

# Code Book

## of the

# Presbyterian Church of Victoria



Rules of the church  
Forms and certificates  
Model trust deeds  
Committee regulations  
Supplementary regulations  
General Assembly decisions  
General Assembly job descriptions  
Flow diagrams  
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Code and General Administration Committee  
General Assembly of the PCV 2018

**PCV - a not for profit organisation**



This edition of the rules and regulations  
of the Presbyterian Church of Victoria  
contains all Assembly approved amendments  
up to and including the 2017 General Assembly.

**'All for the glory of God'**  
... from 1 Corinthians 10:31

# **Presbyterian Church of Victoria Vision Statement**

As part of the redeemed people of God, having been brought out of darkness into God's light through faith in Jesus Christ, the Presbyterian Church of Victoria seeks to glorify and enjoy God – as Father, Son and Holy Spirit – serving, loving and obeying him, in the light of his revealed Word, the Bible.

The Presbyterian Church of Victoria holds the Bible to be the inspired and inerrant revelation of God, a book fully trustworthy to guide the church in all matters of faith and practice. Embracing this particular view of inspiration of Scripture means that our work and witness has distinctive guiding values, these being expressed in what is known as:

- reformed doctrines and church practice.
- the confessional position of the Westminster Confession of Faith (1647).

## **We seek to serve and obey God by:**

- worshiping God in Spirit and truth;
- edifying God's people, by teaching God's Word, in order that they become mature in Christ, living a holy life;
- evangelising the lost through proclaiming and living the gospel;
- engaging in social witness, demonstrating God's love and righteousness in both word and deed.

## **By being faithful in these things it is our passionate prayer that, by God's grace:**

- lives will be changed according to the pattern of Christ's life;
- there will be growth and maturity in existing churches;
- the unsaved will come to faith in Christ;
- new churches will be planted;
- and in all this, churches will have an effect in changing society's values for good.

## **In pursuing this mission we seek to:**

- depend at all times on God's leading;
- be aware of the culture in which we minister;
- be prepared to take bold steps to fulfil this mission in the State of Victoria, throughout Australia and toward all parts of the world.

## **Summary Vision Statement**

By God's grace we exist to glorify and enjoy God through worship, teaching God's Word, evangelism and social interaction, always in the light of the inspired Scriptures and relying on God's presence, power and wisdom.



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# Chapter 1 ... The Church

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### 1.1 The church

The Presbyterian Church of Victoria, which is a constituent part of the Presbyterian Church of Australia, is part of the universal church, and is in historical continuity with the Church of Scotland reformed in 1560. It was founded in 1859 by the union of certain Presbyterian synods at that time organised within the British colony of Victoria, namely: the synod deriving from the Church of Scotland directly and others deriving from the Free Church of Scotland and the United Presbyterian Church.

### 1.2 Supreme standard

The supreme standard of the church is the Word of God contained in the Scriptures of the Old and New Testaments.

### 1.3 Subordinate standard

The subordinate (or secondary) standard of the church is the Westminster Confession of Faith (1646), as amended from time to time by the General Assembly of Australia, read in the light of the Declaratory Statement contained in the Basis of Union (1901).

### 1.4 Other standards

The church subscribes to the general principles of the following documents that were also part of the Articles of Agreement in the 1859 Basis of Union:

- a) the Larger and Shorter Catechisms;
- b) the Form of Presbyterial Church Government;
- c) the Directory of Public Worship;
- d) the Second Book of Discipline.

### 1.5 The Presbyterian Church of Australia

When the Presbyterian Church of Australia was formed on 24 July 1901, the Presbyterian Church of Victoria entered into an agreement with the Presbyterian Churches of New South Wales, Queensland, South Australia, Tasmania and Western Australia. At that date, the Presbyterian Church of Victoria continued to exist and operate under its own constitution but, under the Deed of Union, agreed to surrender to the Presbyterian Church of Australia final determination in matters of doctrine, worship and discipline.

## 1.6 Powers, duties and jurisdiction

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

The Presbyterian Church of Victoria has full autonomy in all matters, except when power in any particular matter has been given 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. Power relating to other matters may, by amendment of the Articles of Agreement, be assigned by the state churches to the Presbyterian Church of Australia.

Note: the Presbyterian Church of Victoria's powers which have wholly or partially been given up are: the doctrine, worship and discipline of the church, world mission, the training of candidates for the ministry, the reception of ministers from other churches, welfare of youth, and home missions. Further details are contained in the said Presbyterian Church of Australia documents.

## 1.7 Government and courts

In accordance with the Presbyterian form of government set out in the *Second Book of Discipline* and the *Form of Presbyterian Church Government*, the church is governed by ministers and representative elders acting in orderly association in a hierarchy of courts of the church by which its organic unity is maintained. These, in ascending order, are the session, the presbytery, the General Assembly and the General Assembly of Australia.

## 1.8 Congregations

In accordance with the law and practice of the church its people are organised in congregations.

## 1.9 Authority of courts of the church

The authority of the courts of the church is a delegated authority and is received from the Lord Jesus Christ, the only King and Head of the church. It is therefore a declarative and ministerial authority: that is to say, it sets out what Christ has revealed (declarative) and applies his law according to his direction and in agreement with the Word of God under the guidance of the Holy Spirit (ministerial).

## 1.10 Law of the church

1.10.1 The law of the church is the will of Christ for it. This law finds partial expression and formulation from time to time in:

- a) formal standards, namely those referred to in [rules 1.2, 1.3, 1.4, 1.5](#);
- b) legislative enactments;
- c) declarations, directions and resolutions of church courts;
- d) customary law.

1.10.2 The following explicit formulations of church law are binding on the Presbyterian Church of Victoria:

- a) the Constitution of the Presbyterian Church of Australia, and the rules, regulations, declarations and directions lawfully made or given by its General Assembly to the extent that they are applicable to the Presbyterian Church of Victoria;
- b) the Constitution of the Presbyterian Church of Victoria as modified by the Basis of Union and the Articles of Agreement of the Deed of Union of 24 July 1901, and the rules, regulations, declarations and directions lawfully made or given by the General Assembly of the Presbyterian Church of Victoria.

## 1.11 Rules, regulations and their interpretation

1.11.1 A **rule** is a legislative enactment of the General Assembly which creates binding obligations upon members of the church and which has been duly declared and enacted as such by the General Assembly under Barrier Act procedure and can only be amended or repealed under it.

1.11.2 All paragraphs of chapters 1 to 7 are declared to be 'rules' of the church and may be referred to as such.

- 1.11.3 **A regulation** is a legislative enactment by the General Assembly to facilitate the administrative operation of the General Assembly or its committees.
- 1.11.4 If a rule and a regulation are inconsistent with each other the rule prevails to the extent of the inconsistency.
- 1.11.5 If two rules are inconsistent, the more recently enacted rule prevails to the extent of the inconsistency.
- 1.11.6 If two regulations are inconsistent, the more recently enacted regulation prevails to the extent of the inconsistency.
- 1.11.7 In these rules, a construction that would promote the purpose or object underlying the particular rule (whether or not that purpose or object is expressly stated in the rule) shall be preferred to a construction that would not promote that purpose or object. This shall not, however, apply if the meaning of the rule is clear, but only if its interpretation is fairly open to more than one meaning.
- 1.11.8 Headings to chapters and rules form part of these rules.
- 1.11.9 A note after a particular rule cannot be used in determining the interpretation of the rule but is inserted to assist the understanding of the reader.
- 1.11.10 In these rules and regulations, unless the contrary intention appears:
- a) words in the singular include the plural; and
  - b) words in the plural include the singular.
- 1.11.11 In these rules and regulations, unless the contrary intention appears, land includes buildings and other structures permanently affixed to land, land covered with water, and any estate, interest, easement, servitude, privilege or right in or over land.
- 1.11.12 In these rules and regulations where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have, unless the contrary intention appears, corresponding meanings.
- 1.11.13 Where in these rules and regulations, unless a contrary intention appears:
- a) a period of time is expressed to begin on, or to be reckoned from, a particular day, that day shall not be included in the period;
  - b) a period of time is expressed to end on, or to be reckoned to, a particular day, that day shall be included in the period;
  - c) if the time limited for the doing of any act or thing expires or falls on a Saturday, Sunday or public holiday, the time so limited shall extend to, and the act or thing may be done on, the day next following that is not one of those days (however this shall not apply if the rule specifically states that an act is to be done on a Sunday);
  - d) if the time limited for the doing of any act or thing expires or falls on a date from 24 December to 15 January inclusive, the time so limited shall be extended to, and the act or thing may be done on, 16 January unless 16 January is a Saturday or Sunday in which case the extension is to the day next following it that is not one of those days.
- 1.11.14 Where in these rules and regulations the word 'may' is used in conferring a power, that word shall be construed as meaning that the power so conferred may be exercised, or not, at discretion.
- 1.11.15 Where in these rules and regulations the word 'shall' is used in conferring a power, that word shall be construed as meaning that the power so conferred must be exercised.
- 1.11.16 Where, by these rules and regulations a form is prescribed for use, that form shall be used with any necessary variation or modification.
- 1.11.17 If the General Assembly abolishes or renames a committee referred to in these rules the provisions in these rules applicable to that committee shall also apply to any new or renamed committee carrying on similar functions to the former committee.
- 1.11.18 In these rules and in the regulations of General Assembly committees unless the context otherwise dictates:
- a) 'the church' means the Presbyterian Church of Victoria;
  - b) 'General Assembly' or 'Assembly' means the General Assembly of the Presbyterian Church of Victoria;
  - c) reference to a committee by name is to that committee of the General Assembly;
  - d) 'committee' includes boards and councils;
  - e) 'GAA' or 'General Assembly of Australia' means the Presbyterian Church of Australia or its General Assembly;
  - f) 'Code of Discipline' means the Code of Discipline of the Presbyterian Church of Australia;
  - g) the words 'of the bounds' are assumed after the word 'presbytery';

- h) 'court of first instance' means the lowest court competent to deal with the particular business;
- i) 'board' means 'board of management' and includes 'federal board of management', particularly where the expression 'any board' is used;
- j) 'communicant' means a communicant member of a congregation;
- k) 'document' includes a disc and information processed by or stored in a computer;
- l) a statement that the decision or judgment of a court is final means that it is unappealable and also cannot be subject of a petition or reference or brought into question in any way whatsoever;
- m) a 'casting vote' is one which will normally preserve the existing state of affairs, or at least be made in such a way as to leave the question open for further consideration.

**1.12 Title and logo**

- 1.12.1 The official title of the church is 'the Presbyterian Church of Victoria'.
- 1.12.2 The logo to be used on official papers of the Presbyterian Church of Victoria is the burning bush within a circular belt, with the words '*Nec Tamen Consumeatur*' (meaning: *and yet it was not being destroyed*) inscribed on the belt.
- 1.12.3 The General Assembly of Australia logo should be used only on official documents of the General Assembly of Australia.
- 1.12.4 The alternative General Assembly of Australia logo (as adopted by the General Assembly of Australia July 2001, and as subsequently modified or replaced) may be used as an alternative to the burning bush within a circular belt logo except on official papers of the church.

## Chapter 2 ... The Congregation

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## Section One ... Constitution and Membership

### 2.1 Congregation, charge, parish and mission field

- 2.1.1 A **congregation** is a company of people, including children, organised and formed by a presbytery for Christian worship, instruction, fellowship, work and witness.
- 2.1.2 A **charge** is a sphere of pastoral duty fulfilled by a person authorised by a presbytery and centred on one or more congregations.
- 2.1.3 A **parish** is the geographic area designated by a presbytery and associated with one or more congregations of a pastoral or appointment charge.
- 2.1.4 A **mission field** is the geographic area designated by a presbytery and associated with one or more home mission charges or church plant charges.

### 2.2 Types of congregations

The types of congregations are:

- a) one congregation organised within a parish or mission field under one session; or
- b) a linked congregation, being one of multiple congregations within a parish or mission field linked by a presbytery under one session; or
- c) a special interest congregation.

Note: Section Eight of Chapter 4 deals with formation of congregations.

### 2.3 Declaration of a charge

A charge is created by a presbytery declaration immediately following:

- a) the declaration of the formation of a congregation; or
- b) the linking of congregations to form a linked charge; or
- c) the severing of this link to form separate congregations.

### 2.4 Status of a charge

A charge has the status of:

- a) a **Pastoral Charge**: a charge normally fulfilled by one or more ministers called by its congregation or congregations, and inducted into it by the presbytery; or
- b) an **Appointment Charge**: a charge normally fulfilled by a minister or licentiate appointed to it by a presbytery; or
- c) a **Home Mission Charge**: a charge normally fulfilled by a minister, home missionary, or other suitably qualified person, appointed to it by the Ministry Development Committee with the approval of and under the oversight of a presbytery; or
- d) a **Church Plant Charge**: a charge normally fulfilled by a minister, church planter, or other suitably qualified person, appointed to it by either the presbytery or the Church Planting Committee with the approval of and under the oversight of a presbytery.

Note: the full criteria which presbytery uses to determine the status of a charge are set out in [rule 4.61](#).

### 2.5 Financial status of a charge

A charge is self-sustaining if it can meet the requirements for the settlement of a minister by call and induction without a grant from the funds of the General Assembly. Otherwise it is aid-receiving.

## **2.6 Session**

A session is established by the presbytery to exercise oversight over every aspect of the life of a congregation or of linked congregations.

## **2.7 Boards**

2.7.1 The material affairs:

- a) of a congregation are cared for by its board, provided that by agreement the material affairs of a linked congregation may be cared for by its federal board;
- b) of common concern to linked congregations are cared for by their federal board.

2.7.2 Subject to the trusts relating to congregational property, to the relevant civil law and to the law of the church and the jurisdiction and directions of its courts, a board is required to administer the financial affairs and care for the property of the congregation.

2.7.3 Subject to rule 2.7.2 a board is directly responsible to and obeys all competent directions of the congregation.

## **2.8 Communicant member**

2.8.1 A communicant member of a congregation (generally referred to in these rules as a 'communicant') enjoys the privileges of sharing in the Lord's Supper and of wider fellowship with other believers throughout the Presbyterian Church of Australia.

2.8.2 A communicant, unless under a process of discipline, aged at least 16 years, has the right to:

- a) vote and take full part in the business of any meeting of the congregation;
- b) add his or her name to a call on a separate sheet provided for this purpose;
- c) nominate and vote in an eldership or board election;
- d) approach the appropriate court by petition;
- e) be appointed as an office-bearer of a congregational organisation.

2.8.3 A communicant aged at least 18 years is eligible to be elected to a board.

## **2.9 Adherent**

2.9.1 An adherent is a person whose name appears on the Roll of Adherents.

2.9.2 An adherent is not ordinarily extended the privilege of the Lord's Supper by the session.

2.9.3 An adherent, unless under a process of discipline, aged at least 16 years, has the right to:

- a) vote and take full part in the business of any meeting of the congregation;
- b) sign his or her concurrence to a call;
- c) nominate and vote in a board election;
- d) approach the appropriate court by petition;
- e) be appointed as an office-bearer of a congregational organisation.

2.9.4 An adherent cannot nominate or vote in an eldership election.

2.9.5 An adherent aged at least 18 years is eligible to be elected to a board.

## **2.10 Duties of communicants and adherents**

A communicant or adherent of a congregation is under a duty to:

- a) give faithful attendance to its public worship;
- b) give the minister due respect, encouragement and obedience in the Lord;
- c) submit to the session as over him or her in the Lord;
- d) maintain an earnest desire to live a Christian life consistent with his or her profession of faith;
- e) take a lively interest in the welfare of the wider work of the church;
- f) contribute heartily, both financially and in other ways, as the Lord shall enable him or her, for the maintenance of the Christian ministry and the furtherance of the gospel at home and abroad.

## **2.11 Congregational roll**

2.11.1 At any particular time a person cannot be a communicant or adherent of more than one congregation.

2.11.2 A person cannot be a communicant or adherent of a congregation and a member of another branch of the Christian church or a member of another religious faith.

2.11.3 Each inducted or appointed minister and each appointed home missionary or church planter must be on the roll of communicants of a congregation they are serving. In the case of a linked charge, or of a minister not inducted into or appointed to a charge, the minister must choose which congregational roll he desires to be on.

## Section Two ... Meetings

### 2.12 Convening

Only a court can convene a congregational meeting. It does this by public announcement, stating the nature and purpose of the meeting, at the time of ordinary public worship at least (unless these rules provide otherwise) seven days before the date of the meeting.

### 2.13 Chairman

The minister presides at congregational meetings, unless for adequate reason he appoints a deputy, or unless a court superior to a session appoints one of its members to preside. If a charge has more than one minister the senior minister presides unless the ministers agree otherwise.

Note: 'senior minister' is defined in [rule 4.76.1](#)

### 2.14 Annual meeting

2.14.1 A session must convene a meeting of the congregation within four months of its annual reporting period to:

- a) consider the annual report of its board, which is received and then, if approved, adopted;
- b) consider the audited financial statement of accounts for the congregation's financial year submitted by its board, which is received and then, if approved, adopted;
- c) consider (except in the case of linked congregations) the Annual Charge Report as approved by the board and:
  - i) decide whether to approve the terms of settlement of ministers, assistants and second workers contained therein for the current year;
  - ii) verify that it correlates with the audited financial accounts;
  - iii) adopt an acceptable budget;
- d) if a congregation has an annual reporting period other than 1 July – 30 June, grant the board authority to vary the terms of settlement as declared by the Commission of Assembly, so that the board can make a timely beginning of financial year (1 July) adjustments;
- e) appoint congregational auditors for the coming year (see [rule 2.16](#));
- f) determine the number of persons to be elected from and by the communicants and adherents of the congregation, termed 'managers', or in special circumstances determine for a limited time to delegate this right of determination to the session.

2.14.2 A written review by the session of the life and work of the congregation may be presented to this meeting. Reports of congregational organisations, with or without financial statements, may also be presented in whole or in part to this meeting as the session sees fit. But, unless the session has resolved to seek the mind of the congregation on any particular matter, no such review or report is received or adopted or formally dealt with by this meeting.

2.14.3 This meeting may resolve to refer to the session for consideration any complaints or recommendations concerning the report or financial statement of a congregational organisation.

### 2.15 Annual joint meeting – linked charge

A session of a linked charge must also convene an annual joint meeting of the congregations within four months of the federal board's annual reporting period to:

- a) consider the annual report of the federal board, which is received and then, if approved, adopted;
- b) consider the Annual Charge Report as approved by the federal board and:
  - i) decide whether to approve the terms of settlement of ministers, assistants, second workers contained therein for the current year;
  - ii) verify that it correlates with the audited financial accounts;
  - iii) adopt an acceptable budget;
- c) if a congregation has an annual reporting period other than a 1 July – 30 June, grant the federal board authority to vary the terms of settlement as declared by the Commission of Assembly, so that the federal board can make a timely beginning of financial year (1 July) adjustments;
- d) appoint federal board auditors for the coming year;
- e) consider any other matter referred to it by the session.



**2.16 Auditors**

- 2.16.1 A congregation (other than a linked congregation) must (ordinarily at its annual meeting) annually appoint two auditors (or one auditor if that person is a qualified accountant) of the accounts prepared by its board.
- 2.16.2 Linked congregations must (ordinarily at their annual joint meeting) annually appoint two auditors (or one auditor if that person is a qualified accountant) of the accounts prepared by their federal board.
- 2.16.3 A member of a board shall not audit the accounts of the board of which he or she is a member, and a member of a federal board shall not audit the accounts of the federal board, of which he or she is a member, but a member of a federal board may audit the accounts of the board of a linked congregation of which he or she is not a member.

**2.17 Minutes**

- 2.17.1 The session clerk, or someone acting on his or her behalf with the authority of the session, must record the minutes of congregational meetings in a minute book.
- 2.17.2 In a linked charge, one congregational minute book must be kept for meetings of each linked congregation and another for joint meetings of the congregations of the charge.
- 2.17.3 Minutes remain in the custody of the session clerk but are available to the secretary and the treasurer of a board for reference for the purposes of their office.
- 2.17.4 If a session decides to supply to a board extract minutes concerning matters which are the responsibility of the board, the session clerk does so to the secretary of the board.

**2.18 Dissatisfaction with decisions**

- 2.18.1 A communicant or adherent, who voted against a decision of a congregational meeting and entered dissent at that time, may petition the presbytery to review it.
- 2.18.2 The original of the petition must be received by the presbytery clerk at least ten days before any presbytery meeting to which the petition is to be presented.
- 2.18.3 A copy of the petition must be received by the minister and/or session clerk at least ten days before any presbytery meeting to which the petition is to be presented.
- 2.18.4 The session clerk must provide any petitioner with relevant extract minutes of the meeting on request.

