months either:

- (a) commencing on the 1st day of January and ending on the 31st day of March every year;
  - (b) commencing on the 1st day of April and ending on the 30th day of June every year;
  - (c) commencing on the 1st day of July and ending on the 30th day of September every year;  
or
  - (d) commencing on the 1st day of October and ending on the 31st day of December every year.
- (13) **“Instantaneous Communication Device”** means any device by which the processes of a meeting may be conducted between persons in different places and includes telephone, television or any other audio and/or visual device or technology, which permits instantaneous (or near as practical thereto) communication.
- (14) **“Material Change Report”** is described in clause (2).
- (15) **“Moderator of the Presbyterian Church”** means the individual appointed to the office of Moderator of the Presbyterian Church by the Presbyterian Church in accordance with the Standing Orders and Rules and Forms of Procedure of the Presbyterian Church.
- (16) **“Moderator of the Uniting Church”** means the individual appointed to the office of Moderator of the Uniting Church in accordance with the Constitution of the Uniting Church.
- (17) **“Letters Patent”** means the letters patent issued under the hand of the Governor of Queensland on 28th June 1918 pursuant to which the Presbyterian and Methodist Schools Association was constituted as a body corporate.
- (18) **“PMSA School”** means a school which is owned, operated or conducted by the PMSA.
- (19) **“Person”** means a natural person or other body recognised by law.
- (20) **“Presbyterian Church”** means the Presbyterian Church of Queensland ABN 43 015 755 489.
- (21) **“Presbyterian Church Assembly”** means the annual convocation of the Presbyterian Church.
- (22) **“Rehabilitation Period”** is defined in the Criminal Law (Rehabilitation of Offenders) Act 1986 (Qld).
- (23) **“Special Resolution”** means a resolution passed by at least 75% of the votes cast by Board Members entitled to vote on the resolution.

- (24) **“Stipulated Rate”** means  $X + 10\%$  per annum where X is the interest rate quoted by the Reserve Bank of Australia (Bank) as its cash rate (Published Rate) or should there cease to be a Published Rate, the rate which the Bank designates as being an appropriate substitute for the Published Rate (Substitute Rate). A certificate signed by a manager or other office of the Bank stating the Published Rate or the Substitute Rate at a particular date is conclusive evidence of the rate at the particular date.
- (25) **“Uniting Church”** means the Uniting Church in Australia Queensland Synod ABN 25 548 385 225, the statutorily created legal representative of which is the Uniting Church in Australia Property Trust (Q.).
- (26) **“Uniting Church Synod”** means the regular convocation of the Uniting Church.
- (27) **“Working with Children Act”** means the Working with Children (Risk Management and Screening) Act 2000 (Qld).

## 2.2 Interpretation

In the interpretation of this Constitution, unless the context or subject matter otherwise require:

- (1) words importing any gender include the other genders;
- (2) singular words include the plural and vice versa;
- (3) references to statutes include statutes amending, consolidating or replacing the statutes referred to and all regulations, orders in Board, rules, by-laws and ordinances made under those statutes;
- (4) headings and the table of contents are inserted for convenience only and are to be disregarded in the interpretation of this Constitution;
- (5) a reference to dollars (\$) means a reference to Australian dollars, unless otherwise expressly intended; and
- (6) a reference to a document includes an amendment or supplement to, or replacement or novation of that document.

## 3. OBJECTS

### 3.1 The PMSA is established to be a charity whose purposes are:

- (1) to advance education; and
- (2) to advance religion;

by undertaking activities such as:

- (3) providing education to children in accordance with Basic Christian Doctrine for the betterment of students in pursuit of their holistic formation, including by operating the PMSA Schools; and
- (4) undertaking and carrying out any benevolent act, matter or thing in furtherance of all or any of the purposes above.

**3.2** The PMSA shall pursue such principal objects by the pursuit of Christian culture and practices supported by chaplaincy services.

**3.3** The PMSA must pursue its charitable purposes only and must apply its income in promoting these purposes.

## **4. POWERS AND DUTIES**

### **4.1 Powers generally**

- (1) For the purposes of carrying out its Objects set out in clause 3, the PMSA has all of the powers of a natural person to the fullest extent permitted by law and in equity. The PMSA also has all the powers of a Body Corporate to the fullest extent permitted by law and in equity.
- (2) The PMSA may, for example:
  - (a) enter into contracts;
  - (b) acquire, hold, mortgage, deal with and dispose of property;
  - (c) make charges for services and facilities it supplies; and
  - (d) do other things necessary or convenient to be done in carrying out its affairs.
- (3) The PMSA may also issue secured and unsecured notes, debentures and debenture stock for PMSA.
- (4) Despite clause 4.1, the powers of the PMSA are ancillary to and exercisable only to pursue the objects of PMSA set out in clause 3.

### **4.2 Application of income and property**

The income and property of the PMSA from wherever it is derived, must be applied solely towards the promotion of the objects of the PMSA set out in clause 3.

### **4.3 No distribution to Churches**

- (1) No portion of the income or property of the PMSA may be paid directly or indirectly, by way of dividend, bonus or otherwise to a Church.
- (2) Clause (d)(1) does not prevent:
  - (a) the payment in good faith of remuneration to any officer or employee of the PMSA or a Church in return for any services actually rendered or goods supplied in the ordinary and usual way of business;
  - (b) the payment of interest at a rate not exceeding the Stipulated Rate on money borrowed from any Church;
  - (c) the payment of reasonable and proper rent by the PMSA to a Church for premises leased by a Church to the PMSA; or
  - (d) the reimbursement of reasonable expenses incurred by any Church on behalf of the PMSA.

### **4.4 Duties generally**

The Board must pursue the Objects set out in clause 3, in a way that enables and encourages every student of a PMSA School to come to a personal faith and mature in that faith in accordance with Basic Christian Doctrine.

## **5. GOVERNANCE AND THE BOARD**

### **5.1 Governance by Board**

The PMSA is governed by a Board only. The members of the Board are appointed by the Presbyterian Church, the Uniting Church and the Board itself.

### **5.2 Number and proportion of Board Members**

- (1) The Board Members will comprise:
  - (a) Five Board Members appointed by the Presbyterian Church;
  - (b) Five Board Members appointed by the Uniting Church; and
  - (c) up to three Board Members appointed by the Board.

### **5.3 Board Member qualifications**

- (1) No person may be a Board Member unless that person:
  - (a) complies with the Working with Children Act; and
  - (b) is not precluded from:
    - (i) being a director under the Corporations Act; and
    - (ii) being a responsible entity under the ACNC Act.

### **5.4 Board Members appointed by a Church**

A person appointed as a Board Member by a Church must be from that Church's denomination.

## **5.5 Board Members appointed by the Board**

Each person appointed as a Board Member by the Board must be either:

- (1) a member of the Presbyterian Church; or
- (2) a member of the Uniting Church; or
- (3) an active member of another Christian Church who has agreed in writing to uphold the education policies of both the Presbyterian and Uniting Churches.

## **5.6 Term of office**

- (1) Each Board Member will hold office for three years unless the Board Member has attained the age of 72 years, in which case the Board Member will hold office for one year.
- (2) At the end of each term, Board Members will be subject to retirement by rotation, but shall be eligible for re-appointment subject to clause 0.

## **5.7 Additional eligibility requirements**

- (1) A person whose term of office has not been renewed by a Church or the Board is not eligible to be appointed to the Board and may not be appointed by a different Appointing Body without the consent of the original Appointing Body.
- (2) A Board Member who has held office for a continuous period of 9 years or longer is not eligible to be reappointed to the Board by any Appointing Body.
- (3) The Board will develop a matrix of skills required for Board Members and such skills matrix must be taken into consideration by each Appointing Body when appointing a Board Member to the intent that the skills of the Board Members meet the criteria of the matrix of skills so far as is possible.

## **5.8 Time appointment or retirement to the Board takes effect**

- (1) A person appointed to the Board takes up office as a Board Member from the first meeting following their appointment and continues to serve in that office as Board Member until conclusion of their term, resignation, removal or pursuant to clauses 0 and 0.
- (2) Board Members who retire at a meeting continue to hold office until the end of the meeting.

## **5.9 Removal of Board Members and vacancy of office**

- (1) **Board Members appointed by a Church**
  - (a) A Board Member appointed by a Church may be removed from office at any time by the appointing Church.



- (b) By Special Resolution of the Board, the Board may request an appointing Church to conduct an enquiry into the conduct of a Board Member appointed by that Church. The Board must provide all supporting material to the appointing Church which demonstrates the reason for the enquiry.
- (c) If the Board requests an appointing Church conduct an enquiry under clause (b), then:
  - (i) the appointing Church will proceed in accordance with its processes and shall investigate the conduct of the Board Member in accordance with the Board's request; and
  - (ii) the Board Member who is the subject of the enquiry must stand aside from the Board for the duration of the enquiry.

**(2) Board Members appointed by the Board**

- (a) A Board Member appointed by the Board may be removed from office at a meeting of the Board if a majority of the Board Members present and eligible to vote at the meeting vote in favour of removing the Board Member, provided that before a vote of Board Members is taken about removing the Board Member from office, the Board Member must be given a full and fair opportunity to show cause why he or she should not be removed from office.
- (b) A Board Member appointed by the Board has no right of appeal against the decision of the Board Members.

**(3) All Board Members**

- (a) The office of a Board Member immediately becomes vacant if the Board Member:
  - (i) dies;
  - (ii) becomes bankrupt or compounds with creditors or otherwise takes advantage of the laws in force for the time being relating to bankruptcy;
  - (iii) becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health;
  - (iv) is convicted of an indictable offence or an offence punishable on summary conviction for which the person is sentenced to imprisonment, other than in default of payment of a fine;

- (v) has been convicted on indictment or summarily and sentenced to imprisonment, other than in default of payment of a fine and the Rehabilitation Period in relation to the conviction has not expired;
- (vi) becomes disqualified from being a director under the Corporations Act or a responsible entity under the ACNC Act or any order made under the Act or the ACNC Act;
- (vii) no longer complies with the Working with Children Act; or
- (viii) resigns from office in accordance with clause 5.10.

## **5.10 Resignation**

- (1) A Board Member may resign from office by giving written notice to the Chairman and Appointing Body, if applicable.
- (2) The resignation of a Board Member takes effect on the date of receipt of the notice of resignation or any later date provided in the notice.

## **5.11 Board Members' duties**

- (1) The Board Members must comply with their duties as board members and with the duties described in Governance Standard 5 of the Regulations made under the ACNC Act which are:
  - (a) to exercise their powers and discharge their duties with the degree of care and diligence that a reasonable individual would exercise if they were a Board Member of the PMSA;
  - (b) to act in good faith in the best interests of the PMSA and to further the purposes of the PMSA set out in clause 3;
  - (c) not to mis-use their position as a Board Member;
  - (d) not to mis-use the information they gain in their role as a director;
  - (e) to disclose any perceived or material or actual material conflicts of interest in the manner set out in clause 10;
  - (f) to ensure the financial affairs of the PMSA are managed responsibly; and
  - (g) not to allow the PMSA to operate whilst it is insolvent.

# **6. GENERAL BUSINESS MANAGEMENT**

## **6.1 General business management**

- (1) The business of the PMSA is to be managed by or under the direction of the Board.
- (2) The Board Members may exercise all the powers of the PMSA.

## **6.2 Borrowing powers**

Without limiting the generality of clause 6.1, but subject to clause 4.3, the Board may exercise all the powers of the PMSA to borrow money, to charge any property or business of the PMSA and to issue debentures or give any other security for a debt, liability or obligation of the PMSA or of any other person.

## **6.3 Financial management**

The Board must decide on the responsible financial management of the PMSA including:

- (1) any suitable written delegations of power under clause 0; and
- (2) how money will be managed, such as how electronic transfers, negotiable instruments or cheques must be authorised and signed or otherwise approved.

## **6.4 Delegation**

- (1) The Board Members may delegate any of their powers and functions to a committee, a Board Member, an employee of the PMSA or any other person as they may consider appropriate.
- (2) The delegation must be recorded in the PMSA's minute book.

## **6.5 Committees**

The Board may form committees including Board Members and other persons of the wider community as they think fit to achieve the objects of the PMSA.

# **7. BOARD MEMBER RIGHTS AND REMUNERATION**

## **7.1 Rights of Board Members to receive notices, attend and vote**

- (1) Board Members are entitled to receive notices, attend and vote at all meetings of the Board.
- (2) Each Board Member has one vote.