## Section Three ... Property

**2.19 Trustees**

- 2.19.1 Congregational property is held by either the Presbyterian Church of Victoria Trusts Corporation or by trustees under specific terms of trust and subject to the provisions of the *Presbyterian Trusts Act 1890* and of rules made by the General Assembly under that Act (refer to [Appendix 2, Model Trust Deed](#)). The appointment of the Presbyterian Church of Victoria Trusts Corporation is preferred.
- 2.19.2 The session clerk must expeditiously notify any change of trustee by submitting to the office of the General Assembly, through the presbytery, a Notification of Appointment of Trustees form.

**2.20 Board responsibility**

The board must:

- a) ensure that the property of the congregation is kept in good condition and repair, and raise funds for this;
- b) appoint a property committee which must inspect the property before and after winter each year and report to it on its condition;
- c) obtain the advice of the Church Architect, on such contractual terms as they agree, when:
  - i) there is any serious defect in any building; or
  - ii) a new building is to be erected or purchased; or
  - iii) an existing building is to be substantially altered.However plans and/or specifications of proposed works are not required to be prepared by the Church Architect.
- d) obtain the approval of the Building and Property Committee when:
  - i) a new building is to be erected; or

- ii) an existing building is to be substantially altered;
- e) not without congregational approval spend on repairs in any one of its annual reporting periods more than 10% of the preceding annual reporting period's ordinary congregational revenue;
- f) obtain approval, at a congregational meeting called for that purpose, by a majority of at least two-thirds of the communicants and adherents personally present (as required by the Model Trust Deeds) to:
  - i) sell, purchase, lease, mortgage, or otherwise incur debt which is to be secured on, property;
  - ii) erect, demolish, remove or structurally alter or add to any building.
- g) fix and collect any charges for use of congregational buildings, where the session has approved this use.

Note: the ordinary revenue of a congregation is the income referred to in [rule 2.44.2\(a\) and \(b\)](#).

## **2.21 Approval for property matters**

- 2.21.1 The erection, demolition, removal, structural alteration or addition to a congregational building is subject to approval by the presbytery and any other prescribed authority.
- 2.21.2 The sale, lease, purchase or mortgage of congregational property is subject to approval by the presbytery, the Law Agent, and any other prescribed authority.

## **2.22 Keys to congregational buildings**

- 2.22.1 The minister, home missionary or church planter and the local trustees (if any) are entitled to keys of all congregational buildings.
- 2.22.2 Members of the session appointed by it are entitled to keys to congregational buildings.
- 2.22.3 Managers appointed by the board are entitled to keys to congregational buildings.
- 2.22.4 The board may issue keys to congregational buildings to other persons allowed to use the buildings.

## **2.23 Use of congregational buildings**

All congregational buildings:

- a) are at the disposal of the minister for the purposes of his office; and
- b) may, subject to consultation with session except in an emergency, be granted by the minister for use for any other purpose of a religious character; and
- c) are otherwise at the disposal of the session, but any use other than for public worship is subject to the proper work of the congregation not being impaired and the law and standards of the church not being compromised.

However, the options referred to in (b) and (c) are subject to approval by the board when any substantial financial outlay or secular interest of the congregation is involved.

## **2.24 Title documents**

If not held by a secured creditor, title documents to land should be lodged with the office of the General Assembly for safe-keeping.

# **Section Four ... Organisations**

## **2.25 Definition**

A congregational organisation is any club, society or group recognised by the session for a specified activity within the life of the congregation.

## **2.26 Session approval**

The formation and continuance of any congregational organisation, and the existence, operation and amendment of the constitution of any congregational organisation are subject to the approval of the session.

## **2.27 Office-bearers**

- 2.27.1 The minister is president or senior president, as the case may be, of all congregational organisations.

- 2.27.2 The office-bearers of every congregational organisation must be communicants or adherents of the congregation, except where session judges that this would be unnecessarily restrictive for the stated purpose of an organisation.

## **2.28 Activities**

- 2.28.1 Session has oversight of every congregational organisation and no activity is permissible which, in its opinion, might hinder the effective Christian witness of the church, or may be seen as inconsistent with Christian conduct, the law of the church, or the civil law.
- 2.28.2 Every congregational organisation must submit a report on its activities to an annual meeting of its members and provide a copy to the session clerk.

## **2.29 Property**

The assets of a congregational organisation:

- a) are part of the property of the congregation, but are administered by the particular organisation subject to its constitution and the law of the church;
- b) on the organisation dissolving or becoming defunct, are held by the board until the session, after consulting the congregation, directs their disposal as it sees fit.

## **2.30 Finances**

Every congregational organisation must, if it holds funds in its own name or raises funds regularly:

- a) use a separate bank account in its name and ensure that no money raised by or for it is paid into a private bank account;
- b) keep regular accounts of income and expenditure;
- c) obtain the permission of the board before raising money by any special effort or appeal in the congregation;
- d) annually submit to the session a financial statement of its accounts for the annual reporting period of the congregation audited by a competent person who is not a member of the organisation.

## **2.31 Meetings**

When any business meeting of a congregational organisation occurs:

- a) minutes must be kept;
- b) the minister must be duly notified of the meeting;
- c) unless the session has decided otherwise the minister has the right to preside but may appoint a deputy, failing which either the senior officer of the organisation present presides or the meeting appoints a communicant of the congregation as chairman.

# **Section Five ... Boards of Management**

## **2.32 Formation**

- 2.32.1 The session with oversight of a newly formed congregation must declare the formation of a board and conduct an election of managers, declaring by formal motion half of those with whom it is satisfied elected for two years and half elected for one year.
- 2.32.2 The session with oversight of newly linked congregations must declare the formation of a federal board and determine its membership.

## **2.33 Membership**

The board of a congregation or linked congregation consists of:

- a) any of its ministers; and
- b) elders who are both members of that congregation and of its session; and
- c) managers up to the number determined by the congregation, or, if this determination is delegated to the session, determined by it.

In view of the special provisions of The Scots' Church Trust Deed dated 23 June 1891, as amended, the trustees from time to time appointed, in accordance with its provisions, shall, by virtue of the office held, be members of the Board of Management of The Scots' Church, Melbourne.

**2.34 Federal board**

2.34.1 A federal board consists of:

- a) the boards of the linked congregations meeting jointly; or
- b)
  - i) any ministers of the linked congregations; and
  - ii) elders who are both members of one of the linked congregations and of the session; and
  - iii) managers appointed by the session, with each linked congregation being represented in proportion to the total number of its communicants and adherents when compared with the total number of communicants and adherents of all congregations.

2.34.2 The rules in this section apply to a federal board unless otherwise stated or the context otherwise dictates.

**2.35 Managers' term of office**

2.35.1 Managers are elected for a term of two years in an election conducted by session. Half of their number retire annually in rotation but are eligible for re-election.

2.35.2 A manager may resign to the session. A meeting of the board at which a quorum of the session is present is entitled to fill this vacancy for the remainder of the resigned manager's term.

2.35.3 A manager who is absent from three consecutive regular meetings of the board without leave granted or apology received, may be declared by the session to have forfeited his or her seat.

2.35.4 A manager's term ceases if he or she is removed from the roll of communicants or adherents or is suspended from privileges by disciplinary process of a church court.

**2.36 Office-bearers**

2.36.1 A board must annually elect a secretary and treasurer from its members.

2.36.2 The secretary keeps the minutes of board proceedings, takes charge of its documents and does such other secretarial work as is appropriate to the office.

2.36.3 If the secretary receives extracts of minutes relating to the board from the session or a congregational meeting, the secretary submits these to the board for inclusion in its minutes.

2.36.4 The treasurer receives, distributes and accounts for all money under the care of the board as it directs and, when required, produces for inspection all accounts together with all relevant documents.

**2.37 Temporary arrangements for newly formed congregations**

If a newly formed congregation has no or few communicants the session may, subject to presbytery approval, temporarily depart from [rules 2.33 – 2.36](#) to meet particular needs.

**2.38 Meetings**

2.38.1 A board regularly meets on a fixed day at regular intervals, at least quarterly unless excused by the presbytery for any special reason.

2.38.2 The minister (or his duly authorised deputy) as chairman, after consultation with at least a quorum of the board, may, provided the meeting is not unduly postponed, alter the date of a regular meeting of the board.

2.38.3 The minister may also convene a special meeting of the board:

- a) if of the opinion that special circumstances exist; or
- b) promptly upon receipt of a written request for a special meeting signed by at least a quorum of the board.

2.38.4 The minister (or his duly authorised deputy), as chairman, after consultation with at least a quorum of the board may cancel or, provided the meeting is not unduly postponed, alter the date of a special meeting of the board.

2.38.5 Notice of any meeting of the board is given either by public announcement at the time of ordinary public worship or by written or oral notice to each member of the board sufficiently before the meeting.

**2.39 Meeting procedure**

2.39.1 The minister of a charge or moderator of a vacant charge has the right to preside as chairman at all meetings of any boards, and normally does so, but may authorise to preside in his absence:

- a) another minister of the Presbyterian Church of Australia; or

- b) a licentiate, home missionary or candidate for the ministry of the church who is assisting or supplying for him; or
  - c) an elder of his session; or
  - d) a member of that board.
- In default of the foregoing, a board may appoint one of its members to preside as chairman.
- 2.39.2 A member of the board who chairs the meeting has both a deliberative and a casting vote. Otherwise its chairman has only a casting vote.
  - 2.39.3 A quorum of a board meeting is four members, two of whom are managers.
  - 2.39.4 The meetings of a board must be opened and closed with prayer, and motions must be seconded. The other forms and procedures of the meeting are at the discretion of the chairman, who may allow members to speak more than once to the same question. However, the chairman will apply those formal rules of debate contained in the standing orders of the General Assembly (see [rules chapter 7](#)) which are applicable:
    - a) in circumstances of dispute and after announcement of intention to do so;
    - b) if the board so decides.
  - 2.39.5 A board meets in private unless it resolves otherwise. A matter declared by it to be confidential must not be divulged by a member without its permission.

## **2.40 Minutes**

The minutes of every board meeting are entered in its minute book. At every meeting, the confirmation of the minutes of the previous meeting, which must contain the names of those present, is ordinarily the first business after the opening. When confirmed, the minutes are signed by the chairman.

## **2.41 Rescission of a resolution**

A resolution of a board may be rescinded after a member gives notice of motion to that effect at a previous meeting of the board.

## **2.42 Dissatisfaction with decisions**

A member who has voted against a resolution of a board, and at the time entered dissent, may bring the matter under review by a petition to the presbytery using the same procedure as that against a decision of a congregational meeting (see [rule 2.18](#)).

## **2.43 Handling of funds**

- 2.43.1 A board gathers the financial contributions of the congregation, takes charge of them and of any other money received by, or for the use of, or on behalf of, the congregation, and distributes them for the purposes for which they were contributed, at all times only using bank accounts held in the name of the congregation.
- 2.43.2 All such monies must be banked promptly without deduction of any kind, and all payments must be made by cheque or by electronic funds transfer.
- 2.43.3 A book must be kept to record church offerings and entries must be certified each Sunday by two managers on duty, or by one manager and one other communicant or adherent of the congregation authorised by the board.

## **2.44 Financial records**

- 2.44.1 A board must keep proper and adequate records of account and other necessary financial records.
- 2.44.2 The financial records of each congregation must be kept by the use of separate columns in a cash book or by posting to separate ledger accounts or electronic recording or otherwise, using the church standard chart of accounts as the basis for the columns or ledger accounts (available from the church website or the Maintenance of the Ministry Committee), so that it shall be readily possible to ascertain the amounts of:
  - a) collections by plate or by other systematic means for ordinary congregational purposes;
  - b) other regular sources of congregational revenue, such as rents of property, or interest on endowments;
  - c) special donations, sales, gifts and proceeds of special efforts;
  - d) the amount contributed by the congregation to the schemes of the church including the General Mission Program;

- e) the amount contributed to charitable and other objects outside the church;
- f) every payment made from congregational funds.

## **2.45 Annual reporting**

Every board must:

- a) annually prepare a financial statement of its accounts, which is audited;
- b) prepare and approve:
  - i) an Annual Charge Report in the form approved by the Maintenance of the Ministry Committee and reported to the General Assembly. This report must include minimum terms of settlement and reflect this and other ministry costs in the budget whether or not the charge is vacant;
  - ii) a report on the congregation's property and the board's activities during the preceding year.
- c) submit these reports, in the case of a board to the annual congregational meeting, and in the case of a federal board to the annual joint meeting of the congregations.

## **2.46 Annual audit**

2.46.1 The annual audit is a complete examination of the books so that receipts and expenditure may be safeguarded and the correctness of their various accounts and the information as disclosed by the annual statements may be verified.

2.46.2 A board must supply the auditors with:

- a) an annual Statement of Receipts and Payments of the board; and
- b) a statement of funds showing the amount:
  - i) of the credit or debit balance;
  - ii) of any investment;
  - iii) outstanding under any mortgage; and
  - iv) of any other form of loan to or by the board and every congregational organisation; or
- c) a balance sheet, in regular form, showing the whole assets and liabilities of the congregation and its organisations.

2.46.3 The auditors must:

- a) check in whose custody the receipt books are and check with the cash book the receipts issued, which must be numbered consecutively;
- b) examine the book kept to record church offerings and compare it with the cash book;
- c) examine all bank statements (and pass books) and reconcile the balance with that shown in the cash book;
- d) see that the accounts paid during the period are duly passed for payment by those authorised to do so and that adequate invoices and receipts have been retained;
- e) see that all money received during the period is applied only to the purposes for which it was contributed;
- f) certify that the accounts have been audited and either that they have been found correct or that they have not been found correct and, if the latter, indicate the nature of the defects and recommend necessary corrections, either in the accounts under review or in future accounts as the case may require.

## **2.47 Special collections**

A board must:

- a) carry out the directions of the courts of the church for collections ordered;
- b) determine what other special collections or subscriptions may be made from the congregation for its own organisations or for other bodies;
- c) ensure that no money is raised by any organisation or any individual for any purpose connected with the congregation without its approval or, if it does not grant approval, without the approval of a congregational meeting.

## **2.48 Payments**

2.48.1 The remuneration of any minister is the first charge on the ordinary revenue of the congregation.

2.48.2 The board must:

- a) ensure that such remuneration is paid at least monthly;

- b) fix any remuneration of congregational officers and promptly pay it;
- c) ensure that all regular General Assembly rates, presbytery rates, superannuation contributions, budget collections and other payments due from the congregation are promptly remitted to the proper authority.

**2.49 Inability or failure to implement terms of settlement**

The minister and the treasurer of the board shall report promptly to the presbytery any known inability or failure to pay stipend or to make available non-cash benefits at least monthly, or to implement the terms of settlement as declared by the Maintenance of the Ministry Committee.

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## **Section One ... Membership, Jurisdiction and Powers**

### **3.1 Membership**

A session ordinarily consists of the minister of a charge and two or more elders.

### **3.2 Jurisdiction and powers**

- 3.2.1 Subject to the relevant civil law and to the law of the church and the jurisdiction and lawful directions of its higher courts, a session has jurisdiction and powers of government, discipline and oversight extending to every aspect of the life of any congregation of the charge.  
3.2.2 If a situation arises which is not covered by the civil law, the law of the church, the jurisdiction and direction of its higher courts, or these rules, a session may act as it considers best to protect or promote the welfare of the church, or of its congregation or congregations.

### **3.3 Minister**

- 3.3.1 The minister of any congregation of a pastoral or appointment charge is the moderator of session. However, unless otherwise determined by the presbytery or agreed between them, collegiate ministers preside alternately and the non-presiding minister sits as an ordinary member.  
3.3.2 A minister is not under the disciplinary jurisdiction of a session but is otherwise under its pastoral care.  
3.3.3 Subject to rule 3.3.4 a session must not receive or discuss complaints against the minister, who is responsible to the presbytery for the discharge of his duties. The correct procedure for complaint against a minister is by petition to the presbytery.  
3.3.4 Notwithstanding rule 3.3.3, a session may, provided the minister consents to this course and the complaint does not raise a case or matter of discipline, on the footing of friendship receive and discuss a complaint against a minister in an attempt to resolve it amicably.

### **3.4 Interim moderator**

- 3.4.1 The presbytery must appoint an interim moderator or intentional interim minister if a pastoral or appointment charge is vacant and also for certain other reasons (see rules [4.52](#), [4.54](#), [4.63.1\(b\)](#), [4.76.6\(b\)](#), [4.106](#)).  
3.4.2 Except as otherwise stated in these rules, an interim moderator, or an intentional interim minister, has the powers and performs the functions of moderator.

### **3.5 District interim moderator**

A district interim moderator is a minister of the Presbyterian Church of Australia authorised and provided by the Ministry Development Committee for appointment by presbyteries as an interim moderator or moderator.

### **3.6 Elders**

- 3.6.1 Elders are communicants of the church who have been elected to a session.
- 3.6.2 An elder is ordained to the eldership for life. An elder holds this status until he resigns, or he is deposed from office, or the law of the church otherwise deprives him of this status.
- 3.6.3 An elder remains a member of the session which has inducted him while a communicant of a congregation under the jurisdiction of that session, or until he resigns, or he is deposed, or the law of the church otherwise deprives him of his status as an elder.
- 3.6.4 If an elder transfers his membership to a congregation of a charge under the jurisdiction of another session he does not become a member of that session unless inducted to office in it.
- 3.6.5 An elder rules and serves for all the congregations of a charge and not only for a particular congregation.
- 3.6.6 An elder's name may be removed from its roll by the session if it decides that as a consequence of:
  - a) prolonged or frequent absence from divine worship or from meetings of the session without leave given or proper and sufficient cause shown; or
  - b) physical or mental infirmity;his usefulness as a member of the session has been so seriously impaired as to make his continued membership inadvisable.  
Notice of motion to this effect must be given in writing to all members of the court at least ten clear days before the meeting.

### **3.7 Clerk**

- 3.7.1 A session must appoint a clerk, who is usually but not necessarily one of its members.
- 3.7.2 In addition to the duties applicable to clerks of all courts the session clerk is under a duty to:
  - a) keep accurate minutes of meetings of the congregation;
  - b) provide for the safe keeping of the marriage register of the congregation.

## **Section Two ... Meetings**

### **3.8 Convening**

Notification of the time of a session meeting must be either by public announcement at the time of ordinary public worship or by personal notice in sufficient time to each member. Further, the moderator must convene a meeting within ten days after receipt of a written requisition from two session members.

Note: convening of a session meeting is dealt with in [rule 6.7](#).

### **3.9 Procedure**

- 3.9.1 Session meets in private unless it determines otherwise.
- 3.9.2 A quorum of session is the moderator and two elders.
- 3.9.3 A session meeting is normally chaired by the moderator, or by a minister authorised by him or by a higher court. If, however, the business is urgent and the foregoing chairmanship is impracticable, the moderator may appoint an elder to chair the meeting and must report this to the next meeting of the presbytery.
- 3.9.4 The proceedings of a session are governed by such of the general rules of procedure for use in courts of the church as apply to it and by such other directions, rules and regulations as the General Assembly may specifically give or prescribe. Otherwise, a session may exercise a discretionary power of procedure, but must ensure that substantial justice is done to all persons concerned.

## **Section Three ... Election of Elders**

### **3.10 New elders**

- 3.10.1 A session may resolve to conduct an election for new elders, and if so it must also:

- a) fix the maximum number of new elders required for the congregation or for each linked congregation in the charge;
  - b) fix the date for voting to cease which must be a Sunday;
  - c) fix the date on which notice of the election is to be given, which shall be at least two Sundays before the date fixed for voting to cease;
  - d) fix the date for voting to commence, which must be a period of not less than eight days, including two Sundays, before voting is to cease;
  - e) resolve whether the ballot is to be conducted with or without prior nomination of candidates;
  - f) if the ballot is to be conducted without prior nomination:
    - i) resolve whether the ballot papers must be signed or whether unsigned ballot papers are to be used; and
    - ii) if unsigned ballot papers are to be used, appoint an electoral officer or officers;
  - g) if the ballot is to be conducted with nominations, fix the date by which any nomination is to be submitted to the session clerk, which date shall be at least eight days from when notice of the election is given, which period shall include two Sundays;
  - h) give notice to any congregation that ordination and/or induction to the eldership is subject to diligent completion of an eldership training course by the person elected.
- 3.10.2 After these resolutions, and before any further step, the minister must expound in each congregation in his charge the biblical teaching on the office of eldership.

### 3.11 Persons eligible for election as elders

The persons eligible for election as elders are:

- a) male communicants of the congregation, aged at least 21 years, whose membership exceeds one year; however, this membership period may be waived by the session if the person has previously been ordained as an elder and given satisfactory service in a session;
- b) a minister not inducted into a pastoral charge who is a member of the congregation but not a ministerial member of presbytery.