## **7.2 No remuneration**

- (1) No Board Member may receive any remuneration for his or her services in his or her capacity as a Board Member of the PMSA.
- (2) Despite clause (1), the PMSA may pay the Board Members' travelling and other expenses that they properly incur:
  - (a) in attending Board meetings or any meetings of committees of the Board; and
  - (b) in connection with the PMSA's business.
- (3) The Board must approve all payments the PMSA makes to its directors.

## **8. PROCEEDINGS OF THE BOARD**

### **8.1 Regulation of Meeting**

- (1) The Board Members must elect from their number a Chairman and a Deputy Chairman.
- (2) The Chairman or in his absence the Deputy Chairman shall preside at meetings of the Board but if no such Chairman or Deputy Chairman is elected or if at any meeting neither the Chairman nor the Deputy Chairman is present within 10 minutes of the time appointed for holding the same, the Board Members present shall choose someone of their number to be Chairman of such meeting.
- (3) Each Chairman and Deputy Chairman shall retain office for a minimum period of three years subject to appointment or re-appointment pursuant to clause 0.
- (4) The Board may meet together for the dispatch of business, adjourn and otherwise regulate its meetings as it thinks fit.
- (5) A meeting of the Board may be called by five or more Board Members, or the Chairman alone. The Chairman or Vice-Chairman must, on their or his or her requisition, summon a meeting of the Board.

### **8.2 Notice of meeting**

Notice of every meeting of the Board, stating in general terms all business to be considered at such meeting, must be sent to each Board Member at least seven days before such meeting is due to be held unless urgent circumstances require shorter notice.

### **8.3 Decisions by majority**

Except as otherwise provided in this Constitution, a resolution of the Board must be passed by a majority of votes cast by the Board Members entitled to vote.

### **8.4 Quorum**

- (1) The quorum necessary for the transaction of the business of the Board must be a majority of the total number of Board Members, but that number shall not include any unfilled vacancies on the Board.
- (2) A quorum must be present throughout each meeting of the Board. If a quorum is not present at any time, the meeting is not validly convened but this does not affect the validity of any business conducted before the absence of a quorum occurs.

## **8.5 Procedure where no quorum**

- (1) If a quorum is not present within 30 minutes after the time appointed for the meeting the meeting will be adjourned.
- (2) Any meeting adjourned will be rescheduled to take place on a day and time and at the place that the Board decides.
- (3) If no Board Members are present at the meeting or if no decision is made by the Board, the meeting will take place on the same day and at the same time and place as originally notified but in the next succeeding week.
- (4) If at the rescheduled meeting a quorum is not present within 30 minutes after the appointed time, then the meeting will be dissolved.

## **8.6 Board to continue to act**

If a vacancy on the Board occurs, the remaining Board Members on the Board may continue to act.

## **8.7 Validity of acts of Board**

All acts done by any meeting of the Board or by any person acting as a Board Member will be valid even though it subsequently becomes known:

- (1) that there was some defect in the appointment of a person to be a Board Member; or
- (2) that a person appointed was disqualified.

## **8.8 Resolution in writing**

- (1) The Board Members may pass a resolution without a Board Members' meeting being held if all the Board Members entitled to vote on the resolution sign a document containing a statement that they are in favour of the resolution set out in the document.
- (2) Separate copies of a document may be used for signing by the Board Members if the wording of the resolution and the statement is identical in each copy.
- (3) The resolution is passed when the last Board Member entitled to vote signs.

## **8.9 Resolution by email**

- (1) The Board Members may pass a resolution without a Board Members' meeting being held if all the Board Members entitled to vote on the resolution send an email to the Chairman or Vice-Chairman, using their ordinary email address, containing a statement that they are in favour of the resolution set out in the email and the wording of the resolution and the statement is identical in each email.

- (2) The resolution is passed when the last Board Member entitled to vote sends the email and the email is received by the Chairman or Vice Chairman's email server.
- (3) If an initial email proposing the resolution is sent by the Chairman or Vice-Chairman using their ordinary email address, they do not need to send an additional email containing a statement that they are in favour of the resolution before the resolution is passed.

#### **8.10 Electronic communication**

- (1) For the purposes of this Constitution, the contemporaneous linking together by Instantaneous Communication Device of a number of Board Members being not less than the quorum (whether or not any one or more of the Board Members is out of Australia), is deemed to constitute a meeting of the Board duly convened and held with persons actually present so long as:
  - (a) the use of the Instantaneous Communication Device is consented by:
    - (i) all Board Members and this consent may be a standing one. A Board Member may only withdraw their consent within a reasonable period before the meeting; and
    - (ii) all the Board Members being entitled to receive notice of the Board Members' meeting receive notice of such a meeting and such notice may be given by any means authorised by this Constitution; and
  - (b) each of the Board Members taking part in the meeting by Instantaneous Communication Device must be able to hear the Chairman and each of the other Board Members taking part during the meeting; and
  - (c) at the commencement of the meeting, each Board Member must acknowledge his or her presence to all the other Board Members taking part.
- (2) A Board Member may not leave the meeting by disconnecting his or her Instantaneous Communication Device unless he or she has previously obtained the express consent of the Chairman of the meeting.
- (3) A Board Members' meeting by Instantaneous Communication Device is not invalidated by any voluntary or involuntary disconnection of a participant, provided that sufficient persons are still able to hear each other to constitute a quorum.

- (4) A minute of the proceedings at a meeting by Instantaneous Communication Device must be prepared by such duly appointed person and is prima facie evidence of the proceedings and of the observance of all necessary formalities if certified as a correct minute by the Chairman of the meeting.
- (5) A Board Member shall be conclusively presumed to have been present and to have formed part of the quorum at all times during the meeting held through the use of the Instantaneous Communication Device unless the Board Member has previously obtained the express consent of the Chairman of the meeting to leave the meeting as aforesaid.