### 3.12 Ballot and constituency

- 3.12.1 An eldership election is conducted by ballot and is performed by the electorate voting as a single constituency even in a linked charge.
- 3.12.2 A voter may vote for any number of eligible persons up to but not exceeding the number of elders to be elected.

### 3.13 Preliminary steps to election

At least one week before the date fixed for voting to commence, a list of those eligible to vote in the election, and of those eligible for election, must be displayed at all meeting places in any congregation of the charge or otherwise be made available to their communicants.

### 3.14 Procedure for ballot without nominations

- 3.14.1 If the ballot is to be conducted with unsigned ballot papers:
  - a) the electoral officer must ensure that only those eligible to vote receive ballot papers authenticated by the session by the time when voting is to commence. This ballot paper must include:
    - i) a note to the effect that voters may vote for any eligible persons up to the number required;
    - ii) such other instructions as may be considered necessary; and
  - b) a voter must write on that ballot paper the name or names of the persons voted for and lodge the paper with the electoral officer or session clerk by the time when voting is to cease.
- 3.14.2 If the ballot is to be conducted with signed ballot papers:
  - a) a notice must be publicly given to the congregation before voting commences containing:
    - i) a note to the effect that voters may vote for any eligible persons up to the number required;
    - ii) such other instructions as may be considered necessary including that the ballot paper must be signed; and
  - b) a voter must write on the ballot paper the name or names of the persons voted for, sign it, and lodge the paper as in 3.14.1(b).

### 3.15 Procedure for ballot with nominations

If the ballot is to be conducted with nominations:

- a) any nomination must either be signed by at least one communicant of the congregation aged at least 16 years or be a nomination by session;
- b) the session must, by the time when voting is to commence, make publicly available at all meeting places of any congregation of the charge ballot papers containing:
  - i) a list of eligible nominees arranged in alphabetical order;
  - ii) an instruction that voters may vote for up to the number required;
  - iii) such other instructions as may be considered necessary, including that the ballot paper must be signed;
- c) the ballot paper must be signed.

### 3.16 Counting of votes and judgment of session

A session must count the votes in an eldership election and in deciding who is to be declared elected it must follow the order of the voters' preference, first satisfying itself that each of the persons indicated by this choice:

- a) is eligible for election;
- b) is qualified by godly character and appropriate gifts of leadership as specified in scriptural teaching such as 1 Timothy 3:1-7 and Titus 1:5-9;
- c) has a firm grasp of gospel truth and a working knowledge of the scriptures;
- d) understands and is able to answer the questions prescribed by the General Assembly of Australia affirmatively;
- e) has received the number of votes session considers sufficient;
- f) has before or after the counting of votes:
  - i) diligently completed an eldership training course which includes instruction in the eldership vows (see [Appendix 1, Forms and Certificates, 16](#));
  - ii) a current Working With Children Check ('WWCC');
  - iii) completed the PCV Safe Church requirements for elders.

Insofar as it is so satisfied it records this by resolution.

### 3.17 Declaration of election

After the resolution referred to in the previous rule, the session must:

- a) by formal motion declare elected those with whom it is satisfied as stated in the previous rule up to the maximum previously fixed; and
- b) publicly announce the names of the elders-elect in alphabetical order.

## Section Four ... Ordination and Induction of Elders

### 3.18 Preliminaries to service of ordination and induction

3.18.1 Session must issue in the prescribed form (see [Appendix 1, Forms and Certificates, 7](#)) an edict for the ordination and induction of any unordained elder-elect or for the induction of any ordained elder-elect.

3.18.2 This edict must be read publicly at ordinary public worship of all congregations in the charge at least eight days before the date of the proposed service.

3.18.3 If relevant objections in the terms of the edict are received, the moderator must call a meeting of the session to decide its response.

3.18.4 At this meeting or at an adjournment of it:

- a) any person offering objections must justify them;
- b) session must then hear from each elder-elect against whom an objection has been received, and from any other persons who may be able to assist it in its deliberations;
- c) session may then:
  - i) resolve to proceed with the ordination or induction only on the grounds that the objections offered are not substantiated and/or are judged to be frivolous; or

- ii) resolve to postpone any ordination or induction to allow it to investigate further the objections offered; or
- iii) sustain any relevant and serious objection, in which case it may revoke its declaration of that person as an elder-elect.

### 3.19 Service of ordination and induction

3.19.1 On the day appointed for the service the session must convene and:

- a) call for the return of the edict with confirmation that it has been duly read to any congregation;
- b) call for a report from the clerk.

Session shall then resolve to proceed with the service if the clerk reports either that no objections in terms of the edict have been received or that any such objections have been dealt with by the session to its satisfaction. The session meeting shall then adjourn until after the service.

3.19.2 The service of ordination and induction or of induction only must include:

- a) a narration of the steps leading up to this occasion;
- b) the affirmative answering by the congregation and the elders-elect of the questions prescribed by the General Assembly of Australia (see [Appendix 1, Forms and Certificates, 15](#));
- c) the ordination by prayer of any unordained elders-elect and the induction of all the elders-elect. If an elder-elect has previously been ordained in a Presbyterian Church, whether in Australia or elsewhere, he is inducted on affirmatively answering the questions prescribed by the General Assembly of Australia;
- d) the giving of the right hand of fellowship by the members of session present;
- e) the signing of the prescribed Formula by the newly inducted elders (see [Appendix 1, Forms and Certificates, 15](#));
- f) a word of encouragement and instruction by the moderator to them and to the congregation.

At the conclusion of the service the session must resume, the names of the newly inducted elders must by formal motion be added to the roll of the session, and the meeting, after transacting any other necessary business, must be closed with prayer.

### 3.20 Report to presbytery

The names and dates of induction of the new elders must be reported to the presbytery.

## Section Five ... Public Worship

### 3.21 Minister's responsibility

In the conduct of services of public worship:

- a) the minister acts under the direction of the presbytery, of which for these purposes he is the executive, and to which he alone is responsible;
- b) any other person leading any part of the service and any church officer participating in the service are under the direction of the minister. Accordingly, subject to any determination of a higher court, the minister of a charge is sole determinant of who preaches or conducts public worship in it;
- c) the minister is responsible to the presbytery for how any person other than an ordained minister, licentiate, or candidate for the ministry of the Presbyterian Church of Australia preaches or conducts public worship within his charge.

### 3.22 Role of the session

With the concurrence of the minister of the charge, session:

- a) fixes the times of regular public worship and of any special services of public worship it considers necessary;
- b) determines, after consulting all congregations under its jurisdiction, which books and items of praise are to be used in their public worship, and ensures a sufficient supply of them;
- c) ensures enough church music is available for the worship;
- d) ensures that everything necessary for the conduct of public worship is available, subject to the board agreeing to purchase the same.

### 3.23 Baptism

- 3.23.1 The session shall encourage believing parents to have their children baptised without unnecessary delay.
- 3.23.2 A 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 as would entitle them to become communicants;
  - b) adults, upon profession of their faith in the Lord Jesus Christ and obedience to him.
- These arrangements are normally made on the minister's recommendation after he has interviewed the parents or adults and prepared them for the baptism.
- 3.23.3 The sacrament ordinarily is administered during public worship, but in exceptional circumstances and for sufficient reason it may be elsewhere administered.
- 3.23.4 A certificate of baptism is given by the minister after the administration of the sacrament, and the names of those baptised must be promptly reported to the session.

### 3.24 Lord's Supper

- 3.24.1 A session must appoint the time and place, and make suitable provision, for the public observance of the sacrament of the Lord's Supper. It also may arrange, normally through the minister accompanied by at least one elder, for the sacrament to be administered privately, when necessary, for sick or aged communicants.
- 3.24.2 Public invitation to participate in the Lord's Supper is ordinarily given by the minister, in a form approved by the session, to:
- a) communicants of the congregation;
  - b) visiting communicants of other Presbyterian congregations;
  - c) visiting members of other branches of the Christian church.
- 3.24.3 The minister must encourage all present to examine themselves before the Lord in light of such Scripture as 1 Corinthians 11:27–29 and Matthew 5:23–24 whether they should accept the invitation to participate in the Lord's Supper.

## Section Six ... Oversight of Membership

### 3.25 Baptismal Register

A session must keep a register of baptisms in the form prescribed by the General Assembly for each congregation under its jurisdiction ([Appendix 1, Forms and Certificates, 19 \(c\)](#)).

### 3.26 Admission as a communicant

- 3.26.1 Although admission into the visible church of Christ is by the sacrament of baptism, a person who is baptised is only admitted into the privileges and responsibilities of a communicant on making public profession of faith and admission by the session to the sacrament of the Lord's Supper.
- 3.26.2 If anyone applies to become a communicant of a congregation, the session must satisfy itself of the applicant's:
- a) knowledge of the rules relating to communicants;
  - b) baptism;
  - c) profession of faith in the Lord Jesus Christ;
  - d) knowledge of the Holy Scriptures, the cardinal doctrines of the Christian faith (as defined, for example, in clause 1 of the Declaratory Statement), and the nature and significance of the sacraments of baptism and the Lord's Supper; and
  - e) consistency between life and profession.
- 3.26.3 A session may resolve to admit the applicant as a communicant if:
- a) it is directly satisfied of the matters stated in [rule 3.26.2](#), including that the applicant has professed his or her faith in the Lord Jesus Christ at a service of that congregation; or
  - b) it is satisfied of the matters stated in [rule 3.26.2](#) because it has received a transfer certificate from the session of another congregation within the Presbyterian Church of Australia; or
  - c) it has otherwise satisfied itself of the matters stated in [rule 3.26.2](#).

**3.27 Roll of communicants**

- 3.27.1 A session must keep a roll of communicants for each congregation under its jurisdiction in the form prescribed by the General Assembly (see [Appendix 1, Forms and Certificates, 19\(a\)](#)).
- 3.27.2 The session removes from this roll the names of persons ceasing to be communicants:
- a) through death; or
  - b) by issue of a certificate of transfer; or
  - c) by special resolution of the session for this purpose.

**3.28 Becoming an adherent**

- 3.28.1 A person who:
- a) associates regularly with a congregation in worship; and
  - b) contributes to its support as able; and
  - c) wishes for the time being to identify with it, but less formally than as a communicant;
- may apply to become an adherent of that congregation.
- 3.28.2 If the session is satisfied that the applicant professes faith in the Lord Jesus Christ and lives a life consistent with that profession it may, after explaining the rules relating to adherents to that person, place his or her name on the roll of adherents.

**3.29 Roll of adherents**

- 3.29.1 A session must keep a roll of adherents for each congregation under its jurisdiction in the form prescribed by the General Assembly (see [Appendix 1, Forms and Certificates, 19\(b\)](#)).
- 3.29.2 The session must remove the name of any adherent ceasing to comply with rules [3.28.1](#) and [3.28.2](#).
- 3.29.3 A session must encourage adherents to seek admission as communicants.

**3.30 Revision of the rolls**

- 3.30.1 A session must revise the rolls annually. In doing this it may remove from the roll of communicants those who have shown their lack of interest by:
- a) continued absence from the Lord's Supper; or
  - b) infrequent attendance at public worship.
- 3.30.2 A session must, if practicable, first give any person notice of the possibility of his or her removal and then provide an opportunity for that person to be heard in the matter.
- 3.30.3 A session then determines whether to remove any person and records in the minutes of its meeting that removal and the fact that it has revised the rolls.
- 3.30.4 A person so removed may be restored only by a special resolution of the session.

**3.31 Transfer of membership**

- 3.31.1 If a communicant not under discipline applies to leave the congregation with a view to joining another congregation, the session must issue a transfer certificate and ensure that the applicant is not simultaneously on two communicant rolls.
- 3.31.2 If an adherent, or a person who regularly attends worship and supports the witness of the church, applies to leave the congregation because he or she is intending to reside elsewhere where there is a Presbyterian church with which he or she intends to be connected, the session may issue a letter of introduction to that church and advise its minister or session of the person's arrival.

**3.32 Discipline**

- 3.32.1 A session has the power of discipline over communicants and adherents of any congregation under its oversight in accordance with the law of the church (see PCA 'Code', chapter 8).
- 3.32.2 If a person has been removed from a roll in the exercise of discipline, session may restore that person to that roll only by special resolution.

**3.33 Roll of congregational families**

A session must keep a complete roll of families and individuals connected with any congregation under its oversight, which it brings up to date each time a minister leaves the charge.

**3.34 Elders' districts**

While session maintains oversight of the entire congregation, it charges each elder with the oversight of a list of families and individuals connected with the congregation.

## Section Seven ... Board Elections

### 3.35 Board elections

- 3.35.1 A session must conduct the annual election of managers. This election must be held separately from any election of elders, at a time determined by the session, which in special cases, and with the approval of the presbytery, may be at the annual meeting of the congregation.
- 3.35.2 Unless the election is held at the annual meeting of the congregation, the session must:
- a) if the congregation has delegated to the session its right to determine the number of managers, fix the number of managers required;
  - b) fix the date for voting to cease which must be a Sunday;
  - c) fix the date on which notice of the election is to be given, which shall be at least two Sundays before the date fixed for voting to cease;
  - d) fix the date for voting to commence, which must be a period of not less than eight days, including two Sundays, before voting is to cease;
  - e) resolve whether the ballot is to be conducted with or without prior nomination of candidates;
  - f) if the ballot is to be conducted without prior nomination,
    - i) resolve whether the ballot papers must be signed or whether unsigned ballot papers are to be used; and
    - ii) if unsigned ballot papers are to be used, appoint an electoral officer or officers;
  - g) if the ballot is to be conducted with nominations, fix the date by which any nomination is to be submitted to the session clerk, which date shall be at least eight days from when notice of the election is given, which period shall include two Sundays.

### 3.36 Procedure for ballot without nominations

- 3.36.1 If the ballot is to be conducted with unsigned ballot papers:
- a) the electoral officer must ensure that only those eligible to vote receive ballot papers authenticated by the session by the time when voting is to commence. This ballot paper must include:
    - i) a note to the effect that voters may vote for any eligible persons up to the number required;
    - ii) such other instructions as may be considered necessary; and
  - b) a voter must write on that ballot paper the name or names of the persons voted for and lodge the paper with the electoral officer or session clerk by the time when voting is to cease.
- 3.36.2 If the ballot is to be conducted with signed ballot papers:
- a) a notice must be publicly given to the congregation before voting commences containing:
    - i) a note to the effect that voters may vote for any eligible persons up to the number required;
    - ii) such other instructions as may be considered necessary including that the ballot paper must be signed; and
  - b) a voter must write on the ballot paper the name or names of the persons voted for, sign it, and lodge the paper as in 3.36.1(b).

### 3.37 Procedure for ballot with nominations

- 3.37.1 If the ballot is to be conducted with nominations:
- a) any nomination must be signed by at least one communicant or adherent of the congregation aged at least 16 years, and any nominee must sign the paper nominating him or her;
  - b) the session must, by the time when voting is to commence, make publicly available at all meeting places of any congregation of the charge ballot papers containing:
    - i) a list of eligible nominees arranged in alphabetical order;
    - ii) an instruction that voters may vote up to the number required for any eligible persons whether nominated or not;
    - iii) such other instructions as may be considered necessary including that the ballot paper must be signed.
  - c) the ballot paper must be signed.
- 3.37.2 If the number of nominations received does not exceed the number of managers to be appointed, no election need be held, and the responsibility of making any appointment rests with the session.



### 3.38 Counting of votes and judgment of session

A session must count the votes in a board election and in deciding who is to be declared elected it must follow the order of the voters' preference, first satisfying itself that each of the persons indicated by this choice:

- a) has received the number of votes session considers sufficient;
- b) is suitable to hold office.

Insofar as it is so satisfied it records this by resolution.

### 3.39 Declaration of election

After the resolution referred to in the previous rule the session must:

- a) by formal motion declare elected those with whom it is satisfied as stated in the previous rule up to the number previously fixed; and
- b) publicly announce the names of the managers-elect in alphabetical order.

## Section Eight ... Diaconal Ministry

### 3.40 Diaconal ministry

3.40.1 The diaconate is an office of mercy, with a ministry distinct from that of elders or managers.

3.40.2 The diaconate is to promote, according to biblical guidelines and as resources permit, the material well-being first of the poor and needy within the local body of believers, secondly of other believers, and finally of all humanity.

3.40.3 A session may resolve to establish a diaconal ministry in a congregation under its jurisdiction and if so it also determines how many deacons are to be elected.

3.40.4 Deacons are elected by communicants of the congregations in which they are to serve by a manner of election determined by the session.

3.40.5 Any person who has been a communicant of the congregation for at least one year, and is aged at least 21 years is eligible for election as a deacon in that congregation. A person who has served as a deacon in one congregation does not do so in another congregation unless so elected in that congregation.

3.40.6 A session must count the votes cast in the election, and in deciding who is to be elected must follow the order of the voters' preference, first satisfying itself that each of the persons indicated by this choice has demonstrated a commitment to the Lord Jesus Christ and a giftedness for diaconal ministry within the life of the congregation. Insofar as it is so satisfied it records this by resolution.

3.40.7 After this resolution the session must:

- a) by formal motion declare elected those with whom it is satisfied, up to a number not exceeding the number required;
- b) make public announcement of the names of the deacons-elect arranged in alphabetical order.

3.40.8 After such public announcement the persons elected, must, if they have not already done so, first complete a course of training set by the session and must then, after answering the questions prescribed by the General Assembly of Australia (see PCA 'Code', 6.7), be set apart for their ministry by prayer during public worship.

3.40.9 A deacon serves for a three year term and is then eligible for re-election for the same term. However, any term may be reduced by session:

- a) if the deacon resigns in writing addressed to it or ceases to be a communicant of the congregation; or
- b) if it determines that the deacon has become mentally unsound; or
- c) if it determines that the deacon has ceased to demonstrate a commitment to the Lord Jesus Christ and a giftedness for diaconal ministry within the life of the congregation.

3.40.10 Deacons must report on their activities to the session both regularly and also as required by session, and be available to assist elders as required.

3.40.11 Where there is more than one deacon, they must be formed into a diaconal care team for mutual prayer, support and communication. The meetings of this team are chaired by the minister or, if he is unable to do so, by an elder or deacon appointed by him.

- 3.40.12 The ministry of diaconal care is funded by the board. If any employment agreement is entered into it should, if possible, be in a form approved by the Board of Investment and Finance.

## **Section Nine ... General Oversight of Congregational Affairs**

### **3.41 Sunday School and youth work**

- 3.41.1 In the exercise of its oversight of the Christian education of the young, a session must encourage religious training in the home and may establish and supervise Sunday Schools and provide bible classes and similar groups.
- 3.41.2 A session appoints the Sunday School superintendent and any leader of a bible class or youth group.
- 3.41.3 A session appoints any Sunday School teacher unless by authority of the session he or she is appointed by the Sunday School superintendent on its behalf.
- 3.41.4 A session must approve the material that is to be taught in any Sunday School, bible class or similar group.
- 3.41.5 A session must call for regular reports from any youth organisation in a congregation.
- 3.41.6 A session must provide for the training and suitable equipment of those who take part in the Christian education of the young and in this regard ensure compliance with all legal and Safe Church – PCV requirements.

### **3.42 Clubs, societies and groups**

- 3.42.1 Session's oversight of the life of the congregation includes oversight of all clubs, societies and groups connected with any congregation under its jurisdiction.
- 3.42.2 No club, society or group can be recognised as connected with a congregation unless this is approved by the session and that club, society or group has indicated willingness to conform to the rules applicable to it.

### **3.43 Finances and activities**

A session must ensure that the activities of all congregational organisations and the collection and disposal of their funds are consistent with the law and standards of the church.

### **3.44 Certain activities not permitted**

A session must ensure that:

- a) there will not be gambling in any form of lottery, raffle, guessing competition or game of chance for purposes of raising money;
- b) there will not be alcoholic liquor consumed as a beverage within the church building, church halls or institutions (excluding manse) belonging to the church;
- c) no other activity shall occur which, in its opinion, might hinder the effective Christian witness of the church or be inconsistent with Christian conduct.

### **3.45 Appointment of congregational officers**

- 3.45.1 Session is responsible for the appointment, but not the financial arrangements, of congregational officers, including choir-director, organist or other musicians, or church officer, using wherever possible contracts approved by the Board of Investment and Finance.
- 3.45.2 Nonetheless, session shall not appoint or continue the appointment of any congregational officer who is under the minister's direction in the conduct of public worship if the minister is dissatisfied with his or her character, conduct, qualifications or efficiency.
- 3.45.3 Subject to the terms of any contract, a congregational officer may:
- a) resign in writing;
  - b) be removed by a session if it is dissatisfied with his or her character, conduct, qualifications or efficiency.