#### **8.11 Minutes to be kept**

- (1) The Board must keep minute books in which they record within one month:
  - (a) proceedings and resolutions of Board meetings (including meetings of a committee of Board Members); and
  - (b) resolutions passed by the Board without a meeting.
- (2) The Board must ensure that minutes of a meeting are signed within a reasonable time after the meeting by one of the following:
  - (a) the chair of the meeting; or
  - (b) the chair of the next meeting.
- (3) The Board must ensure that minutes of the passing of a resolution without a meeting are signed by a Board Member within a reasonable time after the resolution is passed.
- (4) Without limiting the foregoing, the Board must record in the minute books:
  - (a) all appointments of officers;
  - (b) the names of the Board Members present at all meetings;
  - (c) in the case of a technology meeting, the nature of the technology; and
  - (d) all other matters determined by the Board to be recorded in the minute books, including each notice and standing notice given by a Board Member of a material personal interest.

## **9. REPORTING**

### **9.1 Annual reports**

The PMSA must report to the Churches annually in the following ways:

- (1) by providing to each of the Churches a written ministry report at such a time and in such a way as they may each reasonably request setting out:
  - (a) How the PMSA is carrying out its Objects set out in clause 3; and
  - (b) Its financial position and that of its Committees and PMSA Schools;
- (2) by providing each of the Churches a copy of the auditor's report within one month of receipt of that report from its auditors; and
- (3) by one or more Board Members or officers who are able to speak to and explain the written ministry reports and activities and financial position of the PMSA attending both:
  - (a) The Presbyterian Church Assembly; and
  - (b) The Uniting Church Synod.

### **9.2 Quarterly reports**

The PMSA must report to the Churches for a Financial Quarter by sending the Churches copies:

- (1) of financial management reports summarising key financial data as determined by the Board or requested by a Church; and
- (2) of a Chairman's report including updates on any change to risk, strategy, or key personnel particularly PMSA School principals, and any other issues as determined by the Board or requested by either or both of the Churches.
- (3) of chaplaincy services and Christian culture and practices.

### **9.3 Material change reporting**

- (1) The PMSA will report to the Churches any adverse material changes. Without limiting the generality of this clause, the following are likely to be adverse material changes that must be reported by the PMSA under this clause:
  - (a) allegations of physical, psychological, emotional or sexual abuse or exploitation against a Board Member of the PMSA or a teacher, Chaplain or staff of a PMSA School;
  - (b) substantiated complaints of a breach of PMSA policies or guidelines including an abuse policy, Blue Card (working with children) policy, child protection policy, homestay welfare and



- accommodation policy, child protection and risk management policy, antidiscrimination policy, work health and safety policy or this Constitution;
    - (c) evidence that the PMSA or a PMSA School is or might be unable to pay its debts as and when those debts fall due; or
    - (d) anything that a reasonable person would expect to have a material effect on the reputation or financial position of the PMSA or either or both of the Churches.
  - (2) Subject to clause (3), the PMSA must forthwith report the information regarding any adverse material changes to the Churches as soon as practicable by sending Churches copies of a Material Change Report that contains:
    - (a) the words “Material Change Report” in the heading of its cover page, letter or email;
    - (b) at minimum, a summary of or introduction to the relevant information;
    - (c) if known, the dates on which any relevant events occurred; and
    - (d) if known, the names of any relevant persons involved in any relevant events.
  - (3) The PMSA is not required to comply with clause (2) if:
    - (a) it would be a breach of a law to disclose the relevant information; or
    - (b) if the information comprises matters of such supposition or is insufficiently definite to warrant disclosure and a reasonable person would not expect the information to be disclosed in the circumstances.
  - (4) If a Board Member or officer of the PMSA sends a Material Change Report to a Church or the Churches before that report is provided to the Board then the PMSA, upon receipt of that report, must also send a copy of that report to all Board Members as soon as is practicable.

#### **9.4 Visit and visitors**

The Moderator of the Presbyterian Church and the Moderator of the Uniting Church, or their delegates, shall by virtue of such offices, and so long as they shall hold such respective offices, be visitors of the PMSA. They shall have the right to visit the PMSA at any time and to attend all meetings of the Board or its committees, to examine the manner in which the PMSA is conducted, and to see that its laws and regulations are duly observed and executed.

## **10. INTERESTS OF BOARD MEMBERS**

### **10.1 Prohibition on being present and voting**

A Board Member who has a material personal interest in a matter that is being considered at a meeting of the Board:

- (1) must not be counted in a quorum;
- (2) must not vote on the matter; and
- (3) must not be present while the matter is being considered at the meeting.

### **10.2 Board Member to disclose interest**

- (1) A Board Member who is in any way, whether directly or indirectly, interested in a contract or proposed contract with the PMSA must, as soon as practicable after the relevant facts have come to the Board Member's knowledge, declare the nature of the interest at a meeting of the Board or by written notice to the Chairman.
- (2) A Board Member who holds any office or possesses any property by which, whether directly or indirectly, duties or interests might be created in conflict with his or her duties or interests as a Board Member must declare at a meeting of the Board or by written notice to the Chairman the fact and the nature, character and extent of the conflict.

### **10.3 Effect of interest in contract**

- (1) If a Board Member has an interest in a contract or proposed contract with the PMSA, or a conflicting interest or duty in relation to any other matter being considered by the Board, and the Board Member discloses the nature and extent of the interest or duty at a meeting of the Board or by written notice to the Chairman:
  - (a) the contract may be entered into; and
  - (b) if the disclosure is made before the contract is entered into:
    - (i) the Board Member may retain benefits under the contract even though the Board Member has an interest in the contract;
    - (ii) The PMSA cannot avoid the contract merely because of the existence of the interest; and
    - (iii) the Board Member is not disqualified from the office of Board Member.
- (2) For the purposes of clause 0, contract includes an arrangement, dealing or other transaction.

## **11. ACCOUNTS**

### **11.1 Proper records to be kept**

The Board must ensure that proper financial accounting and other records are kept by the PMSA in accordance with the ACNC Act.

### **11.2 Accounts in relation to tax deductible funds**

The PMSA and any committee of the PMSA must conduct all and any accounts in relation to tax-deductible funds in accordance with the conditions of such tax deductibility and must keep the auditor of such funds aware of all and any particular obligations in relation to such funds.

## **12. AUDITS**

### **12.1 Audits generally**

- (1) If required by the ACNC Act, a registered company auditor must be appointed in accordance with the ACNC Act.
- (2) The remuneration of the auditor must be fixed and the auditor's duties regulated in accordance with the ACNC Act.