## Section Ten ... Relations with Other Courts of the Church

### 3.46 Submission of records to presbytery

A session must annually submit to presbytery and also produce when directed:

- a) the session minute book;
- b) the rolls of communicants and adherents;
- c) the register of baptisms and baptismal certificate book;
- d) the book of transfer certificates;
- e) the board and congregational minute books; and
- f) any other documents, reports or statistics that the presbytery may require.

### 3.47 Advice of presbytery

A session must seek the advice of the presbytery in matters of doubt and report irregularities in anything for which it is responsible.

### 3.48 Representative elders

- 3.48.1 The session of every charge is represented by an elder in both the presbytery and General Assembly, commissioned by the session for that purpose, and whose commission in the prescribed form to either court must be forwarded by its clerk to the presbytery clerk (see [Appendix 1, Forms and Certificates, 8](#)). The session need not commission the same elder for both the presbytery and the General Assembly.
- 3.48.2 A session may commission an alternate elder to the presbytery who acts when the elder primarily appointed is unable to do so.
- 3.48.3 If a session cannot arrange for one of its members to represent it in a higher court, it may commission a member of another session within the bounds of that court who is willing to act and who is certified as such by the moderator or clerk of his session (see [Appendix 1, Forms and Certificates, 9](#)).
- 3.48.4 Each commission must state the term of the representative's appointment, which may be for any term not exceeding one year from the date that the presbytery last called for the commissions of all representative elders.
- 3.48.5 A representative elder may be re-commissioned on expiry of his previous commission.
- 3.48.6 If a representative elder dies, resigns, has been removed from office, or is otherwise ineligible to be a representative elder, the session must commission an elder to take his place as soon as possible.

### 3.49 Jurisdiction of co-ordinate courts

A session cannot intervene in the affairs of another session but may complain to the presbytery with jurisdiction over that session of any alleged irregularity or interference by that session and request suitable action.

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## **Section One ... Constitution and Officials**

### **4.1 Formation**

- 4.1.1 A presbytery is formed by the General Assembly which:
  - a) names it;
  - b) fixes its bounds;
  - c) appoints a time and place for its first meeting;
  - d) instructs a minister from within its bounds to convene, constitute and preside over its first meeting.
- 4.1.2 When commissions of the representative elders present have been sustained, and the roll of members has been fixed, the presbytery must elect its moderator.

### **4.2 Membership and roll**

The membership of a presbytery consists of the following ministers and elders, whose names are placed on its membership roll.

**Part 1 – Ministers**

- a) every minister inducted into a pastoral charge within its bounds;
- b) every minister in full standing in the Presbyterian Church of Australia appointed:
  - i) to an appointment charge within its bounds for a term of one year or more; or
  - ii) to a home mission charge within its bounds; or
  - iii) as a church planter in a church plant charge within its bounds; or
  - iv) as an assistant to a duly inducted minister in the presbytery for a term of one year or more.
- c) every minister of the Presbyterian Church of Australia commissioned by the presbytery for the work of the Presbyterian Inland Mission for the period of his appointment;
- d) every minister and every ordained Australian Presbyterian World Mission missionary granted a seat on the presbytery by rule, regulation or resolution of the General Assembly, or has been received by transfer from another presbytery;
- e) every retired minister who has retained his seat on the presbytery or who has been received by transfer from another presbytery;
- f) every full-time chaplain to the Australian Defence Force who:
  - i) was a member of the presbytery when notification of his appointment was received, until he ceases to hold such appointment or his membership is transferred to another presbytery; or
  - ii) not being a member of another presbytery, is serving within its bounds;
- g) every minister of the Presbyterian Church of Australia appointed by the Health and Community Chaplaincy Committee as a chaplain and serving within its bounds;
- h) every intentional interim minister serving within its bounds;
- i) every district interim moderator appointed by the presbytery and serving within its bounds;
- j) every professor or full-time lecturer appointed by the General Assembly to the Presbyterian Theological College granted a seat on the presbytery by the General Assembly;
- k) every minister in special circumstance, following successful petition by the presbytery to the General Assembly.

**Part 2 – Elders**

- l) every representative elder from each charge within its bounds whose written commission has been sustained by the presbytery (noting also [rule 3.48](#));
- m) every parity elder appointed by the presbytery (noting also [rules 4.4, 4.5](#));
- n) the following elders if they are members of sessions within its bounds:
  - i) every elder appointed by the General Assembly as its Law Agent or Procurator;
  - ii) every elder appointed as a convener or chairman of a General Assembly committee or board;
  - iii) every elder appointed by the General Assembly to full-time office;
  - iv) every elder in special circumstance, following successful petition by the presbytery to the General Assembly.

**4.3 Name on one roll only**

A person can only be a member of one presbytery. If that person is already a member of a presbytery and qualifies for membership of another presbytery, the first presbytery must decide whether to transfer his membership.

**4.4 Retired ministers**

- 4.4.1 A minister acquires the status of a retired minister if he resigns his charge because of advancing years or ill-health and with the intention of withdrawing from the full-time work of the pastorate.
- 4.4.2 This minister, if he requests, retains his membership of the presbytery. If he attends presbytery regularly, and takes an active part in its affairs, the presbytery may appoint a parity elder for him annually according to [rule 4.2\(m\)](#) above.

**4.5 Parity elders**

- 4.5.1 A presbytery may appoint from sessions within its bounds elders to give parity of membership with ministerial members on the presbytery.
- 4.5.2 Rules 4.2(l) and 4.2(m) are subject to the limit that no more than two elders from any session are members of the presbytery, except those who are covered by [rule 4.2\(n\)](#).



**4.6 Associate members**

Except when a judicial case is before it, the presbytery may as a courtesy associate with itself a member of another presbytery who is present.

**4.7 Moderator**

4.7.1 A presbytery must elect a moderator who holds office for a period determined by it which is normally twelve months.

4.7.2 If the moderator is absent, or leaves the chair whether to address the court or for any other reason, the most recent past moderator present takes the chair, failing which the court appoints a member to take the chair.

4.7.3 If the moderator dies or otherwise ceases to be a member of the presbytery, his duties immediately devolve to the previous moderator until the next ordinary meeting of the presbytery.

4.7.4 If the previous moderator cannot assume such responsibility, any right and duty to call urgent meetings devolves to the clerk until a new moderator is appointed.

4.7.5 An acting moderator has all the duties and rights of the moderator (see rules [6.3](#), [6.4](#), [6.14](#)).

**4.8 Clerk**

A presbytery must appoint a clerk, who is usually but not necessarily one of its members, may review the appointment annually, and must fix the clerk's remuneration from its funds.

Note: [rule 6.5](#) deals with the duties of a clerk; [rule 6.6](#) contains the *Declaration of Faithful Duty* to be taken by the clerk.

**4.9 Treasurer**

A presbytery must appoint a treasurer to gather, take charge of, disburse and account for all funds held by it as it may direct, and to present audited accounts to it.

**4.10 Other officials**

A presbytery may appoint such other officials as it considers necessary for its work.

**4.11 Fund**

A presbytery may establish a fund to meet its expenses, and can for this fix a rate levied on each charge. Offerings made at services appointed by the presbytery may also be applied to this fund.

**4.12 Commissions**

4.12.1 A presbytery may appoint a commission of its members for a specified purpose and with powers and membership defined by it at the time of appointment.

4.12.2 The quorum of a commission is three members, of whom two must be ministers.

4.12.3 A commission does not have the power to ordain ministers, dissolve a pastoral tie or pronounce a sentence in a judicial case.

4.12.4 A commission must so far as possible follow any procedure prescribed for a presbytery in a similar case.

4.12.5 There is the same right of appeal against a decision of a commission of a presbytery as against a decision of the presbytery.

**4.13 Committees**

A presbytery may appoint committees for particular purposes to facilitate its work. A committee must not meet when presbytery is sitting, without its permission.

## Section Two ... Meetings and Procedure

**4.14 Types of meetings**

Meetings of a presbytery are:

- a) Ordinary;
- b) Special Purpose;

- c) Urgent;
- d) Adjourned.

#### **4.15 Quorum**

A quorum of the presbytery is three members, of whom two must be ministers.

#### **4.16 Ordinary meetings**

4.16.1 A presbytery meets for ordinary business by:

- a) adjournment from the previous ordinary meeting; or
- b) special appointment of the General Assembly; or
- c) the constitutional revival of the presbytery after its lapse.

4.16.2 An ordinary meeting of presbytery is usually held at set times and places and must be held at least quarterly.

4.16.3 At each ordinary meeting, the time and place of the next ordinary meeting must be fixed, announced and minuted. Although this suffices without further announcement, the clerk usually sends members a written reminder including notice of the proposed business.

4.16.4 If the moderator believes that the appointed next meeting day will be unsuitable, he may, with the consent of the clerk and another member, alter the date and must then instruct the clerk to give at least seven days' notice to members of such alteration.

4.16.5 If the moderator acts under the previous rule, the moderator must submit to the presbytery written reasons for his action and these must be recorded in the minutes.

#### **4.17 Special purpose meetings**

4.17.1 A special purpose meeting of presbytery is one appointed by the previous ordinary meeting for some particular business which must be announced at the time of appointment and recorded in the minutes.

4.17.2 A special purpose meeting must take up only the business announced and minuted, and only the part of the minutes of the previous ordinary meeting relevant to the special purpose meeting is read at it.

4.17.3 The requirements for notice of a special purpose meeting are the same as for an ordinary meeting.

#### **4.18 Urgent meetings**

4.18.1 An urgent meeting of presbytery is one called to attend to business emerging since the previous ordinary meeting and judged to require urgent action.

4.18.2 A moderator may call an urgent meeting on his own responsibility or, if he sees cause, when requested to do so for reasons stated by at least a quorum of the presbytery.

4.18.3 A moderator shall call an urgent meeting when directed by the General Assembly or by a Commission thereof.

4.18.4 At least seven days' notice of an urgent meeting is given to presbytery members by the moderator or, with his authority, by the clerk.

4.18.5 The notice of meeting must state the business of the meeting.

4.18.6 At an urgent meeting:

- a) the presbytery must first approve or disapprove the action of the moderator in calling the meeting;
- b) if the calling of the meeting is approved, only the stated business may be attended to at the meeting;
- c) if the calling of the meeting is disapproved the meeting does not deal with the stated business but the moderator, or any member of the court, may bring the whole circumstances of the case to the next ordinary meeting of the presbytery which may there deal with the stated business.

4.18.7 The full notice of an urgent meeting must be set out in the minutes of the meeting.

#### **4.19 Adjourned meetings**

4.19.1 Any of the foregoing types of presbytery meeting may be adjourned to meet before the date of the next ordinary meeting of the presbytery to complete business and for that purpose alone.

4.19.2 The clerk must give notice of the adjournment to all presbytery members unless the adjournment is for only one day.

**4.20 Lapse of powers and functions**

4.20.1 Presbytery is a continuing court. Accordingly its powers and functions lapse:

- a) when at an ordinary meeting it neglects to appoint a time and place for its next meeting; or
- b) when a quorum is not present at an ordinary meeting.

4.20.2 If a lapse occurs, the presbytery cannot again meet for business until convened by special notice given to presbytery members at least seven days before the meeting by the moderator, or, with his authority, by the clerk or by the Assembly Clerk.

4.20.3 The notice of meeting must bear the words 'By order of the moderator' or 'By order of the General Assembly.'

4.20.4 Any circumstances described in this rule must be recorded in the minutes of the presbytery when it meets and be reported to the Assembly Clerk.

**4.21 Licentiates may remain**

If presbytery determines to sit in private it may allow licentiates to remain.

Note: [rule 6.10](#) as to a court being open.

**4.22 Order of business**

4.22.1 The order of business of a presbytery meeting is normally:

- a) constitution by prayer;
- b) recording of members present;
- c) sustaining of apologies for absence;
- d) sustaining of elders' commissions;
- e) adjustment of the roll;
- f) association of eligible persons, and welcomes;
- g) tabling of notices of motion for a future meeting;
- h) adoption of agenda;
- i) confirmation of minutes of previous meeting(s);
- j) attention to any reasons for dissent from decisions recorded in the minutes of the previous meeting;
- k) other business arising from the minutes;
- l) any other business;
- m) fixing the date of the next meeting (see [rule 4.16.3](#));
- n) closure with prayer.

4.22.2 However, save for (a), (m) and (n) of the previous rule, a presbytery may vary the order of its business as it sees fit.

4.22.3 A notice of motion may also be handed in immediately before the close of the meeting.

**4.23 Conference**

A presbytery may meet in conference to permit greater freedom of discussion of important questions and to ripen opinion for subsequent decision. The conference may appoint the moderator or any other member to preside. Only the decision to meet in conference and the fact of having done so, and not any motions framed or decisions adopted at such a conference, may be recorded in the minutes of the presbytery.

**4.24 Committee of the whole**

For the consideration of a matter involving a variety of details, or for other reasons, a presbytery may resolve to meet as a committee of the whole, in which sufficient of the ordinary rules of debate are suspended so as to permit freer discussion.

Note: the procedure to be followed in committee as a whole is in [rule 7.40](#).

**4.25 Procedure**

4.25.1 Presbytery procedure is governed by those parts of the following which apply to it:

- a) the rules for church courts (see chapter 6);
- b) the procedure and rules of debate contained in the standing orders of the General Assembly (see chapter 7);

- c) other relevant sections of this chapter;
  - d) any direction of the General Assembly.
- 4.25.2 Otherwise a presbytery exercises a discretionary power of procedure subject to ensuring that substantial justice is done to all persons concerned.

#### **4.26 Announcement of decisions**

Decisions of the presbytery must be communicated to the persons they concern either orally to those present or by extract minutes.

### **Section Three ... Jurisdiction, Powers and Duties in General**

#### **4.27 Jurisdiction**

Provided it does not intrude upon the jurisdiction accorded to sessions by these rules, a presbytery has jurisdiction over:

- a) all the territory within the bounds assigned to it by the General Assembly;
- b) the congregations and their communicants and adherents located within its bounds;
- c) its members;
- d) all ministers not inducted into a pastoral charge and all licentiates living or working within its bounds who are not under the jurisdiction of another presbytery;
- e) such persons, congregations and institutions outside its bounds as the General Assembly commits to its jurisdiction.

#### **4.28 Rules not exhaustive of powers**

Provided it does not intrude upon the jurisdiction accorded to sessions by these rules the presbytery must watch over all the interests of the church within the territory over which it has jurisdiction, and must intervene whenever it judges appropriate to protect or promote those interests. The presbytery does this even when there is no express provision related to the matter made by a higher court.

#### **4.29 Dissatisfaction with decisions**

- 4.29.1 Except as otherwise provided for in these rules, a decision or judgment of a presbytery is brought under review by an appeal to the General Assembly, or to the General Assembly of Australia, as the case may be.
- 4.29.2 If an appeal is obstructed or unavailable, the aggrieved party may petition the General Assembly.

### **Section Four ... Oversight of Candidates for the Ministry**

#### **4.30 Suitability of candidates**

A presbytery must ascertain on all grounds whether an applicant is suitable to become a candidate for the ministry.

#### **4.31 Acceptance of candidates (see also TEC regulation 5)**

- 4.31.1 In considering the acceptance of applicants for the ministry, a presbytery must bear in mind the seriousness of the decision it is called on to make and its bearing on the welfare of the whole church, and must exercise every care in the matter of his application.
- 4.31.2 When a person applies to be accepted as a candidate for the ministry, the presbytery must examine him in accordance with the following rules:
  - a) it must instruct the applicant to appear in person before a duly convened meeting of the presbytery's students' committee, or other committee especially appointed for the purpose, his own minister being associated with the committee if he is not a member of it;
  - b) by this means, and by any other means it chooses to adopt, the presbytery must satisfy itself of the following points:
    - i) the applicant's Christian character and conviction and his sense of divine call;

- ii) his satisfactory length of membership in and service to the Presbyterian Church of Australia (specified by GAA College Committee regulation 4(a) as 6 months);
- iii) his ability in preaching and public speaking;
- iv) his capacity for making acceptable contacts with people;
- v) his plans for financing himself during the course, especially if he is married;
- vi) his general health, including being provided with a medical report from an approved medical examiner;
- vii) a satisfactory police record check;
- viii) his having a current Working With Children Check ('WWCC').

4.31.3 If, after examination, the application is approved, the presbytery must notify the Theological Education Committee, communicating full particulars of its enquiries, together with all relevant documents. The presbytery must await the report of the committee before proceeding. The presbytery must not proceed to admit an applicant as a candidate without the concurrence of the Theological Education Committee.

4.31.4 On receiving the report of that committee the presbytery must come to a decision about the applicant, and if it judges him to be a satisfactory applicant, and that committee concurs, it may admit him as a candidate, but on probation until completion of the first year of study. A presbytery must not finally confirm a student's candidacy until:

- a) the period of probation has been satisfactorily fulfilled;
- b) a report has been received from that committee advising of his satisfactory progress in his studies; and
- c) it interviews him.

#### 4.32 Role of GAA College Committee

After receiving from the Theological Education Committee notification of an applicant's acceptance as a candidate for the ministry, the College Committee of the General Assembly of Australia has the right to:

- a) determine his academic status;
- b) admit him to the course of training;
- c) assign him an appropriate grading in that course.

Note: no regulation of the College Committee of the General Assembly of Australia can overrule the rightful jurisdiction of presbyteries in the matter of acceptance of candidates or termination of candidature. Distinct from acceptance of candidates or termination of candidature, the College Committee has jurisdiction over the question of admission to and exit from the course of training.

#### 4.33 Commencement of course of training

A candidate is required to commence the course of training within two years of being accepted as a candidate, unless the relevant faculty gives permission to extend this time.

#### 4.34 Oversight of candidates (see also TEC regulation 5)

4.34.1 A candidate for the ministry continues under the oversight of a presbytery during his course of training. His candidature can be terminated only by the decision of the presbytery having such oversight. Until he is licensed, a candidate remains under the jurisdiction of the session on whose roll of communicants his name appears.

4.34.2 The presbytery must require each candidate under its oversight:

- a) to present each year a certificate from the Theological College Faculty that his year's work has been sustained; and
- b) to appear in person at least once a year before presbytery or its students' committee.

4.34.3 If a presbytery:

- a) based on reports received and interviews conducted; or
- b) through the initiative of the Theological Education Committee, based on its reports and academic results received from the faculty;

resolves that it believes that a candidate may no longer be suitable for the ministry, it may commence a review to determine whether to terminate his candidature.

**4.35 Trials for licence**

Following his formal request, a presbytery must appoint trials for licence for a candidate within its jurisdiction who:

- a) is a communicant of the church;
- b) has notification from the Theological College Faculty that its requirements have been satisfied up to that time; and
- c) has entered the final year of his studies.

The presbytery must then appoint two or more of its members as examiners. The trials for licence cannot be regarded as completed, and no act of licensing can be undertaken, until an Exit Certificate has been issued by the College Committee of the General Assembly of Australia and until one year has elapsed from the date of his acceptance as a candidate.

**4.36 Subjects of examination**

4.36.1 The Exit Certificate is ordinarily accepted as sufficient proof of scholarship, but the presbytery examiners must examine the candidate before it may grant him a licence.

4.36.2 The examination must include:

- a) oral examination in theology with particular reference to the Westminster Confession of Faith, read in the light of the Declaratory Statement;
- b) preaching of a sermon on a prescribed text; and
- c) examination of pastoral and practical matters.

4.36.3 The examination may also include other prescribed tasks, including:

- a) an exegesis paper on a prescribed passage of scripture;
- b) an essay on a doctrine of theology;

on the understanding that (a) and (b) above may be satisfied with the production of papers previously written for or updated from class work.

**4.37 Examiners report to presbytery**

The examiners must report to the presbytery in writing and the presbytery must then hear from the candidate and have the opportunity to question him on any relevant matter.

**4.38 Removal of a candidate to another presbytery during trials**

4.38.1 If at any stage of his trials a candidate needs to move residence outside the bounds of his presbytery, the presbytery, if satisfied with the reasons for his move, must transfer him to the jurisdiction of the presbytery within whose bounds he intends to reside.

4.38.2 When transferring the candidate, the presbytery must certify the subjects of trial that have been prescribed (if any) and to what extent they have been satisfactorily completed.

4.38.3 The presbytery receiving the candidate must not review those parts of the trials already performed to the satisfaction of the former presbytery, but must proceed with the remainder of the trials as if the candidate had first appeared before it.

**4.39 Act of licensing**

After the candidate has completed his trials to the satisfaction of the presbytery, it must resolve to proceed to his licensing. The procedure of licensing must include:

- a) the moderator puts to the candidate the questions prescribed by the General Assembly of Australia (see PCA 'Code', 6.5);
- b) the moderator prays and then declares: 'In the name of Jesus Christ, the only King and Head of the church, and by warrant and appointment of this presbytery, I now license you to preach the gospel of the Lord Jesus Christ';
- c) the licentiate signs the Formula prescribed in the constitution of the Presbyterian Church of Australia (see [Appendix 1, Forms and Certificates, 16](#));
- d) the moderator exhorts him to be faithful in carrying out the work of the gospel with which he has been entrusted;
- e) the members of the presbytery give him the right hand of fellowship; and
- f) the clerk issues to the licentiate an attested extract minute of his licence in the form prescribed (see [Appendix 1, Forms and Certificates, 10](#)).

## Section Five ... Status of Ministers and Licentiates

### 4.40 Status of a minister

All questions as to the present status of a minister of the Presbyterian Church of Australia are determined by the presbytery which has jurisdiction over him.

### 4.41 Admission to status of a minister

Admission to the status of a minister of the Presbyterian Church of Australia is either by:

- a) ordination at the hands of a presbytery; or
- b) reception as a minister under the provisions of the rules enacted by the General Assembly of Australia for the reception of ministers from other churches.

A presbytery must recognise as a minister of the Presbyterian Church of Australia only those who have been admitted to that status and who still retain it.

### 4.42 Work outside the Presbyterian Church of Australia by a minister

A presbytery may permit a minister to work outside the Presbyterian Church of Australia for up to five years. In doing so, it must give due weight to the primary importance of pastoral work within the Presbyterian Church of Australia and must satisfy itself that the circumstances and area of work is not inconsistent with his calling.

### 4.43 Loss of status of a minister

If a minister is deposed from the ministry of the church in execution of a sentence pronounced by a competent court after formal process of discipline in accordance with the Code of Discipline, the presbytery must declare that the minister has lost the status of a minister of the Presbyterian Church of Australia.

### 4.44 Resignation of a minister

A request by a minister to resign from the ministry of the Presbyterian Church of Australia is dealt with as if he was resigning from his charge, so far as applicable (see [rules 4.100 – 4.110](#)).

### 4.45 Authority to grant certificates

A presbytery may grant the following documents in the prescribed form to persons within its jurisdiction:

- a) a certificate of status, which certifies both that the person has been admitted to the status of a minister of the Presbyterian Church of Australia and retains that status (see [Appendix 1, Forms and Certificates, 11](#));
- b) a certificate of licence (which takes the form of an extract minute of licensing), which certifies that the person has been licensed by the presbytery to preach the gospel of the Lord Jesus Christ (see [Appendix 1, Forms and Certificates, 10](#));
- c) if there is no appropriate certificate, a letter of commendation. Non-exhaustive examples of this are a letter for:
  - i) a minister or licentiate with leave of absence;
  - ii) a minister who seeks to be referred to another Presbyterian authority or another denomination or church;
  - iii) an elder proposing to visit a church outside Victoria;
  - iv) a candidate for the ministry whose transfer to the oversight of another presbytery is imminent;
  - v) a home missionary whose transfer to service in another presbytery is imminent.

### 4.46 Mandatory certificates

A presbytery must grant:

- a) a certificate of status to a minister under its jurisdiction who resigns his charge or whose transfer to the jurisdiction of another presbytery is imminent, unless the minister has been translated or appointed by the General Assembly to an assembly office;
- b) a certificate of licence in the form of an extract minute to a candidate immediately after his licensing.

## Section Six ... Oversight of Ministers and Licentiates

### 4.47 General oversight

A presbytery must be active in the oversight of all ministers and licentiates residing or labouring within its bounds, whether under its jurisdiction or not.

### 4.48 Licentiates, ministerial members and ministers who are not members of a presbytery

4.48.1 A licentiate remains under the jurisdiction and oversight of the presbytery which licensed him until he is appointed to a charge outside its bounds or takes up residence within the bounds of another presbytery.

4.48.2 A minister who is not a ministerial member of any presbytery is subject to the jurisdiction and oversight of the presbytery within whose bounds he resides.

4.48.3 A licentiate who is appointed to a charge or a ministerial member inducted into or appointed to a charge or appointed as an assistant to the minister (for a period of one year or more) is subject to the jurisdiction of the presbytery within whose bounds the charge exists, regardless of where he resides.

4.48.4 The following persons are required within two months of moving residence to within the bounds of another presbytery to do the following:

- a) a licentiate who is not appointed to a charge must notify the second presbytery and produce an extract minute of his licensing to it;
- b) a minister who is not a ministerial member of any presbytery must present to the second presbytery a certificate of status issued not more than three months previously provided that the second presbytery may reasonably allow extension of the time for such presentation.

### 4.49 Ministerial members not inducted into, or appointed to, a charge – membership of a presbytery

A ministerial member not inducted into, or appointed to, a charge, including a minister who is a member of a presbytery because of a resolution of the General Assembly under [rule 4.2\(k\)](#), may (or must, if a rule or a resolution of the General Assembly requires it), on taking up residence within the bounds of another presbytery, be transferred to the membership of that presbytery upon production within two months (or within a period of time approved by the presbytery) of:

- a) a certificate of status; and
- b) a letter from the former presbytery agreeing to such transfer.

The transfer takes effect from the date of approval of this certificate and the clerk must then notify the former presbytery of such transfer.

### 4.50 Retired ministerial member – appointment in another presbytery or resignation

4.50.1 If a retired minister with a seat on a presbytery accepts appointment for at least six months to a charge in another presbytery, he becomes a ministerial member of that presbytery during his time of appointment.

4.50.2 Notice of this appointment and its completion must be given by the clerk of the second presbytery, and notice of any subsequent appointment and its completion must be given by the clerk of any subsequent presbytery, to the clerk of the original presbytery.

4.50.3 On completion of the final appointment, the minister's membership reverts to the original presbytery.

4.50.4 A retired minister with a seat as a ministerial member of presbytery who desires to resign must notify the presbytery, which may grant the request.

### 4.51 Complaints against ministers and licentiates

4.51.1 The presbytery is the court of first instance for all matters relative to the life, character, doctrine and professional conduct of its ministers and licentiates.

4.51.2 The presbytery must take cognisance of any false teaching or inappropriate conduct of any such minister or licentiate as comes by regular process to its notice.

4.51.3 In complaints which are cases or matters of discipline, the presbytery shall conduct the business before it in accordance with the Code of Discipline and in harmony with the Articles of Agreement.



- 4.51.4 In complaints which are not cases or matters of discipline, the presbytery may conduct the business before it as it sees fit but must ensure that substantial justice is done to all persons concerned.

**4.52 Leave of absence**

- 4.52.1 The minister of a charge is not permitted to be absent from preaching and leading worship or from the pastoral care of his charge for more than two months without leave of his presbytery. Where such leave is given, the presbytery may, if it considers necessary, appoint an interim moderator for the whole or part of the period of the minister's absence.
- 4.52.2 A minister not inducted into a pastoral charge or without other pastoral responsibility must obtain the leave of his presbytery for absence from its bounds for a period exceeding six months.

**4.53 Special leave**

Where circumstances indicate that taking special leave before long-service leave may reasonably be expected to assist a minister avoid burnout or early resignation, a minister should:

- a) apply to his presbytery for leave of absence (refer [rule 4.52](#)); and
- b) apply through his presbytery to the Maintenance of the Ministry Committee for a grant as provided for by regulation 30.

Presbyteries must promptly forward such requests for grants to the committee.

**4.54 Incapacity of a minister**

- 4.54.1 Where:

- a) a minister has become incapacitated for any reason; and
- b) that incapacity has caused him to be unable to perform his pastoral duties for a continuous period of two months,

the session clerk must forthwith inform the presbytery clerk who must contact the minister or the person responsible for his care.

- 4.54.2 The minister, or the person responsible for his care, must within ten days, but preferably forthwith:

- a) advise the presbytery of the nature and extent of his incapacity; and
- b) present to the presbytery a medical certificate.

- 4.54.3 On receipt of the certificate the presbytery clerk must, in consultation with the moderator:

- a) relieve the minister of the duties of the minister, appoint an interim moderator and obtain confirmation of such action by the presbytery at its next meeting; and
- b) direct the minister, or the person responsible for his care, to supply the interim moderator as soon as possible with all information necessary for the board, in consultation with the Church Office, to make a claim for disability insurance payments.

- 4.54.4 The interim moderator must provide regular advice to the session and presbytery on the minister's health.

- 4.54.5 The session must be consulted on, and the presbytery must approve, any program for the minister's return to part or full-time duties.

- 4.54.6 If the minister cannot resume either full or part-time duties to the satisfaction of the presbytery, and the presbytery receives a certificate from two registered medical practitioners that the minister's condition is unlikely to improve to a point where the minister is able to resume full or part-time duties, the presbytery may:

- a) in the case of a pastoral charge, dissolve the pastoral tie, declare the charge vacant and take the usual steps for filling the vacancy; or
- b) in the case of an appointment charge, take appropriate steps to terminate the appointment and to fill the vacancy; or
- c) in the case of a home mission charge or church plant charge, take appropriate steps, in consultation with the Ministry Development Committee or Church Planting Committee, to terminate the appointment and to fill the vacancy.

**4.55 Registration as authorised celebrants under the Marriage Act**

- 4.55.1 The following are qualified to be registered under the Marriage Act 1961 (Commonwealth) as ministers of religion if recommended by the presbytery with jurisdiction over them:

- a) ministers inducted into or appointed to a pastoral charge;
- b) ministers holding a General Assembly appointment;
- c) retired ministers resident in Victoria;

- d) licentiates appointed to a charge;
  - e) home missionaries appointed to a home mission charge;
  - f) church planters appointed to a church plant charge.
- 4.55.2 Those qualified may apply to the presbytery having jurisdiction over them for recommendation to the Registrar of Ministers of Religion appointed under the Marriage Act using the appropriate form obtained from the Assembly Clerk.
- 4.55.3 The presbytery must consider every such application, and, if it recommends the applicant for nomination for registration as a minister of religion under the above mentioned Marriage Act, forward it to the Assembly Clerk for forwarding to the Registrar.
- 4.55.4 If a registered minister of religion:
- a) is no longer qualified; or
  - b) wishes to be no longer registered; or
  - c) changes his address; or
  - d) leaves Australia for more than three months; or
  - e) intends to resume his duties in Australia after an absence of more than three months;
- the clerk of the presbytery having jurisdiction over him, on the minister's advice, or on his own initiative, must advise the Assembly Clerk, who must advise the Government Registrar of his change of circumstances.

## Section Seven ... Public Worship

### 4.56 Regulation of public worship and other services

- 4.56.1 A presbytery is responsible for the regulation within its bounds of all matters concerning the performance of public worship and the administration of all religious services. In exercising this responsibility it takes notice of any practice drawn to its attention that appears inconsistent with the accepted standards of worship as practised in the church or which is a needless cause of division in a congregation. After careful inquiry the presbytery may direct that any such practice cease.
- 4.56.2 A presbytery is directly responsible to the church, and any decision of the presbytery on public worship or other religious services remains binding on all persons until any appeal against it is finally disposed of.

## Section Eight ... Formation of Congregations

### 4.57 Fixing of parish and mission field boundaries

A presbytery must divide the whole area within its bounds into parishes and mission fields.

### 4.58 Formation of new congregations

- 4.58.1 After receipt of a petition from a session, or from any group of interested people, or acting on its own initiative, a presbytery may alter parish or mission field bounds to form a new parish or mission field and declare the formation of a new congregation.
- 4.58.2 In doing this the presbytery ensures that the rights and privileges of any existing congregation and of any inducted minister are not infringed.
- 4.58.3 Presbytery acts consistently with [rule 4.68](#).

### 4.59 Special interest congregations

- 4.59.1 Where it considers that Christian worship, instruction, fellowship, work and witness would be enhanced, a presbytery may form a congregation, termed a special interest congregation, to meet the needs of an ethnic group or of persons associated by special interest.
- 4.59.2 A special interest congregation established within the bounds of an existing parish or mission field must not affect the parish bounds and work of the existing congregation.
- 4.59.3 Membership of a special interest congregation may be drawn from areas served by other congregations but canvassing for new members from among them must be avoided.
- 4.59.4 Any arrangement proposed for use by a special interest congregation of the property of an existing congregation must be approved by the existing congregation and the presbytery.

**4.60 Appointment of a session**

- 4.60.1 When a presbytery declares a congregation to be formed it must place it under the oversight of:
- a) a session comprising ministerial members of the presbytery and members of sessions within its bounds, with one ministerial member as moderator; or
  - b) a neighbouring session;
- until an election and induction of elders from the communicants of the congregation.
- 4.60.2 When a presbytery links congregations, it must place them under the oversight of:
- a) a session as stated in (a) or (b) of the previous rule; or
  - b) a session consisting of the elders of the linked congregations.
- 4.60.3 When a presbytery severs the links between congregations it must place each congregation under the oversight of a session as in (a) or (b) of rule 4.60.1 or under the oversight of a session consisting of elders from the congregation.

## Section Nine ... Status of Charges

**4.61 Declaration of status**

- 4.61.1 A presbytery declares a charge to have the status of a **pastoral charge** when it is satisfied that:
- a) the area requires the settlement of a minister; and
  - b) there are sufficient communicants adequately organised to exercise the right and responsibility of issuing a call; and
  - c) the financial requirements for settlement can and will be met by each congregation concerned; or sufficient financial aid will be available from the funds of the General Assembly.
- 4.61.2 A presbytery declares a charge to have the status of an **appointment charge** when it is satisfied that:
- a) the circumstances of a pastoral charge have so changed that it can no longer retain that status and the presbytery judges the change to be temporary; or
  - b) a charge subsidy from the Ministry Development Committee, or a sustentation grant from the Maintenance of the Ministry Committee, has been granted to a vacant pastoral charge to provide minimum terms of settlement; or
  - c) the circumstances of a home mission charge or church plant charge have so changed that it is likely to reach the capacity for a pastoral charge; or
  - d) it would be in the best interests of the charge.
- 4.61.3 A presbytery declares a charge to have the status of a **home mission charge** when it is satisfied that:
- a) the circumstances of a pastoral or appointment charge have so changed that it can no longer retain that status and the presbytery judges this change likely to be lasting; or
  - b) the change of status is necessary for the charge to receive particular assistance and intervention from the Ministry Development Committee to strengthen and renew it; or
  - c) it would be in the best interests of the charge.
- 4.61.4 A presbytery declares a charge to have the status of a **church plant charge** when it is satisfied that:
- a) a suitably qualified person is available for appointment to the charge; and
  - b) the financial requirements can be met; and
  - c) the appointee can be provided for adequately, either by resolution of the Church Planting Committee or otherwise.

## Section Ten ... Oversight of Congregations

### *Part One – General Oversight*

**4.62 Introductory**

- 4.62.1 A presbytery has a general responsibility and duty for the well-being of the church and its work, and of the congregations, and all congregational property, organisations and activities, within its jurisdiction.

- 4.62.2 Accordingly, it exercises a general oversight of congregational affairs and of the interests of the church within its bounds and may use its power of original action to deal with the matters referred to in the following rules of this section and with other matters falling within its responsibility as require its attention and action.

**4.63 Appointment charges, home mission charges and church plant charges**

4.63.1 A presbytery must:

- a) exercise special oversight of appointment charges, home mission charges and church plant charges and encourage and assist them to rise to the status of a pastoral charge;
- b) appoint one of its ministerial members or a district interim moderator as moderator of each home mission charge or church plant charge; and
- c) require from each moderator regular reports on the progress of the work.

4.63.2 All home missionaries, candidates for the ministry, resident supply preachers, licentiates or ministers engaged in home mission work and church planting are under presbytery's oversight of such work.

**4.64 Sunday School, other children's and youth ministries**

4.64.1 A presbytery must ensure that Sunday Schools and other children's and youth ministries are established within its bounds wherever needed and practicable, even before formation of a congregation.

4.64.2 The presbytery must also ensure, as far as it can, that the work of Sunday Schools and other children's and youth ministries are performed efficiently and that facilities for the training of teachers and leaders are available.

**4.65 People without church connections**

A presbytery must act as necessary and practicable to make the gospel known to persons unconnected with the Christian church, including by street witness, house-to-house visitation and other forms of evangelism under the direction of sessions.

**4.66 Sparsely populated areas**

A presbytery must arrange for periodical patrols or take other actions as will make the gospel, worship services and other provisions of the Christian faith available in sparsely populated areas or where the number of Presbyterian people is too few to form an organised congregation.

**4.67 New housing development, areas of rapid growth**

4.67.1 A presbytery must give special attention to areas of new housing development and rapid housing and population growth.

4.67.2 A presbytery must ensure adequate provision for the spread of the gospel and for all spiritual needs in such areas by the formation or adjustment of congregations or by other suitable means (subject to the provisions of [rule 4.68](#)).

**4.68 Union, adjustment or dissolution of congregations**

4.68.1 As it judges necessary for the good of the church, a presbytery unites, adjusts or dissolves congregations, and alters the status of charges and the bounds of parishes and mission fields.

4.68.2 In such cases it first seeks the mind of the ministers, sessions and congregations concerned and endeavours to obtain their agreement to the proposed decision. However, only the agreement of the inducted ministers of any pastoral charge affected by the proposed change is necessary, not that of sessions and congregations.

4.68.3 In uniting, adjusting or dissolving congregations the presbytery must ensure that no property is needlessly alienated from the church.

**4.69 Final dissolution of a congregation**

A presbytery cannot declare that a congregation is finally dissolved until:

- a) at least a year has elapsed since the last regularly authorised Presbyterian service of worship of the congregation was held by a minister or elder or home missionary of the church; and
- b) its intention to dissolve the congregation has been reported to the General Assembly and agreed to by it.

## ***Part Two – Provision of Pastoral Ministry***

### **4.70 Pastoral support and resident supply ministry**

- 4.70.1 To provide adequate pastoral support or resident supply ministry to vacant charges, a presbytery may appoint (whether full-time or part-time) a minister, licentiate, candidate for the ministry, home missionary, church planter or another suitably qualified person on appropriate terms.
- 4.70.2 Presbytery must ensure that any appointee is eligible for the appointment and has any necessary certificates.

### **4.71 Part-time ministry**

- 4.71.1 With the concurrence of the Maintenance of the Ministry Committee a presbytery may approve part-time ministry to a charge on a year by year basis provided it is satisfied that:
- a) the objects of the ministry and the welfare of the charge will be properly served; and
  - b) the minister will not suffer hardship.
- 4.71.2 In approving the terms of settlement for such an appointment, presbytery must:
- a) express the working time of the minister as a number of days out of five or as a percentage of full-time; and
  - b) include adequate time for the minister's preparations.
- 4.71.3 Such arrangements may only be approved for one year and must be reviewed and approved annually by presbytery and the Maintenance of the Ministry Committee.

### **4.72 Appointments to appointment charges**

- 4.72.1 A presbytery must supervise the selection of ministers or licentiates for appointment to appointment charges and so appoint only if satisfied of the proposed appointee's suitability and willingness to undertake the work on the terms and conditions fixed.
- 4.72.2 This appointment must not exceed three years in the first instance. A minister appointed to an appointment charge does not have the same security of tenure as a minister inducted into a pastoral charge.
- 4.72.3 A contract approved by the Board of Investment and Finance should be used for any employment agreement.

### **4.73 Appointments to home mission charges**

A presbytery may apply to the Ministry Development Committee for a proposed appointee to a home mission charge, which appointment the presbytery must then approve.

### **4.74 Appointments to church plant charges**

- 4.74.1 A presbytery must supervise the selection of suitable persons for appointment to church plants. The presbytery either appoints a person of whose suitability and willingness to undertake the work on the terms and conditions fixed it is satisfied, or approves an appointment by the Church Planting Committee.
- 4.74.2 A contract approved by the Board of Investment and Finance should be used for any employment agreement.

### **4.75 Appointment of assistant to the minister of a pastoral charge**

- 4.75.1 An assistant to the minister of a pastoral charge is appointed by the minister if:
- a) the minister has established both the need for an assistant and the type of assistance required and the session resolves to agree with this;
  - b) funding of the position has been approved by the board if the appointment is for a year or less and by the congregation if the appointment is longer;
  - c) the appointment has been approved by both the session and presbytery, to whom the minister must submit all relevant curriculum vitae details and references.
- 4.75.2 An assistant works under the direction of the minister, is not inducted into office, and does not have a seat on presbytery unless otherwise qualified for a seat.
- 4.75.3 A contract approved by the Board of Investment and Finance should be used for any employment agreement.