## **13. NOTICES**

### **13.1 Form of notice**

A notice may be given by the PMSA to an intended recipient by:

- (1) delivering it personally; or
- (2) by sending it either:
  - (a) by post to the intended recipient's registered address; or
  - (b) by facsimile to the intended recipient's registered facsimile number; or
  - (c) by email to the intended recipient's ordinary email address; or
- (3) any other means determined by the Board by Special Resolution.

### **13.2 Notice by post**

Where notices are served by post, the sender must allow time for the mail to arrive when counting the days and working out the date for the notice period to end. This means that the first day counted in the notice period is the day after the notice arrives at the address. For metropolitan and regional areas, refer to Australia Post to determine delivery time.

### **13.3 Notice by facsimile**

Where a notice is sent by facsimile, service of the notice is deemed to be effected on the date of its transmission.

#### **13.4 Notice by email**

Where a notice is sent by email:

- (1) service of the notice is deemed to be effected unless an “undelivered” notification is received from the intended recipient’s email server;
- (2) it should be sent with a “delivered” and “read receipt” request.

#### **13.5 Manner of notice**

Notice of every meeting of the Board must be given in any manner authorised in this Constitution to every Board Member eligible to attend and whether or not they are eligible to vote at meetings.

#### **13.6 Irregularity may not invalidate meeting**

The accidental omission to give notice of the meeting or the non-receipt by a Board Member of a notice of meeting does not invalidate the proceedings at any meeting of the PMSA.

### **14. INDEMNITY AND INSURANCE**

#### **14.1 Indemnity against liability**

To the extent permitted by law, the PMSA may indemnify every person who is, or who has been a Board Member or officer of the PMSA against:

- (1) any liability incurred by them in their capacity as a Board Member or officer, to a person other than the PMSA, except where the liability relates to a wilful breach or a contravention of their duties under law;
- (2) any liability for legal costs or expenses incurred by them in defending any proceedings in which judgement is given in their favour; or
- (3) any liability for legal costs or expenses incurred by them in defending any proceedings in which they are acquitted or the Court grants relief in their favour.

#### **14.2 Insurance**

To the fullest extent permitted by law, the PMSA may insure or pay any premiums on a policy of insurance for a Board Member or officer of the PMSA against any liability for which the PMSA indemnifies the Board Member or officer.

#### **14.3 Resolution to grant indemnity**

A Board Member may vote in favour of a resolution that the PMSA grant an indemnity, take insurance or pay the premiums on an insurance policy pursuant to subclause 0 even though the Board Member has a direct and material interest in the outcome of that resolution.

## **15. EXECUTION OF DOCUMENTS**

### **15.1 Common seal**

The PMSA must have a common seal.

### **15.2 Use of common seal**

- (1) The Board must provide for the safe custody of the common seal.
- (2) The common seal may not be fixed to any document except by the authority of a resolution of the Board.

### **15.3 Execution of documents**

The PMSA executes a document with its common seal if the fixing of the seal is witnessed by two Board Members.

### **15.4 Execution of document as a deed**

The PMSA may execute a document as a deed if the document is expressed to be executed as a deed and is executed in accordance with clause 15.3.

## **16. WINDING UP**

### **16.1 Winding up**

- (1) If upon the winding up or dissolution of the PMSA any property remains, after satisfaction of all its debts and liabilities, that property must not be paid to or distributed to a Church unless that Church is a registered charity that has the same or similar objects to the PMSA, but must be given or transferred to some other institution or institutions determined by the Board at or before the time of dissolution which has similar objects to the PMSA and which is registered as a charity with the ACNC.
- (2) If the Board does not make the necessary determination under clause (1), the Board may apply to the Supreme Court to determine the institution or institutions.

## **17. ALTERATION OF CONSTITUTION**

### **17.1** This Constitution or any other constitution for the time being in force may be altered, rescinded, or repealed and a new constitution may be adopted if the Board so resolves by Special Resolution, and it is approved by the Churches.

### **17.2** If the PMSA is registered as a charity by the ACNC, the ACNC must be notified in writing of any alterations to this Constitution.

## **18. BY-LAWS**

**18.1** The Board shall have power from time to time to make repeal or alter all such By-Law as to the Board shall seem expedient for carrying into effect the several provisions of this Constitution and the objects of the PMSA and particularly for meetings of the Board and the order of all things in and in connection with its schools and discipline thereof to the promotion of religion and learning.

**18.2** The Board shall appoint a School Council for each PMSA School, to oversee the operation of the PMSA School and for that purpose the Board will delegate certain powers to the School Council with such delegated powers being set out in the By-Laws. The Board delegates powers to School Councils and reserves the right to withdraw delegation at any time.

## **19. CONTINUATION OF BY-LAWS**

It is declared that any By-Laws or Standing Orders of the PMSA current and in existence shall continue in existence and remain in full force and effect until revoked amended or rescinded to the extent that they do not conflict with the Constitution.

## **20. AMENDMENT REGISTER**

Issue no.	Date of issue	Page no.	Details of and reason for amendment
02	10 December 2018	All	Review and amendment of the PMSA Constitution in its entirety by the PMSA Board, Presbyterian Church of Qld and the Uniting Church Qld Synod. Approval Dates PMSA Board: 10 December 2018 Presbyterian Church of Qld: 5 December 2018 Uniting Church Qld Synod: 5 December 2018

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# **I - Declaration De Fideli Administratione**

**(See Rules 3.6, 4.8, 5.9, 13.8)**

(To be made by Clerks and others on accepting office)

"I do solemnly affirm and declare that I will faithfully discharge the duties now entrusted to me."

# **II - Edict of Vacancy in a Pastoral Charge**

**(See Rule 8.1)**

The Presbytery of ..... having on the ..... day of ..... 20..... declared that the Pastoral Charge of ..... is now vacant, in consequence of ..... (here state the cause of the vacancy, such as the death or the translation) of ..... the former Minister thereof, appointed intimation of the same to be made in this place; and further that all parties having interest in that behalf should be called upon to proceed to fill the vacancy with all convenient speed and in due form, according to the laws of the Church; intimation of which is now accordingly hereby made.

Attested by me this ..... day of ..... 20.....

Presbytery Clerk

## **Attestation of Service of the Edict**

This Edict was duly announced to the Congregation at ..... on ..... day of ..... 20 .