**4.76 Other recognised ministerial positions – associate, colleague or colleague and successor**

- 4.76.1 An associate minister is a minister called and inducted into a specially created associate position within a pastoral charge. He is in every sense a minister of the charge except that the first inducted minister is considered to be the senior minister.
- 4.76.2 A colleague minister is a minister called and inducted into a specially created collegiate position within a pastoral charge. He is in every sense a minister of the charge with equal standing to the first inducted minister.
- 4.76.3 A colleague and successor minister is a minister called and inducted as in 4.76.2, but also with the right to succeed as sole minister of the charge when the first inducted minister retires, resigns, dies or is translated.
- 4.76.4 An application for such a minister is made by the minister of the pastoral charge. If this application is made the presbytery inquires into the circumstances and ascertains the mind of the congregation or congregations.
- 4.76.5 The presbytery may approve this application only if satisfied that:
- a) the provision of such a minister is desirable; and
  - b) all financial requirements including terms of settlement can be met; and
  - c) the congregation or congregations agree to the application and, in the case of a colleague and successor minister, have been informed of his right to succeed to the office of sole minister of that charge.
- 4.76.6 If it approves such an application the presbytery:
- a) declares a vacancy in the pastoral charge; and
  - b) appoints an interim moderator to preside at all necessary meetings for the call of this minister; and
  - c) issues an edict of vacancy, and then proceeds as in the case of an ordinary vacancy, except that in calling an associate minister the minister of the charge is to be regarded as the senior minister.

***Part Three – Oversight of Trusteeship and Property***

**4.77 Local trustees of congregational property**

- 4.77.1 A presbytery must perform the duties and exercise the discretions specified in the regulations enacted by the General Assembly relating to Section 25 of the Presbyterian Trusts Act 1890 in respect of the appointment, oversight and removal of the trustees of congregational property which is not vested in the Presbyterian Church of Victoria Trusts Corporation and not held under any Act of Parliament or deed of trust containing any specific provision for the appointment and removal of trustees.
- 4.77.2 A presbytery is responsible to the General Assembly for the proper discharge of duties assigned to it by the General Assembly in relation to trustees of congregational and other property.

**4.78 Permission to erect, alter, demolish, etc.**

If a congregation applies for permission to erect, extend, alter, remove or demolish congregational buildings, a presbytery must:

- a) not give permission unless the requirements of the General Assembly in such cases have been met, and the proposed action is warranted by the circumstances of the congregation and in its best interests;
- b) forward to the appropriate General Assembly committee any application approved by it;
- c) ensure that no such action is taken before permission is given.

**4.79 Permission to sell, mortgage, lease, purchase, etc.**

If a congregation applies for permission to sell, mortgage, exchange, lease or purchase property or to borrow funds a presbytery must:

- a) not give permission without taking account of all the circumstances and the best interests of the church in general and of the particular congregation;
- b) if permission is granted, forward the application to the relevant General Assembly committee.

#### 4.80 Oversight of church property

A presbytery must ensure that all church property within its bounds is preserved from needless deterioration and misuse.

### *Part Four – Oversight of Terms of Settlement, Grants and Loans*

#### 4.81 Annual Charge Report

4.81.1 A presbytery must ensure that an Annual Charge Report in the form approved by the General Assembly is completed by all charges within its bounds (see [rules 2.14.1\(c\)](#), [2.45\(b\)](#)) and forwarded to the presbytery by the due date for its consideration and action.

4.81.2 An Annual Charge Report must be completed:

- a) at the close of each congregation's financial year for the year just concluded;
- b) after the presbytery has dissolved the pastoral tie of a charge;
- c) when, in the opinion of the presbytery, any change in circumstances requires a review of terms of settlement;
- d) when initiated by the Maintenance of the Ministry Committee, the minister, or the charge.

4.81.3 The presbytery must examine this report and must urge the charge to greater liberality if it judges that the proposed terms of settlement are not in keeping with the resources of the charge.

4.81.4 The presbytery must then assess the proposed terms of settlement in accordance with the requirements of the Maintenance of the Ministry Committee's regulations and any existing guidelines and must conclude with a decision to either:

- a) approve the proposed terms of settlement, with or without additional comments, and forward the report to the committee, with any relevant additional information, applications for assistance and the like as determined during the assessment; or
- b) disapprove the proposed terms of settlement, return the report to the charge, and then promptly assess the overall viability of the charge.

#### 4.82 Inability or failure to implement terms of settlement

4.82.1 If a presbytery receives:

- a) a report from either a minister or the treasurer that the board is, or is likely soon to be, unable to pay the stipend or make available non-cash benefits at least monthly or to implement the terms of settlement as declared by the Maintenance of the Ministry Committee and promised to its minister at his induction; or
- b) a notice from Maintenance of the Ministry Committee that it has decided to reduce or discontinue a grant to the congregation following which the presbytery believes that this is likely to seriously impair the congregation's ability to meet the terms of settlement in the near future;

it must take expedient steps, which may include:

- i) encouraging the congregation to increase its financial support;
- ii) recommending to the Maintenance of the Ministry Committee that, if its regulations permit, it allow a reduction of the terms of settlement;
- iii) recommending and assisting in the removal of the minister to another sphere of labour;
- iv) dissolving the pastoral tie, which however it cannot do under this rule without the concurrence of the minister.

Presbytery must inform the Maintenance of the Ministry Committee of any report referred to in sub-clause (a) above and of any steps taken.

4.82.2 If a presbytery is unable to ensure the speedy rectification of the matter by any of the steps suggested under [rule 4.82.1](#), and it also receives official notice from the Maintenance of the Ministry Committee that the terms of settlement are not being fulfilled, then the presbytery must take further action as it sees fit. Nonetheless the presbytery must dissolve the pastoral tie within six months of such official notice unless:

- a) it sees cause in the meantime to grant the prayer of a petition from the minister that he be allowed to retain his charge; or
- b) it satisfies Maintenance of the Ministry Committee that:
  - i) the declared terms of settlement have in the meantime been implemented; or

- ii) satisfactory arrangements have been made for a part-time ministry within the charge, in which case an Annual Charge Report with revised terms of settlement must be completed and approved (see [rule 4.81](#)).

**4.83 Processing of grant or loan applications by congregations**

4.83.1 A presbytery must consider grant and loan applications made to General Assembly committees by congregations and forward approved applications to the appropriate committee for its consideration. Such applications must be made on the prescribed form.

4.83.2 After a congregation has received grants from the Ministry Development Committee for ten years, a presbytery cannot approve a further application for a grant from this committee, but must forward it to the committee:

- a) for its information; and
- b) if presbytery considers the circumstances of the congregation may warrant it, with a recommendation that the committee consider approving a special grant under its regulation 18.

If the committee does not approve a special grant, the presbytery may bring the application to the General Assembly for evaluation.

**4.84 Responsibility for the General Assembly's General Mission Program**

4.84.1 A presbytery has a special responsibility to the General Assembly for the annual General Mission Program budget for the enterprises of the General Assembly.

4.84.2 The following prescriptions apply:

- a) when advised of its allocation by the General Assembly or the Commission of Assembly, the presbytery must fully re-allocate that allocation to each charge within its bounds an amount which it considers appropriate to be subscribed by that charge to the General Mission Program in the ensuing year;
- b) in determining the allocation to any charge, the presbytery must take into consideration the resources of that charge and its ability, with reasonable effort, to subscribe in full the amount allocated to it;
- c) the presbytery must advise each charge in writing of its allocation and advise the Assembly Clerk and the convener of the General Mission Program Committee of its re-allocations;
- d) when requested by the Board of Investment and Finance, the presbytery must collect from each or any charge within its bounds such financial and other information required by the committee under sub-clause 12(b)(v) of its regulations and ensure that it is provided to the committee by the date in such form as the committee may specify;
- e) the presbytery must:
  - i) appoint one of its number as its General Mission Program Liaison Officer having the duties of:
    - 1) dealing with matters between the presbytery and the Board of Investment of Finance; and
    - 2) promoting the General Mission Program to charges within the presbytery.
  - ii) advise the convener of the committee of the name and address of such officer.

4.84.3 The presbytery must ensure that the congregations within its bounds are taking all the action that may reasonably be expected of them to make a contribution in keeping with their resources. The presbytery must inquire into cases of failure and, by conference, encouragement, advice and other competent means, seek to eliminate such cases.

***Part Five – Sundry Matters***

**4.85 Presbytery may call for information**

A presbytery may call for specific information concerning their affairs from sessions and boards.



## Section Eleven ... Congregational Visitations

### **4.86 Five-yearly visitation**

- 4.86.1 The presbytery visits every congregation, as far as possible in rotation, at least every five years.
- 4.86.2 Linked congregations are normally visited concurrently and the visitation must include the federal board.
- 4.86.3 The purpose of this visitation is for the presbytery to acquaint itself with the state of affairs within a congregation, to strengthen the hands of the minister, session, office bearers and members of the congregation, to advise them should anything appear to be unsatisfactory or not in accord with the law of the church, and in general to give suitable counsel and encouragement.
- 4.86.4 A visitation is ordinarily by a committee of the presbytery consisting of at least three members, the majority of whom must be ministers.

### **4.87 Preliminary**

- 4.87.1 The presbytery must give to the congregation through the session at least four weeks' notice of the visitation.
- 4.87.2 The session must, unless the presbytery otherwise directs, ensure that two properly instructed representatives are appointed from each of the session, board and (not normally being elders or managers) the congregation.
- 4.87.3 If the presbytery wishes to interview appointed representatives of the Sunday School or any other congregational organisation the session must ensure that two properly instructed representatives of each are appointed.

### **4.88 Visitation questions**

- 4.88.1 Sufficient copies of presbytery's approved set of visitation questions must be sent to the session.
- 4.88.2 Session must ensure that the questions are duly answered in writing and that the completed questionnaires are returned to the convener of the committee at least seven days before the visitation.
- 4.88.3 The committee must consider the answers, examine any accompanying documents, and determine what matters will be specially mentioned during the visitation.

### **4.89 Discretion in method**

- 4.89.1 The committee must visit the congregation, confer, and make any inquiries it sees fit.
- 4.89.2 The conduct of any interviews is at the discretion of the committee. However:
  - a) normally the minister is interviewed separately;
  - b) normally the session and any board is interviewed separately and without the minister;
  - c) on the interview of appointed representatives, or of representatives appointed as spokesmen or spokeswomen, others may speak or be questioned.
- 4.89.3 Any committee member may attend public worship.

### **4.90 Records, returns made available**

The committee must:

- a) have access to the records of the session, any board, the congregation, and other congregational organisations;
- b) be given a copy of the last annual report and balance sheet and the most recent statistical returns;
- c) be given by the presbytery clerk the finding of presbytery from the last visitation and the questionnaires then submitted.

### **4.91 Visitation committee report and distribution to parties**

- 4.91.1 The committee must prepare for the presbytery:
  - a) a report on the conduct of the visitation; and
  - b) a proposed finding concerning the state of the affairs of each congregation, and, in the case of linked congregations, on their joint affairs; and
  - c) its proposed recommendations (if any) based on the finding.

- 4.91.2 At least seven days before presbytery considers the proposed finding, the committee must distribute:
- a) to the minister, the part relevant to him;
  - b) to the session clerk, the part relevant to the session and any board;
  - c) to the secretary of any board, the part relevant to it alone.

**4.92 Visitation report at the presbytery**

- 4.92.1 Presbytery must:
- a) receive the committee's report;
  - b) in private, both consider the proposed finding and hear any representations from the minister, session, and any board;
  - c) arrive at its finding, which must be recorded in the minutes.
- 4.92.2 Presbytery may, based on its finding and the committee's recommendations, formulate specific recommendations.

**4.93 Finding and recommendations (if any) reported back to parties**

- 4.93.1 A specified portion of the presbytery's finding and recommendations (if any) as the presbytery determines, and this portion only, must be read to the congregation concerned by a member of presbytery appointed.
- 4.93.2 Any finding and recommendations made to the minister or to the session must be communicated to each by the presbytery privately.
- 4.93.3 A copy of the parts concerning the session and of any board must be inserted in their minute books.
- 4.93.4 A copy of the finding, recommendations (if any) and the questionnaires submitted to the presbytery must be filed by the presbytery clerk.

**4.94 Review after twelve months**

Twelve months after the adoption of the finding, the presbytery must inquire through the session how far any recommendations have been carried into effect.

**4.95 Special visitations**

Presbytery may also, as it sees fit, conduct other special visitations but must always ensure that substantial justice is done to all parties concerned.

## Section Twelve ... General Powers of Review

**4.96 Examination of records**

- 4.96.1 A presbytery must appoint a committee to examine and report to it on the minute books, rolls, registers and other records as it may specify of each congregation, board and session.
- 4.96.2 The presbytery calls for these documents annually and also when it sees fit.
- 4.96.3 On receiving the report, the presbytery must do one or more of the following:
- a) confirm that the records are found to be satisfactory;
  - b) record its judgment on the correctness and accuracy of each record;
  - c) give any needful directions for guidance or improvements;
  - d) censure any matter or procedure in the records which it finds to be beyond the legal power of that body or contrary to the law of the church. In so doing it may declare the matter to be null and void, or order the minutes to be altered or parts to be deleted.
- 4.96.4 Before deciding whether to impose such censure, the presbytery must summon the parties concerned to its Bar and hear them.
- 4.96.5 After imposing such censure, the presbytery must take any practicable further action to remedy any injustice involved in the matter or procedure censured.
- 4.96.6 The presbytery must arrange for the collection of all records not in active use, in which the last entry is more than seven years old, and, after final examination, deposit them in the church archives.

**4.97 Congregation in an unsatisfactory state**

- 4.97.1 A presbytery may resolve that a congregation under its jurisdiction may be in an unsatisfactory state.
- 4.97.2 If a presbytery passes this resolution, it must then inquire into the state of the congregation by means of two or more of its members appointed to conduct, or by means of the court as a whole conducting, the inquiry.
- 4.97.3 If the congregation is part of a linked charge, the other congregation or congregations of the charge must be included in this inquiry.
- 4.97.4 Following this inquiry, the presbytery may resolve:
- a) to take no further action; or
  - b) that the congregation (including any particular congregation of a linked charge) is in an unsatisfactory state.
- 4.97.5 If the presbytery resolves that a congregation is in an unsatisfactory state it must conduct a special visitation of that congregation (but, if a particular congregation or particular congregations in a linked charge have been the subject of such a resolution, the visitation shall not include any congregation in the charge which has not been the subject of such a resolution) with the intention of remedying the unsatisfactory state of affairs by counsel and advice.
- 4.97.6 The presbytery must ensure that during this special visitation anyone with relevant information on the congregation concerned is given an adequate opportunity of being heard.
- 4.97.7 Following this special visitation the presbytery may:
- a) declare that the congregation is now in a satisfactory state; or
  - b) resolve to take no further action; or
  - c) declare that the congregation is still in an unsatisfactory state and, if so, record in its minutes its reasons for this declaration provided that it does not make any adverse finding or judgment about any particular person.
- 4.97.8 Any action of the presbytery under [rules 4.97.1 – 4.97.7](#) is final.
- 4.97.9 If the presbytery declares that a congregation is still in an unsatisfactory state it may resolve that the purposes of ministry in the congregation, being the promotion of the Christian gospel in the district and the spiritual welfare of the congregation (Form of Call, [Appendix 1, Forms and Certificates, 1](#)), are not being served.
- 4.97.10 If the presbytery resolves that the purposes of ministry are not being served, then, provided no adverse finding or judgment regarding any particular person is made, the presbytery may give notice of motion of doing one or more of the following at a future meeting: dissolving the pastoral tie; terminating the appointment of the minister; dissolving the session; dissolving any board.
- 4.97.11 If the presbytery gives such notice of motion it must give anyone likely to be affected by its decision an adequate opportunity to be heard.
- 4.97.12 After giving such opportunity to be heard, the presbytery may resolve to pass the motion of which notice has been given.
- 4.97.13 If presbytery resolves that the purposes of ministry in a congregation are not being served, presbytery may inquire into the question of planning for future ministry and witness and the desirability of proceeding under [rule 4.68](#).
- 4.97.14 Notwithstanding any of the foregoing rules, in any cases or matters of discipline the presbytery shall conduct the business before it in accordance with the Code of Discipline and in harmony with the Articles of Agreement.

Note: rule 1.12 of the Code of Discipline states that ‘Nothing in these rules is intended to apply to administrative processes provided for in the rules and regulations of the State churches which do not involve any alleged conduct in respect of a member of the church of the kind referred to in Rule 1.03. Unless alleged conduct of the kind referred to in Rule 1.03 is a materially contributing reason giving rise to the exercise of power, the State churches may establish (by way of example) rules: [including] (e) permitting a presbytery to deal with a congregation in an unsatisfactory state by: (i) dissolving the pastoral tie, and/or (ii) dissolving the session and/or the committee of management.’

Rule 1.03 states that ‘An offence, the proper object of judicial process, is anything in the doctrine or practices of a member of the Church which is contrary to: (a) the Word of God as the supreme standard of the Church as understood in accordance with the Westminster Confession of Faith as the subordinate standard of the Church read in the light of the declaratory statement as provided for in Clause II of the Basis of Union, or (b) an obligation imposed on a minister or member of the Church by a law of the Church.’

#### 4.98 Petitions to the presbytery

A petition may be competently used and addressed to the presbytery:

- a) as otherwise specifically provided for in these rules;
- b) to ask the presbytery to make a special visitation, or to intervene in some other competent manner, when a dispute or difficulty involving the minister has arisen within a congregation or congregations of a charge;
- c) by a session, or any person having an interest in the matter, when what is sought can only be accomplished by or originated in the presbytery.

### Section Thirteen ... Responsibility for Vacant Pastoral Charges

#### *Part One – Oversight of Vacant Pastoral Charges*

#### 4.99 Congregation, linked charge

In the case of a linked charge, in the rules in Parts One, Two and Three of this Section ‘congregation’ means the congregations of the charge, meeting jointly when necessary.

#### 4.100 Declaration of vacancy

The presbytery must declare a vacancy in a pastoral charge from the date of:

- a) the death of a minister; or
- b) the dissolution of the pastoral tie between minister and congregation:
  - i) on the minister’s resignation; or
  - ii) on the minister’s translation and induction into another pastoral charge; or
  - iii) in consequence of the action or instructions of a higher court; or
  - iv) in consequence of lawful action taken by the presbytery as provided for in rules or regulations of the General Assembly; or
  - v) if the minister is deposed or suspended from his office for more than three months or indefinitely after formal judicial process as provided for in the Code of Discipline; or
- c) approval by the presbytery:
  - i) to an application for the calling of an associate minister, a colleague, or a colleague and successor, to the minister of the pastoral charge (see [rule 4.76](#)); or
  - ii) for raising an appointment charge, a home mission charge or a church plant charge to the status of a pastoral charge.

#### 4.101 Death of a minister

When a minister dies, the moderator or the presbytery clerk may arrange for the preaching and conduct of public worship and other urgent matters. These must be reported to the next ordinary meeting of the presbytery.

#### 4.102 Supply fees

Vacant pastoral charges receiving supply must pay ministers, licentiates or other qualified persons for each service according to the scale of fees and expenses declared by the General Assembly from time to time.

#### 4.103 Dissolving the pastoral tie

If a presbytery resolves to dissolve a pastoral tie it must:

- a) first pray; and
- b) then either name a date from which the dissolution takes effect or, in the case of translation, instruct the minister to wait on the arrangements of the other presbytery for his induction.

#### 4.104 Resignation of charge

4.104.1 A minister may intimate in writing his desire to resign his pastoral charge to the presbytery.

4.104.2 The presbytery must then invite the minister to discuss his desire with it.

4.104.3 If the minister continues with his desire, the presbytery must then call a meeting of his congregation.

- 4.104.4 At this meeting the presbytery must discuss with the congregation the minister's desire to resign.
- 4.104.5 The presbytery must then, if the minister is willing, further discuss the matter with him.
- 4.104.6 If the minister still desires to resign, he may do so in writing to the presbytery, and is entitled to nominate when his resignation takes effect, and it takes effect from that nominated time.
- 4.104.7 The presbytery, not the minister, then announces the resignation to the congregation.

**4.105 Edict of vacancy**

- 4.105.1 On declaring a vacancy in a pastoral charge, a presbytery must issue an edict of vacancy in the prescribed form (see [Appendix 1, Forms and Certificates, 12](#)) and direct that it be read to any congregation concerned at the earliest opportunity.
- 4.105.2 The session clerk must certify in writing to the presbytery clerk when and where the edict was read.

**4.106 Appointment of interim moderator, district interim moderator or intentional interim minister**

- 4.106.1 On declaring a vacancy in a pastoral charge, the presbytery must appoint as moderator of the session:
  - a) an interim moderator, being one of its ministerial members, or a district interim moderator; or
  - b) an intentional interim minister;none of whom must be connected with the charge. (See [rule 3.5](#) for the definition of a district interim moderator.)
- 4.106.2 A presbytery may revoke an appointment of an interim moderator in favour of appointing an intentional interim minister, and the reverse.
- 4.106.3 A moderator in a vacancy is ineligible for a call to the charge.
- 4.106.4 The presbytery may appoint two of its members with whom the interim moderator may take counsel in matters concerning the vacancy.
- 4.106.5 The presbytery must call regularly for reports on a vacancy from the interim moderator, and may act as necessary, including to expedite the vacancy being filled.

**4.107 Intentional interim minister, definition and duties**

- 4.107.1 An intentional interim minister:
  - a) is a minister of the Presbyterian Church of Australia authorised and provided by the Ministry Development Committee for appointment by presbyteries in exceptional circumstances to transitional ministry in a vacant pastoral charge;
  - b) has the rights and responsibilities of interim moderators stated elsewhere in the rules, except that he cannot begin formal steps to fill the vacancy until he has satisfied the presbytery that there is reasonable expectation that the reasons which led to his appointment no longer exist;
  - c) is to serve exclusively in one pastoral charge at a time, limited except in extraordinary cases to two years.
- 4.107.2 Presbyteries may request the Ministry Development Committee to consider particular cases as extraordinary and to authorise an extension of appointment of an intentional interim minister beyond two years (see MDC regulation 21 (c)).

**4.108 Intentional interim minister, steps prior to appointment**

Before appointing an intentional interim minister, the presbytery must consult:

- a) the congregation, explaining his role and the effect of an appointment on the length of vacancy; and
- b) the Ministry Development Committee, to ascertain the availability of a suitable person.

**4.109 Status and powers of an interim moderator**

- 4.109.1 As the representative and executive of the presbytery, an interim moderator must:
  - a) ensure that public worship, sacraments and all other appropriate religious services are duly administered and that discipline is maintained. However, in a prolonged vacancy the presbytery may, with the approval of any relevant General Assembly committee, arrange through the interim moderator for continuous supply, which it may terminate if it judges that this is reducing the activity of the congregation in proceeding to a call;

- b) execute, so far as he can do so consistently with his other duties, all the spiritual functions of an inducted minister;
  - c) delegate as the law of the church allows the duties which he is personally unable to perform;
  - d) take the necessary steps for filling the vacancy in accordance with these rules.
- 4.109.2 An interim moderator stands in the same position as the inducted minister in the use of the church and other ecclesiastical buildings.

**4.110 Interim moderator designate**

- 4.110.1 If a presbytery decides that the dissolution of the pastoral tie will take effect considerably after the decision to dissolve, it may appoint one of its ministerial members as interim moderator designate.
- 4.110.2 An interim moderator designate does not have the full responsibilities and powers of an interim moderator until the vacancy commences, but may:
- a) take initial steps to fill the pending vacancy up to, but not including, the insertion of a name in a Form of Call;
  - b) after consultation with the moderator of the session, convene and preside over the meetings of the session, any board, the congregation and the selection committee which are in his opinion required for the discharge of his duties. Only business connected with filling the pending vacancy may be dealt with at such meetings.
- 4.110.3 Except when the context otherwise requires, the term 'interim moderator' in the following rules also includes interim moderator designate.

***Part Two – Procedure in Vacancies***

**4.111 Interim moderator's immediate action**

An interim moderator must:

- a) take all steps necessary to maintain the activities of the pastoral charge;
- b) promptly convene and preside over a session meeting to revise the rolls so that an electoral register can be compiled;
- c) promptly initiate the procedure for filling the vacancy.

**4.112 Prerequisites for induction into a pastoral charge**

A minister cannot be inducted into a pastoral charge without the issue, sustaining and accepting of a call from the congregation and the issue of an edict of induction.

**4.113 Electoral register**

- 4.113.1 The session must give notice to the congregation of its intention to revise the rolls and then to compile an electoral register.
- 4.113.2 Promptly after this revision the session must compile an electoral register consisting of two parts:
- a) the first part must comprise names of all persons on the roll of communicants, aged 16 years or above, listed in alphabetical order, and numbered consecutively;
  - b) the second part must comprise names of all persons on the roll of adherents, aged 16 years or above, listed in alphabetical order, and numbered consecutively.
- 4.113.3 Opportunity must be given to interested parties to inspect the electoral register before it is finally adjusted and session resolves that it is the electoral register.
- 4.113.4 The interim moderator and the session clerk must then certify a document containing each part as being the electoral register. A copy of the register must then be sent to the presbytery clerk, who must immediately sign it and retain it in presbytery records.
- 4.113.5 No name shall subsequently be added to the register except by the authority of the presbytery after application by the session.
- 4.113.6 The foregoing process shall not affect the ability of a session to grant, on written application, a certificate of transfer to any communicant or a removal of a person from the roll of adherents. If this occurs, the session clerk must notify the interim moderator, who must then delete that name from the electoral register and initial the deletion.
- 4.113.7 Only persons on the electoral register may take part in or vote at any congregational meeting connected with a vacancy, or subscribe to or concur in a call.

**4.114 Payment of arrears and proposed terms of settlement**

- 4.114.1 The congregation, at its first meeting in connection with filling the vacancy, must arrange to pay any arrears in:
- a) remuneration to the former minister or his personal representative; and
  - b) rates due to the General Assembly, the presbytery, and the superannuation fund.
- 4.114.2 Either at this meeting, or shortly afterwards, the congregation must decide on proposed terms of settlement which, without delay, must be submitted by the interim moderator to the presbytery or its appropriate committee.
- 4.114.3 The presbytery must consider the proposed terms of settlement in the light of all available information and either approve them and forward them to the Maintenance of the Ministry Committee or return them to the congregation for reconsideration.

**4.115 Terms of Settlement – Maintenance of the Ministry Committee approval**

- 4.115.1 A presbytery must not sustain a call on terms of settlement which have not been approved by the Maintenance of the Ministry Committee within the current financial year.
- 4.115.2 If the proposed terms of settlement, even though above the minimum (refer MMC regulation 7), are disapproved by the committee, the presbytery must not sustain a call and may, after further consulting the congregation, reduce the status of the pastoral charge to that of an appointment charge or that of a home mission charge.
- 4.115.3 Notwithstanding approval of the proposed terms of settlement by the committee, the presbytery is not required to sustain the call.

**4.116 Proposed terms under minimum**

- 4.116.1 If it is evident that the finances of a pastoral charge are insufficient to meet the minimum terms of settlement required by the General Assembly for maintaining the status of a pastoral charge, the interim moderator must discuss the possibility of a sustentation grant with the Maintenance of the Ministry Committee, and/or a charge subsidy with the Ministry Development Committee.
- 4.116.2 Before proceeding further, the interim moderator must report fully to the presbytery on the condition of the pastoral charge and the views of these committees.
- 4.116.3 If after this report, the presbytery is satisfied that the criteria for an appointment charge may be met, presbytery will formally apply for a sustentation grant and/or a charge subsidy to enable the congregation to provide the minimum terms of settlement required by the General Assembly.

**4.117 Reduction in status and special selection committee recommendation**

- 4.117.1 On formal notice that the application by presbytery referred to in [rule 4.116.3](#) has been approved, the presbytery must declare the pastoral charge to be reduced to an appointment charge.
- 4.117.2 The interim moderator must then take the steps necessary to form a special selection committee consisting of himself as convener, not more than seven members appointed by the congregation from its communicants, two representatives appointed by the Ministry Development Committee, and two members of the presbytery appointed by it.
- 4.117.3 The special selection committee must recommend a person to the presbytery for appointment to the charge.

**4.118 Congregation's choice of procedure**

- 4.118.1 On compliance with rules [4.114](#) and [4.115](#) and approval of the terms of settlement, the interim moderator must call upon the congregation, duly convened, to decide whether it desires:
- a) to proceed to an immediate call; or
  - b) before taking any further step towards a call, to invite a particular person to lead the congregation in public worship and preach; or
  - c) to proceed to the immediate appointment of a selection committee.
- 4.118.2 If an ordinary selection committee is appointed, any names for a call can only be submitted to the congregation through that committee.
- 4.118.3 If requested by at least one-third of the communicants present, the vote of a congregational meeting on any motion proposing the insertion of a name in a Form of Call must be taken by a ballot in which communicants present vote on papers signed and handed in for counting by the interim moderator, the session clerk and one person appointed by the meeting.

**4.119 Immediate call**

- 4.119.1 If the congregation decides to proceed to an immediate call, the interim moderator must call for nominations of the person to be called. If more than one person is nominated then the meeting shall vote and the person with the most votes is the nominee of the meeting.
- 4.119.2 The congregation must then vote again and if the person nominated receives more than half the votes of those present that person's name shall be inserted in a Form of Call, which the interim moderator then shall read to the meeting.
- 4.119.3 If the person nominated does not receive more than half of such votes then the moderator shall call upon the meeting to decide which of the other procedures in [rule 4.118.1](#) it desires to take.

**4.120 Particular person invited**

- 4.120.1 If the congregation decides to invite a particular person to lead the congregation in public worship and preach, the interim moderator must, if the proposed invitee is eligible and agreeable, arrange for this to occur within the pastoral charge.
- 4.120.2 Promptly thereafter, the moderator must call upon the congregation duly convened to vote, and, if the person invited receives more than half the votes of those present, his name shall be inserted in a Form of Call, which the interim moderator then shall read to the meeting.
- 4.120.3 If this procedure does not yield the insertion of a name in a Form of Call, an ordinary selection committee must be appointed.
- 4.120.4 Notwithstanding the failure of the person invited to be called under this procedure, the selection committee may still recommend his name to the congregation.

**4.121 Selection committee appointed**

- 4.121.1 A selection committee comprises at least seven communicants of a congregation, at least one being an elder, appointed by the congregation.
- 4.121.2 The committee must be convened and presided over by the interim moderator, who has a casting vote only, which however he must not exercise to determine a name to be recommended to the congregation.
- 4.121.3 The persons appointed by the presbytery with whom the interim moderator may take counsel in matters concerning the vacancy may attend and participate in all meetings of the committee, but cannot vote.

**4.122 Duties of selection committee**

- 4.122.1 A selection committee must consider the eligibility and qualifications of persons whose names are proposed by committee members or who have made formal written application through the interim moderator for consideration.
- 4.122.2 A special selection committee must consider such persons and those whose names have been supplied by the Ministry Development Committee.
- 4.122.3 A selection committee must:
  - a) interview, should it consider it advisable, any of the persons being considered; and
  - b) decide on one name at a time to recommend to the congregation for call, normally inviting that person to conduct public worship and preach in the charge and meet the congregation; and
  - c) keep minutes of its proceedings; and
  - d) report regularly to the session.

**4.123 Recommendation made to congregation**

When the selection committee decides to make a recommendation, whether a first or subsequent recommendation, the interim moderator must call a meeting of the congregation to which it must be submitted. The meeting must:

- a) decide to call the person recommended, in which case the interim moderator must at once read to the congregation a Form of Call in which the name of that person has been inserted; or
- b) decide not to call him; or
- c) request him to conduct public worship and preach in the pastoral charge whether or not he has already done so.



**4.124 Recommendation not accepted**

If a congregational meeting decides not to call the person recommended, the selection committee must make a second, and if necessary a third, and if necessary a fourth, recommendation to subsequent meetings of the congregation.

**4.125 Decision withheld pending visit**

If the congregation decides to ask the recommended person to conduct public worship and preach, then promptly after either this visit or the invitation to make the visit has been declined, the interim moderator must call a meeting of the congregation which must decide whether to call the person concerned. If the congregation decides to call the person recommended the interim moderator must at once read to the congregation a Form of Call in which the name of that person has been inserted.

**4.126 Congregational commissioners appointed and signing of call**

4.126.1 On a name being inserted in a Form of Call, the congregation must appoint commissioners, not exceeding two or the number of linked congregations in the pastoral charge, whichever is the greater, at least one of whom must be a member of the session.

4.126.2 The commissioners must take charge of the call and invite:

- a) communicants on the electoral register to subscribe on one or more sheets of the call;
- b) adherents on the electoral register to sign their concurrence on one or more sheets of the call, being separate sheets to those subscribed by communicants.

4.126.3 When at least three-fifths (60%) of the number of communicants on the register have subscribed the call the commissioners, after a reasonable opportunity for further subscriptions, shall hand the call to the interim moderator.

**4.127 Dissatisfaction with proceedings**

Any communicant or adherent of the congregation present at any meeting called in connection with a vacancy, who is dissatisfied with any part of its proceedings, may dissent and petition the presbytery to review the matter. The presbytery must deal with any such petition before proceeding with the call.

**4.128 Disqualifications from eligibility for a call**

4.128.1 No minister or licentiate may himself, or through others, canvass for election or negotiate with any communicant of the vacant pastoral charge in order to procure a call. A presbytery must declare null and void a call in favour of a minister or licentiate who has done or encouraged this.

4.128.2 Without permission of the presbytery with jurisdiction over him, a minister inducted into a pastoral charge for less than three years must not preach for or accept a call.

4.128.3 If a presbytery approves the translation of a minister from a pastoral charge held by him for under three years, it must report the special circumstances justifying the translation to the next General Assembly.

4.128.4 A minister who as a licentiate has been ordained upon taking up an appointment as an assistant may accept a call after completion of at least a year's service.

**4.129 Selection committee dissolved**

4.129.1 A selection committee is dissolved automatically on the failure of its fourth recommendation.

4.129.2 The interim moderator shall either:

- a) take steps for the appointment of a new selection committee; or
- b) report the dissolution of the committee to the presbytery, which may suspend further steps for the call and appoint, for a limited period in accordance with [rule 4.131](#), a suitable minister, other than those ministers whose names have been recommended to the congregation.

**4.130 Halting of procedure towards call**

The presbytery may at any time halt procedure for filling a vacancy and do what it judges to be in the best interests of the congregation or of the church in general.

**4.131 Appointment in prolonged vacancy**

- 4.131.1 If a vacancy has lasted for two years with no immediate prospect of a settlement, the presbytery may declare a pastoral charge to be an appointment charge for up to a year and appoint a minister or licentiate to it.
- 4.131.2 This appointment is subject to the condition that the presbytery may, whenever it sees fit, restore to the congregation the right of call and allow further steps to fill the vacancy.
- 4.131.3 At the end of this appointment the presbytery may reduce the appointment charge to a home mission charge.

***Part Three – Procedure in Calls***

**4.132 Sustaining a call**

- 4.132.1 At the earliest opportunity the interim moderator must present the call and a report on proceedings connected with it to the presbytery, following which the presbytery hears the congregational commissioners.
- 4.132.2 The presbytery may then sustain the call if satisfied that:
- a) the terms of the proposed settlement have been approved by any relevant General Assembly committee;
  - b) the rules preliminary to the signing of the call have been complied with;
  - c) no improper canvassing for the person to whom the call is addressed has occurred;
  - d) the person to whom the call is addressed is eligible, or entitled to become eligible, under either the rules of the General Assembly governing status or of the General Assembly of Australia governing reception of ministers from other churches, and he presents satisfactory certificates when such are required;
  - e) the number of signatures of communicants subscribed is not less than three-fifths (60%) of the number of communicants on the electoral register; and
  - f) there are no petitions from persons dissatisfied with the proceedings leading to the call, or that such petitions have been disposed of.

**4.133 Procedure if a call is not sustained**

If the presbytery declines to sustain the call, the congregation must then take the prescribed steps to the issuing of another call.

**4.134 Call to a licentiate or to a minister not inducted into a pastoral charge**

- 4.134.1 If the call sustained is to a licentiate, or to a minister not inducted into a pastoral charge under the jurisdiction of the Presbyterian Church of Australia, who is present when the call is sustained, both the call and the terms of settlement must be handed to him. If he is absent they must be sent to him with an extract of the relevant minute.
- 4.134.2 The call falls if the minister or licentiate does not accept it within thirty days.
- 4.134.3 A licentiate must submit a satisfactory extract of licence, or a minister must submit a certificate of status, following which presbytery must:
- a) fix the date for the ordination and induction or induction only;
  - b) order the edict of ordination and induction or induction only to be issued and read to the congregation (see [Appendix 1, Forms and Certificates, 13](#)); and
  - c) arrange the service.

**4.135 Call to a minister inducted into a pastoral charge in the same presbytery**

- 4.135.1 If the call sustained is to a minister inducted into a pastoral charge in the same presbytery, the presbytery must:
- a) fix the date of a meeting of the presbytery at which the call will be further considered and instruct the minister to attend;
  - b) provide the minister with the terms of settlement and the relevant extract minute and notify the clerk of his session of the call;
  - c) appoint one of its ministers to preach in the pastoral charge of the minister under call, who must:
    - i) arrange for a duly convened meeting of the congregation at which its mind is to be taken and, if desired, to appoint two commissioners (hereinafter referred to as ‘responding

commissioners') to attend the presbytery meeting at which the call will be further considered;

- ii) invite the congregation to attend this presbytery meeting to protect their interests, clearly stating that if they do not attend the congregation will be considered as consenting to the minister's translation.

4.135.2 At the presbytery meeting:

- a) two commissioners (hereinafter referred to as 'prosecuting commissioners') of the congregation of the vacant charge must, if present, be heard;
- b) the responding commissioners must, if present, be heard;
- c) a prosecuting commissioner may be heard in reply;
- d) the minister must then state his mind on the subject;
- e) the presbytery must satisfy itself that the minister is not disqualified from accepting the call;
- f) the presbytery must decide whether or not to put the call into the hand of the minister;
- g) if the presbytery decides not to put the call into the hand of the minister, he and the congregation prosecuting the call may appeal to the General Assembly;
- h) if the presbytery puts the call into the hand of the minister he must either:
  - i) accept the call, in which case the presbytery must record in its minutes that it agrees to the translation and provide an extract of the relevant minute for both congregations; or
  - ii) decline the call; or
  - iii) leave the decision to the presbytery; or
  - iv) ask for time to consider, in which case he is allowed up to thirty days, at the conclusion of which, if he has not notified the presbytery of his decision, the presbytery makes the decision without further reference to anyone.

Any decision of the presbytery under (iii) or (iv) is final, and extract minutes must be promptly provided for the minister and both congregations.

- i) if the call is accepted, or if the presbytery has decided in favour of the translation, it must:
  - i) fix the date for the induction;
  - ii) declare that the pastoral tie with the minister's present congregation will be dissolved from the date of induction;
  - iii) pray for the minister and his present congregation;
  - iv) declare that a vacancy will exist in the minister's present pastoral charge from the date of dissolution, issue an edict of vacancy and appoint an interim moderator;
  - v) order the edict of induction to be issued and read to the congregation; and
  - vi) arrange the service.

**4.136 Call to a minister inducted into a pastoral charge in another presbytery**

4.136.1 If the call sustained is to a minister inducted into a pastoral charge in another presbytery of the Presbyterian Church of Australia, the presbytery sustaining it must:

- a) appoint one or more of its members (or, if distance is prohibitive, any other minister in good standing or inducted elder of the Presbyterian Church of Australia) to act with the prosecuting commissioners to prosecute the call;
- b) send the call and the terms of settlement, with an extract of the relevant minute, to the clerk of the other presbytery.

4.136.2 If the other presbytery is in Victoria, its clerk, after receiving the call and terms of settlement, must immediately (and without waiting for his presbytery to meet):

- a) inform the minister under call and the clerk of his session of the fact of the call;
- b) inform the minister of the terms of settlement and instruct him to appear at the next meeting of the presbytery (whether ordinary or urgent, as determined by the moderator);
- c) appoint one of its ministers to preach in the pastoral charge of the minister under call, who must:
  - i) arrange for a duly convened meeting of the congregation to take its mind and, if desired, to appoint two responding commissioners to attend the presbytery meeting at which the call will be further considered;
  - ii) invite the congregation to attend this presbytery meeting to protect their interests, clearly stating that if they do not attend the congregation will be considered as consenting to the minister's translation.