Officiating Minister

### III - Form of Call to a Vacant Charge

(See Rule 8.7, 8.11, 8.12)

We the undersigned Communicants of the Pastoral Charge of .....  
being satisfied that you, Mr ....., Minister (or Licentiate) of the Gospel,  
have suitable gifts from our Lord to edify and equip us for service, invite, call and  
encourage you to undertake the work of ministry and the preaching of the Gospel among  
us; and upon your acceptance of this call and being inducted into the Charge by the  
Presbytery of ....., we promise you due respect and  
encouragement and will support you in terms of that set out in the approved Ministry  
Support Fund Schedule, as God enables us.

In witness whereof we have hereunto subscribed our names this ..... day of  
..... 20.....

Names	Residences	Signatures
_____	_____	_____

#### Form of Attestation

(See Rule 8.13)

The above are the signatures of communicants of the congregation of  
....., subscribed in my presence this ..... day of  
..... 20.....

Interim Moderator

The above signatures other than those attested by the Rev. .... are  
the signatures of Communicants of the Congregation of .....  
subscribed in our presence.

Commissioners

#### Form of Concurrence

(See Rule 8.13)

We, the undersigned, Adherents of the Congregation of ..... do  
hereby signify our hearty concurrence in the call in favour of Mr ..... to the  
pastoral charge of said Congregation.

*(In the attestation of the signatures to the Form of Concurrence, the forgoing forms are  
used substituting the word "Adherents" for the word "Communicants".)*

## IV - Edict of Ordination or Induction of a Minister

(See Rule 7.3)

The Presbytery of ....., having resolved to proceed to the (ordination and) induction of Mr ....., has directed an Edict to be published accordingly; in pursuance whereof notice is hereby given that if any person has any objection to offer against the life or doctrine of the said Mr ..... he may lodge the same in writing with the Clerk of said Presbytery, on or before the ..... day of ..... 20 ; with certification that, if no relevant objection be lodged and substantiated, the Presbytery will proceed to the ordination (or induction) of said Mr ..... according to the laws of the Church, and admit him to the pastoral charge of this Congregation.

Attested by me this ..... day of ..... 20.....

Presbytery Clerk

### Attestation of Service of the Edict

(See Rule 7.4)

This edict was duly announced to the congregation at ..... on ..... day of ..... 20.....

Officiating Minister

## **V - Form of Minute of Presbytery on Induction of a Minister**

**(See Rule 7.5)**

At ....., and within the Presbyterian Church, on ..... day of ..... 20....., the Presbytery of ..... met, and was constituted with prayer.

Sederunt:

The Rev. .... presided.

The Minute calling the meeting was read.

The Edict was returned certified as duly served. No objection having been offered to the life or the doctrine of Mr ..... the Presbytery resolved to proceed to his (ordination and) induction.

The Rev. .... conducted public worship, and preached on .....

The Clerk narrated the history of the Call. The Moderator put to the Congregation and the Minister the prescribed questions. Satisfactory answers having been received, the Presbytery did, in the name and by authority of the Lord Jesus Christ, the King and Head of the Church (ordain ..... to the office of the Holy Ministry, and did) induct him, the said ..... into the pastoral charge of the Congregation of (or at) ..... The Moderator declared him to be duly (ordained) inducted and admitted, and with the brethren, gave him the right hand of fellowship. The Rev. .... gave the charge to the Minister, and the Rev. .... the charge of the Congregation. Mr ..... signed the Formula, and his name was added to the Roll.

The meeting was closed with prayer.

## VI - Edict of Proposed Translation of a Minister

(See Rule 8.22, 8.23)

A call from the pastoral charge of ..... to the Rev. ...., Minister of the Charge of ..... to be their Minister, having been forwarded to the Presbytery of ..... Mr ..... (the Minister), the Commissioners appointed by the Congregation and all others having interest are hereby summoned to appear at the meeting of Presbytery to be held at ..... on the ..... day of ..... 20 ..... at ..... am/pm, that they may state their reasons, if they have any, why the proposed translation of Mr ..... should not proceed, with certification that the parties not so appearing will be held as consenting to the said translation.

Attested by me this ..... day of ..... 20.....

Presbytery Clerk

### Attestation of Service of the Edict

This Edict was duly announced to the congregation at ..... this ..... day of ..... 20.....

Officiating Minister

## VII - Form of Resignation

(See Rule 4.40)

To the Reverend the Presbytery of .....

I, ....., Minister of ....., in said Presbytery, being moved thereto by just and sufficient causes, do hereby resign my said pastoral charge purely and simply into the hands of the said Presbytery, declaring that, in so far as I am concerned, the said Charge shall be held vacant; and that it shall be free to the Congregation of the said Charge to call, and to said Presbytery to admit, another Minister thereto. And I further consent that my resignation shall be recorded in the Presbytery's books, in futuram rei memoriam. Witness my hand this ..... day of .....20.....

Minister

## VIII - Edict of Proposed Resignation of a Minister

(See Rule 4.40)

The resignation of the Rev. .... of his pastorate of this Charge having been laid upon their table, the Presbytery of ..... hereby summons any Commissioners appointed by the Congregation [of the ..... Charge] to appear at the meeting of the Presbytery, to be held at ..... on the ..... day of ..... 20..... at ..... am/pm that they may state their reasons, if they have any, why the resignation of Mr ..... should not be accepted; with certification that the parties not appearing will be held as consenting to the said resignation.

Attested by me this ..... day of ..... 20.....

Presbytery Clerk

### Attestation of Service of the Edict

This Edict was duly announced to the Congregation at .....  
this ..... day of ..... 20.....

Officiating Minister

(BB 2013 Min. 105.9)

## **IX - Common Forms of Certificate of Status**

### **A. - For Ministers of Charges**

This is to certify that the Rev. .... is an Ordained Minister of the Presbyterian Church of Australia in full standing, and a member of the Presbytery of ..... and leaves the Presbytery holding the aforesaid status.

Attested by me this ..... day of ..... 20.....

Presbytery Clerk

### **B. - For Ministers Without Charge and Licentiates (See Rule 4.46, 8.20)**

This is to certify that the Rev. .... is an Ordained Minister without Charge (or Mr ..... is a Licentiate) of the Presbyterian Church of Australia, and leaves the bounds of the Presbytery of ..... holding the aforesaid status.

Attested by me this ..... day of ..... 20.....

Presbytery Clerk



## **X - Extract of Licence to Preach the Gospel**

(See Rule 6.5)

At ..... the ..... day of ..... 20.....,  
which day the Presbytery of ....., being duly met and  
constituted with prayer; inter alia: the Presbytery, having taken into consideration that  
Mr ....., an exit student, having produced satisfactory  
certificates from the College Committee of the General Assembly of the Presbyterian  
Church of Australia had been by this Presbytery and with the consent of the State  
Assembly admitted to public trials for licence, and had been examined; that he had  
likewise delivered with approbation before the Presbytery the exercises prescribed, and  
that the Presbytery is fully satisfied that the character of the said Mr  
..... is in all respects suitable to his vocations.

Did, on a conjunct view of his whole trials, declare that the said Mr ..... is  
a fit and proper person to be admitted as a Licentiate of this Church, and resolved that  
he should be admitted and licensed accordingly. Whereupon, the prescribed questions  
appointed to be put to such as are to be licensed, were put to him and satisfactorily  
answered. Wherefore, the Presbytery did license the said Mr .....  
to preach the Gospel with a view to the office of the Holy Ministry; and Mr  
..... having subscribed the Formula, the Presbytery instructed the  
Clerk to furnish him with an extract of this licence. Closed with prayer.

Extracted from the records of the Presbytery of ..... by me  
..... this ..... day of ..... 20.....

Presbytery Clerk

## **XI - Edict for Ordination or Induction of Elders**

**(See Rule 3.39)**

Mr (or Messrs)..... having been duly elected to the office of the Eldership in this Congregation, intimation is hereby given that if any person has any objection to offer to the admission of the said ..... or to any of them, into this office, he is requested to lodge such objection in writing with the Session Clerk, on or before the ..... day of ..... 20..... with certification that, if no relevant objection is lodged and substantiated, the ordination (and/or induction) and admission of the said ..... to the Eldership in this Congregation will be proceeded with on the ..... day of ..... 20..... according to the laws of the Church.

Attested by me this ..... day of ..... 20.....

Session Clerk

### **Attestation of Service of the Edict**

This Edict was duly announced to the Congregation at ..... this ..... day of ..... 20.....

Officiating Minister

## **XII - Form of Elder's Commission to the Presbytery**

**(See Rules 3.43, 3.44, 4.3 (b))**

It is hereby certified in the name and by the authority of the Kirk Session of ..... that on the ..... day of ..... 20....., Mr ....., a bona fide acting member of the Kirk Session of ....., was duly appointed to represent the said Session and Mr ....., a bona fide acting member of the Kirk Session, was duly appointed as an alternate representative elder in the Presbytery of ..... from the ..... day of ..... 20....., to the ..... day of ..... 20.....

Moderator

Session Clerk

# **XIII - Form of Elder's Commission to the State Assembly**

**(See Rules 3.43, 3.44, 4.36, 5.1)**

It is hereby certified, in the name and by the authority of the Kirk Session of ..... that on the ..... day of ..... 20....., Mr ..... , a bona fide acting member of the Kirk Session of ..... , was duly appointed to represent the said Session in the General Assembly of the Presbyterian Church of Queensland, which is indicted to meet at ..... on the ..... day of ..... 20..... and in any meeting pro re nata during the twelve months thereafter.

Dated this ..... day of ..... 20.....

Moderator

Session Clerk

## **XIV - Form of Alternate Representative Elder to the State Assembly**

It is hereby certified in the name and by the authority of the Kirk Session of ..... that on the ..... day of ..... 20....., Mr ....., a bona fide acting member of the Kirk Session of ....., was duly appointed to represent the said Session in the General Assembly of the Presbyterian Church of Queensland, which is indicted to meet at ..... on the ..... day of ..... 20....., and in any meeting pro re nata during the twelve months thereafter.

Dated this ..... day of ..... 20.....

Moderator

Session Clerk

## **XV - Form of Certificate of Eldership** (See Rules 4.20 (viii), 3.35, 4.36)

It is hereby certified in the name and by the authority of the Kirk Session of ....., that Mr ..... is a bona fide acting member thereof.

Dated this ..... day of ..... 20.....

Moderator

Session Clerk

## **XVI - Minute Relative to the Election of Representatives of the General Assembly of Australia**

(See Rule 4.37)

At ..... the ..... day of ..... 20.....,  
which day the Presbytery of ..... being duly met and  
constituted with prayer.

Inter alia –

The Presbytery resolved to appoint ..... as their  
representatives to the next meeting of the General Assembly of Australia, indicted  
to meet at ..... on ..... day of ..... 20..... Closed with  
prayer.

Extracted from the records of the Presbytery of ..... by me this  
..... day of ..... 20.....

Presbytery Clerk

## **XVII - Forms of Petition**

(See Rule 13.24)

### **To a Kirk Session**

To the Kirk Session of ..... Church.

The Petition of the undersigned

Respectfully shows

That ..... (Here state the reasons for the Petition)

Your Petitioners accordingly pray

.....  
.....

(Here state what is asked for)

Or do otherwise as the Kirk Session sees fit.

And Petitioners, as in duty bound, will ever pray. (Date).

(Here follow the signatures, with designations, including church membership, etc.)

### **To a Presbytery**

To the Reverend the Presbytery of .....

The Petition of the undersigned

Respectfully shows

That ..... (here state the reasons for the Petition)

Your Petitioners accordingly pray

.....  
.....

(Here state what is asked for)

Or do otherwise as the Presbytery sees fit.

And Petitioners, as in duty bound, will ever pray. (Date).

(Here follow the signatures, with designations, including church membership, etc.)

**To the State Assembly**

Unto the Venerable the General Assembly of the Presbyterian Church of Queensland.

The Petition of the undersigned

Respectfully shows

That ..... (Here state the reasons for the Petition)

Your Petitioners accordingly pray

.....  
.....

(Here state what is asked for)

Or do otherwise as the Assembly sees fit.

And Petitioners, as in duty bound, will ever pray. (Date).

(Here follow the signatures, with designations, including church membership, etc.



## **XVIII - Overture from a Presbytery**

**(See Rule 13.25)**

At its meeting on ..... the Presbytery of ..... resolved  
to transmit the following Overture to the General Assembly:

SINCE:

1. ....
2. .... (place here the reasons for the overture).

THEREFORE:

The Presbytery of ..... overtures the General Assembly of the Presbyterian  
Church of Queensland to ..... (suggest here the action desired or proposed)

Or do otherwise as the Assembly may consider fitting.

Confirmed as an accurate record of the Presbytery of .....

Signature of Presbytery Clerk

Date of signature by Presbytery Clerk

## **XIX - Presbytery Roll**

(See Rule 4.20)

At ..... the ..... day of ..... 20.....,  
which day the Presbytery of ..... being duly met and  
constituted with prayer. Inter alia –

The Presbytery proceeded to make up the Roll of the Presbytery for the General  
Assembly of the Presbyterian Church of Queensland for the year ..... and the  
same was made up as follows:

<b>Charges</b>	<b>Ministers</b>	<b>Date of Ordination</b>	<b>Representative Elders</b>

The Presbytery found that the commissions of the abovenamed Elders were all in due  
form, and the Presbytery instructed the Clerk to forward an extract of this minute  
to the Clerk of Assembly.

Closed with prayer

Extracted from the records of the Presbytery of ..... by me this  
..... day of ..... 20.....

Presbytery Clerk

## **XX - Declarations by Ministers at their Ordination or First Induction in Queensland**

**(See Rule 7.1)**

A. I, ....., do sincerely engage and promise to conform to all rules which may from time to time be enacted by the General Assembly of the Presbyterian Church of Queensland.

Dated this ..... day of ..... 20.....

Witness: Minister:

B. I, ....., do sincerely engage and promise to become and continue to be a contributor to the Superannuation Fund of the Presbyterian Church of Queensland in accordance with its Regulations so long as I am a Minister of the Church in Queensland.

Dated this ..... day of ..... 20..... Witness:  
Minister:

C. I, ....., do sincerely engage and promise to continue my membership of the ..... and by the regular payment of the dues required by its Regulations maintain my interest therein unimpaired as long as I am a Minister of the Presbyterian Church of Queensland.

Dated this ..... day of ..... 20.....

Witness:

Minister:

(BB 1969 Min.146)

## **XXI - Form of Bequest**

I bequeath to the Presbyterian Church of Queensland absolutely the sum of ..... dollars free of all probate and succession estate and other death duties and I declare that the receipt of the Treasurer or other officer for the time being of the said Church shall be a full and sufficient receipt and discharge to my Trustees.

## **XXII - Formula and Questions to Elders on Ordination**

### FORMULA TO BE SIGNED BY ELDERS AT THEIR ORDINATION OR INDUCTION

I own and accept the Subordinate Standard of this Church, with the explanations given in the Articles contained in the Declaratory Statement as an exhibition of the sense in which I understand the Holy Scriptures, and as a confession of my faith. I further own the purity of worship practised in this Church and the Presbyterian government thereof to be founded on the Word of God and agreeable thereto, and I promise that through the grace of God I shall firmly and constantly adhere to the same, and to the utmost of my power shall, in my station, assert, maintain, and defend the doctrine, worship, and government of this Church.

### QUESTIONS TO BE ANSWERED BY ELDERS AT THEIR ORDINATION OR INDUCTION

- I. Do you believe the Scriptures of the Old and New Testaments to be the Word of God, the only rule of faith and practice?
- II Do you own and accept the Westminster Confession of Faith, as amended by the General Assembly and read in the light of the Declaratory Statement contained in the Basis of Union adopted by this Church on the 24th day of July 1901, as an exhibition of the sense in which you understand the Holy Scriptures and as a confession of your faith; and do you engage firmly and constantly to adhere thereto, and to the utmost of your power to assert, maintain and defend the same?
- III Do you own and accept the purity of worship as practised in this Church?
- IV Do you own the Presbyterian form of government to be founded on the Word of God and agreeable thereto; and do you promise that through the grace of God you will firmly and constantly adhere to, and to the utmost of your power, in your station, assert, maintain and defend the same?
- V Do you adhere to your acceptance of the Call of this congregation, to exercise among them the office of Ruling Elder?

- VI Do you engage through Divine Grace to discharge with diligence and faithfulness the various duties of your office, watching over the flock showing yourself a pattern of good works, and giving a conscientious attendance on the meetings of Session, Presbytery, and Assembly, when duly called so to do?
- VII All these things you profess and promise through grace, as you shall be answerable at the Coming of the Lord Jesus Christ?

(GAA BB 1977 Min.26 (5))

### **XXIII - Declaration of Trust**

I, ....., do hereby declare that I will hold the land or other forms of property or investments known as ..... in trust for the Presbyterian Church of Queensland, subject to the rules, for the time being, of that Church and for no other purpose.

AS WITNESS my hand this ..... day of ..... in the year of our Lord two thousand .....

Witness: .....

(BB 1989 Min.262.3)

## **XXIV – Citations**

**(Rule 13.53)**

- (a) To ..... of ..... I ..... the Clerk of the Session of ..... (or of the Presbytery of ..... or of the General Assembly of the Presbyterian Church of Queensland) on behalf of this Court cites you to be in attendance when this Court shall meet at ..... (location) on ..... at ..... (time) for the purpose of ..... and if you fail to attend at this time and place this Court may proceed to determine the matter in your absence.

Dated this ..... day of ..... 20..... Clerk of the Session (or other Court)

- (b) To the Congregation of .....(or the Kirk Session of ..... or the Presbytery of .....) I, ....., the Clerk of ....., on behalf of this Court cites all members to be in attendance when this Court shall meet at ..... (location) on ..... at ..... (time) for the purpose of ..... and if you, the Congregation (or Kirk Session or Presbytery) fail to attend at this time and place this Court may proceed to determine the matter in your absence.

Dated this ..... day of ..... 20.....

Clerk of .....

### **Attestation of Reading of Edict of Citation**

This Edict was duly read to the ..... of ..... on ..... Witnesses

(BB 2006 Min. 40.13)

# XXV - Form of Transfer

## Presbyterian Church of Australia

Name .....

Address .....

.....

.....

Moved to .....

.....20

### CERTIFICATE OF TRANSFERENCE

.....20

It is hereby certified that .....

leaves the congregation of .....

in full Communion with the Presbyterian Church of Australia.



.....Minister

.....Session Clerk

### RECEIPT OF CERTIFICATE

.....20

It is hereby confirmed that on .....

.....20

joined the Congregation of .....

.....

.....

Minister or Session Clerk