- 4.136.3 If the other presbytery is in Victoria, when it meets as appointed to consider whether to translate the minister, the matter is handled as follows:
- a) one of the representatives of the first presbytery and one prosecuting commissioner must, if present, be heard;
  - b) the responding commissioners must, if present, be heard;
  - c) one of the prosecuting commissioners or one of the presbytery's representatives may be heard in reply;
  - d) the minister must then state his mind on the subject;
  - e) the presbytery must satisfy itself that the minister is not disqualified from accepting the call;
  - f) the presbytery must decide whether or not to put the call into the hand of the minister;
  - g) if the presbytery decides not to put the call into the hand of the minister, he may appeal to, and the first presbytery may petition, the General Assembly;
  - h) if the presbytery puts the call into the hand of the minister he must either:
    - i) accept the call, in which case the presbytery must record in its minutes that it agrees to the translation and provide an extract of the relevant minute for both congregations; or
    - ii) decline the call; or
    - iii) leave the decision to the presbytery; or
    - iv) ask for time to consider, in which case he is allowed up to thirty days, at the conclusion of which, if he has not notified the presbytery of his decision, the presbytery makes the decision without further reference to anyone.
- Any decision of the presbytery under (iii) or (iv) is final, and extract minutes must be promptly provided for the minister and both congregations.
- i) if the call is accepted, or if the presbytery has decided in favour of the translation, the presbytery must:
    - i) instruct the minister to wait on the orders of the first presbytery in respect of arrangements for his induction;
    - ii) declare that the pastoral tie with the minister's present congregation will be dissolved from the date of induction;
    - iii) pray for the minister and his present congregation;
    - iv) declare that a vacancy will exist in the minister's present charge from the date of dissolution, issue an edict of vacancy and appoint an interim moderator;
    - v) resolve to send an extract minute of the proceedings to the presbytery prosecuting the call.
- 4.136.4 If the other presbytery is interstate, the presbytery prosecuting the call must be satisfied that the interstate presbytery has complied with the rules of that other State which are roughly equivalent to rules [4.136.2](#) and [4.136.3](#).
- 4.136.5 If the presbytery which sustained the call is notified by the other presbytery that the call has been accepted it must:
- a) fix the date for induction;
  - b) order the edict of induction to be issued and read to the congregation;
  - c) arrange the service of induction; and
  - d) immediately advise the other presbytery of the arrangements.

Note: other state codes within the Presbyterian Church of Australia may have some minor differences in their procedures in dealing with a call and so commissioners from the Presbyterian Church of Victoria should acquaint themselves with any such differences before prosecuting a call interstate.

#### **4.137 Call to a licentiate or a minister of another Presbyterian denomination**

4.137.1 If the call sustained is to:

- a) a licentiate of another denomination, or to a minister of another Presbyterian denomination not inducted into a pastoral charge, then the call, together with all necessary documents, must be sent directly to him; or
- b) a minister of another Presbyterian denomination inducted into a pastoral charge, then:
  - i) the call, together with all necessary documents, must be sent to the clerk of the presbytery of which he is a member; and

- ii) any minister or elder of the Presbyterian Church of Australia who is able to attend the meeting of the presbytery at which the call is to be disposed of may be appointed by the presbytery to act as a representative of the presbytery and of the congregation from which the call proceeds.
- 4.137.2 If the call is accepted within the time allowed, and the requirements of the rules of the General Assembly of Australia for the reception of ministers from other churches have been satisfied, the presbytery must:
  - a) fix the date for ordination and induction or induction only;
  - b) order the edict of ordination and induction or induction only to be issued and read to the congregation (see [Appendix 1, Forms and Certificates, 13](#)); and
  - c) arrange the service.

### ***Part Four – Ordination and Induction of Ministers***

#### **4.138 Edict**

A presbytery, on the acceptance of a call by a minister, must issue an edict of ordination and induction or of induction only in the prescribed form (see [Appendix 1, Forms and Certificates, 13](#)) and direct that it be read to any congregation concerned at least eight days before the closing date set by the presbytery.

#### **4.139 Objections**

- 4.139.1 If relevant objections in the terms of the edict are received, the moderator must call an urgent meeting of the presbytery to decide its response.
- 4.139.2 At this meeting or at an adjournment of it:
  - a) any person offering objections must justify them;
  - b) the presbytery must then hear from the minister, and from any other persons who may be able to assist it in its deliberations;
  - c) the presbytery may then:
    - i) resolve to proceed with the service on the grounds that the objections are not substantiated or are judged to be frivolous; or
    - ii) resolve to postpone the service in order to allow it to investigate further the objections; or
    - iii) sustain any relevant and serious objection, resolve to withdraw the call and cancel the service.

#### **4.140 Service**

- 4.140.1 The presbytery must convene at the fixed time and place and:
  - a) call for the return of the edict with confirmation that it has been duly read to the congregation or congregations;
  - b) call for a report from its clerk.

The presbytery shall then resolve to proceed with the service of ordination and induction or of induction only if the clerk reports either that no objections in terms of the edict have been received, or that any such objections have been dealt with by the presbytery to its satisfaction.
- 4.140.2 The presbytery instructs the clerk, following the induction and at the conclusion of the service to:
  - a) add the name of the newly inducted minister to its roll;
  - b) provide extract minutes of the ordination and induction or induction only, to:
    - i) the session clerk, to be included in the minutes of the next meeting of session;
    - ii) the Assembly Clerk;
    - iii) the clerk of the minister's former presbytery, where appropriate.

#### **4.141 Usual order of service**

A service of ordination and induction or induction only proceeds in the following way, normally in this order [items in square brackets being omitted in the case of induction only]:

- a) the service opens in worship;
- b) the clerk gives a brief narration of the steps leading to the call;
- c) the moderator puts to the congregation and to the minister or licentiate the questions appointed by the General Assembly of Australia, which are satisfactorily answered (see [Appendix 1, Forms and Certificates, 14](#));

- d) the minister or licentiate signs the Formula (see [Appendix 1, Forms and Certificates, 16](#));
- e) the moderator by prayer [ordains him to the office of the ministry with the laying on of hands by all members of presbytery and] inducts him into the pastoral charge;
- f) the moderator addresses the minister as follows:  
'In the name of the Lord Jesus Christ, the only King and Head of the Church, and by authority of this presbytery, I hereby declare you duly [ordained and] inducted into the pastoral charge of this congregation and entitled to all the associated rights and privileges';
- g) the moderator and the other members of the presbytery give him the right hand of fellowship;
- h) the minister and congregation are suitably charged on their respective duties;
- i) after the service, the communicants and adherents of the congregation are given opportunity to welcome their minister.

**4.142 Ministerial tenure**

A minister duly inducted into a pastoral charge by a presbytery has life tenure subject to the operation of the Code of Discipline and of these rules.

## Section Fourteen ... Special Ordinations

**4.143 Ordination and induction apart from pastoral settlement**

The presbytery carries out ordinations and inductions not arising out of a call to a pastoral office or pastoral charge as the General Assembly may authorise.

**4.144 Questions at induction or ordination to special office etc.**

At the induction of a minister to a special office, the ordination of a missionary serving under Australian Presbyterian World Mission, the ordination of a chaplain, or the ordination and induction or the induction only of a theological professor or lecturer, the form of questions to be used is that prescribed by the General Assembly of Australia (see PCA 'Code', chapter 6.3).

**4.145 Ordination of missionaries**

- 4.145.1 Missionaries recognised under Australian Presbyterian World Mission who are eligible for ordination as ministers may be ordained before they proceed to their spheres of labour whether ministerial, medical or educational.
- 4.145.2 Ordination is usually by request and authority of the General Assembly, or of the General Assembly of Australia, or at the request of the appropriate committee.
- 4.145.3 Before proceeding, the presbytery may satisfy itself about the nature of the appointment, the proposed sphere of action, and the provision planned for the missionary's support.
- 4.145.4 An edict is not issued but presbytery must give public notice of its intention to ordain, to enable any objection to the life or doctrine of the proposed ordinand to be brought forward and substantiated.
- 4.145.5 The form of questions to be used in such ordinations is that prescribed by the General Assembly of Australia (see PCA 'Code', chapter 6.3).

**4.146 Ordination of appointed licentiates**

A presbytery may ordain, but not induct, a licentiate who is appointed as assistant to the minister of a pastoral or an appointment charge, or to a home mission charge or to a church plant charge within its bounds, or to a ministerial office within its bounds if:

- a) he produces a satisfactory extract of licence;
- b) upon the request and recommendation of the session, the presbytery considers this to be necessary in the interests of the charge or of the church generally;
- c) his appointment is for at least a year; and
- d) the Ministry Development Committee, where its permission is required, concurs.

**4.147 Ordination of licentiates about to be appointed as chaplains**

- 4.147.1 The presbytery may ordain, but not induct, a licentiate who is about to be appointed as chaplain to a position recognised by the Health and Community Chaplaincy Committee, or other appropriate committee, for at least a year and for at least half of full-time.
- 4.147.2 Before proceeding, the presbytery within whose bounds the work is conducted must:
- a) receive from the licentiate a satisfactory extract of licence;
  - b) satisfy itself about the nature of the appointment and the provision planned for the chaplain's support;
  - c) receive evidence that, subject to his ordination, he has been invited to accept the appointment.

## **Section Fifteen ... Oversight of Church Institutions**

**4.148 Presbytery oversight**

- 4.148.1 The presbytery has oversight of any church institution within its bounds, which for the purposes of the rules in this section excludes the Presbyterian Theological College, schools and colleges subject to a separate act of incorporation and any other institution specifically exempted by the General Assembly.
- 4.148.2 This oversight is over:
- a) arrangement and conduct of worship;
  - b) religious and moral teaching;
  - c) all other matters of a religious or moral character, pertaining to the policy and administration of the institution, which affect the life and work of the church.

**4.149 Information to be supplied to presbytery**

- The governing authority or committee of management of any church institution must fully inform the presbytery of the arrangements within it for:
- a) religious services or the attendance at public worship of their residents;
  - b) religious instruction;
  - c) preparation of persons for church membership;
  - d) the operation of the church's youth or other appropriate organisations;
- and annually report to the presbytery on these matters.

**4.150 Presbytery visitation and reference to General Assembly**

- 4.150.1 The presbytery may make regular or special visitation to any church institution within its bounds after giving reasonable notice to its governing body or committee of management or head.
- 4.150.2 If the presbytery is not satisfied with the response of the institution to its lawful directions or recommendations, it may bring the matter to the notice of the General Assembly by petition.

**4.151 Only ministers to be appointed as chaplains**

- 4.151.1 A chaplain of a church institution must be a minister with full standing in the Presbyterian Church of Australia and the intention to appoint him must be officially intimated to the presbytery.
- 4.151.2 A minister of a charge can only be appointed as a part-time chaplain with the consent of his presbytery.

**4.152 Installation of chaplains, officials, special services**

- A presbytery may within its bounds appoint and conduct any service for the admission to office of a chaplain, headmaster/principal, superintendent or other official, or marking a jubilee, centenary, or other special occasion of interest to the church generally.

## Section Sixteen ... Powers and Duties Relative to Higher Courts

### **4.153 Petitions to General Assembly**

A presbytery must proceed by way of petition to the General Assembly if it desires:

- a) to change its name or its bounds; or
  - b) that a congregation in its presbytery be transferred into another presbytery or the reverse;
- and provide a copy of the petition to any other presbytery affected at least thirty days before the General Assembly meets.

### **4.154 No interference with another presbytery**

A presbytery cannot interfere with or review the procedure of another presbytery. An aggrieved presbytery may make representations to the other presbytery, and if this proves ineffectual may seek a remedy by petition to the General Assembly.

### **4.155 Returns to remits**

4.155.1 A presbytery has a right and duty to participate in the legislation of the church by approving or disapproving remits from higher courts.

4.155.2 If a higher court orders a remit to be sent to sessions the presbytery must ensure that this occurs and that the sessions diligently make their returns to the presbytery.

### **4.156 Records examination by General Assembly**

A presbytery is responsible to the General Assembly for the correctness and accuracy of the permanent record of its proceedings and must submit its minute book to each General Assembly for examination and approval.

### **4.157 Commissioners to the General Assembly of Australia**

In terms of Article 1.5 of the Articles of Agreement dated 24 July 1901, before each meeting of the General Assembly of Australia, presbytery must elect as its commissioners one minister and one elder for every five sanctioned charges or portion thereof within its bounds. 'Sanctioned charge' is an expression from the General Assembly of Australia 'Code' which means 'a charge to which a minister has been inducted or appointed on a full-time basis'.

### **4.158 Responsibility for execution of law**

A presbytery has a general responsibility to its higher courts for seeing that the law of the church and all lawful directions received from time to time from higher courts are obeyed within its bounds.



## Chapter 5 ... The General Assembly

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## **Section One ... Powers and Functions**

### **5.1 Powers**

The General Assembly is the supreme court of the church. It has and exercises the power to consider and deal with all matters of doctrine, worship, discipline and government, and generally with all matters affecting the well-being of the church, the moral and religious condition of society, and the extension of the kingdom of Christ in the world.

Its power is subject to:

- a) all relevant civil laws; and
- b) the surrender or qualification of supreme power in specified matters as provided for in the Basis of Union and Articles of Agreement of the Deed of Union of 24 July 1901 and in subsequent amendments.

The General Assembly may deal with and dispose of any matter before it for which there is no precise and sufficient legal provision, but only in respect of those matters in which it is the supreme court.

### **5.2 Functions**

The functions of the General Assembly are legislative, executive and judicial. It exercises them by considering and dealing appropriately with:

- a) reports from its standing and other committees;
- b) matters brought before it by:
  - i) overture;
  - ii) reference;
  - iii) appeal;
  - iv) petition;
  - v) communication (when no other course is open);
  - vi) matters raised by members of the General Assembly through other avenues such as substantive motion (see [rule 7.12](#)).

## Section Two ... Constitution and Officials

### 5.3 No permanent existence

Unlike lower courts, the General Assembly has, as a body, no permanent existence. It meets to perform specific duties assigned to it by the constitution and law of the church. When those duties have been performed the members of the Assembly as such have no further powers. After fixing the time and place for the calling of another General Assembly, the General Assembly dissolves itself.

### 5.4 Membership

The General Assembly consists of:

- a) all ministers whose names are on the membership rolls of the presbyteries within its jurisdiction and which have been submitted to, and approved by, it;
- b) one representative elder for each charge within the presbyteries referred to in (a) above whose commission has been sustained by the appropriate presbytery;
- c) elders who have a seat on a presbytery under the provisions of [rule 4.2\(n\)](#);
- d) other elders who may be appointed for parity on the nomination of the presbytery on which the minister for whom the parity elder is to be appointed has a seat. This is subject to the limit that no more than two elders from any session are members of the Assembly, except those who are covered by [rule 4.2\(n\)](#).

### 5.5 Associate members

5.5.1 The General Assembly may as a courtesy associate with itself for any specific sitting or for all the sittings of that Assembly:

- a) a minister or a member of a session of another Presbyterian or reformed church who is present;
- b) any minister of the Presbyterian Church of Australia who is, or is entitled to be, a member of a State General Assembly and who, being present, indicates to the clerk his desire to be associated with the court.

5.5.2 Associate membership is a courtesy extended by the General Assembly, conferring an entitlement to speak, but not to preside, vote, move or second a motion, nor to remain in the General Assembly when it meets in private.

### 5.6 Moderator

Each General Assembly elects from its members (ordinarily at the preceding Commission of Assembly) a 'moderator designate', who is appointed as moderator at the first sitting of the Assembly to preside for the duration of the Assembly, and for any Commission of it. He is immediately inducted into his office by the outgoing moderator. His official designation is: 'Moderator of the General Assembly of the Presbyterian Church of Victoria'.

### 5.7 Moderator's continued function

The moderator:

- a) for convenience in the performance of certain ecclesiastical actions which are or may be necessary or desirable before the next General Assembly is convened; and
  - b) for the discharge of certain functions assigned to the moderator in civil legislation;
- is considered to continue to hold his office and retains the title 'moderator' (despite the dissolution of the General Assembly) until he has constituted the next General Assembly and presided at the election and induction of his successor.

### 5.8 Absence of moderator during Assembly

When the moderator is absent from the chair during the meeting of the General Assembly, or of any Commission of it, the member among those present who was most recently moderator, or another ex-moderator, or else a member appointed by the court, presides. While he so acts he must add to his signature the words 'acting moderator' when he signs any document.

**5.9 Vacancy in the office of moderator**

If the office of moderator becomes vacant by death or resignation, the most recent ex-moderator who is available becomes the occupant of the vacant office, discharges its duties, and in signing official documents adds the word 'moderator' to his signature.

**5.10 Illness of moderator or absence from bounds**

In circumstances where [rule 5.8](#) does not apply, when the moderator is unable to discharge his duties through illness or absence from the bounds of the General Assembly, his duties must, at the request of the moderator, or, if that is not possible, the clerk, be carried out by his most recent predecessor in office who is both available and willing to act. He is known as the 'acting moderator' and is considered to be the moderator for all purposes and may so describe himself in legal documents (see, for example, [rule 5.15](#)).

**5.11 Clerks**

The General Assembly must appoint and determine the remuneration of one or more clerks who are usually but not necessarily members of the court. Their general duties are described in [rule 6.5](#) (see also [rules 6.16-19](#) for their duties in relation to record keeping) and the General Assembly must determine their specific duties.

**5.12 Clerks give advice regarding rules, procedure and practice**

The clerks, in the first instance, assist and guide communicants, adherents, the church's courts and its committees in the rules, practice and procedure of the church.

**5.13 Appointment of trustees**

5.13.1 Pursuant to the Presbyterian Trusts Act 1890 the General Assembly from time to time appoints or terminates the appointment of persons as members of the corporate body of trustees known as 'the Presbyterian Church of Victoria Trusts Corporation', for which this Act makes provision.

5.13.2 The General Assembly also authorises, ordinarily by rule or regulation, the appointment of other trustees necessary for the holding of specified funds or other property of the church for which no express provision is made in any Act or in any deed of trust.

**5.14 Appointment of Law Agent (church solicitor)**

The General Assembly must appoint a Law Agent (solicitor) whose duties are:

- a) to transact legal business committed to him or her affecting the interests of the church;
- b) to advise courts, General Assembly committees, ministers, trustees and officials of the church in matters of civil law as these affect the church and its interests.

He or she must discharge his or her duties in accordance with the relevant rules and regulations of the church and of the directions of the General Assembly (see also [rules 5.42, 5.55](#)).

**5.15 Law Agent revises all property transactions**

All title deeds conveying property to the church or any of its congregations, institutions or agencies, not prepared by the Law Agent, must be submitted to him or her for revision, as must all transfers, conveyances, mortgages, exchanges or leases authorised by the General Assembly, to which the moderator's signature is necessary by Section 20(1) of the Presbyterian Trusts Act 1890.

**5.16 Law Agent remuneration**

The Law Agent is entitled to remuneration for legal business committed to him or her as follows:

- a) for conveyancing business and other business falling within the scope of the Practitioner Remuneration Order: according to the provisions of that Order;
- b) for contentious matters not covered by that Order and not included in clause (c) below: according to the usual scale of legal costs applicable to such business;
- c) for advising the moderator, courts of the church, trustees, ministers, congregations and General Assembly committees on matters affecting the civil rights and properties of the church and on any other matters that the General Assembly may by rule, regulation or resolution refer to him or her for his or her opinion: a general retainer fee to be fixed from time to time by the Trusts Corporation and Board of Investment and Finance.

**5.17 Appointment of Law Agent for the time being**

- a) any vacancy in the office of Law Agent occurring when the General Assembly is not sitting must be filled by the appointment of a Law Agent to hold office until the next meeting of the General Assembly. This appointment is made by resolution of the Board of Investment and Finance;
- b) if the Law Agent is on leave, ill, or otherwise unavailable to perform the duties of Law Agent, the Board of Investment and Finance must engage a qualified legal practitioner to act as Law Agent for the time that the Law Agent is on leave, ill, or otherwise unavailable;
- c) if possible, the Board of Investment and Finance must consult with the Law Agent prior to engaging a legal practitioner under rule 5.17(b);
- d) the Law Agent, or someone acting on his or her behalf, must notify the clerk and/or the General Manager of the period of time the Law Agent will be on leave, ill, or otherwise unavailable to perform the duties of Law Agent.

**5.18 Appointment of Procurator (church barrister)**

The General Assembly may also appoint a Procurator (barrister) who awaits advice from, and is instructed by, the Law Agent. The Procurator may then give advice to the church on civil matters or ecclesiastical matters as appropriate.

**5.19 Officials and offices**

5.19.1 The Assembly may create or terminate positions called 'Offices' (such as 'Church Planter Evangelist', 'Officer, Ministry Development Committee') and appoint officials to them.

5.19.2 The General Assembly may:

- a) appoint any official necessary and fix the official's term of office, duties and remuneration;
- b) enter into any contract with the official related thereto, and;
- c) subject to compliance with any contract and with the civil law, vary the terms of appointment of or dismiss any official.

5.19.3 The procedure for making an appointment to an office is at the discretion of the Assembly but the normal procedure is:

- a) if an office is expected to fall vacant, the committee concerned must inform all presbyteries of the vacancy and announce it in any official publication of the church at least three months before the meeting of the General Assembly or Commission of Assembly at which the appointment is to be made;
- b) any presbytery may nominate any person to fill the vacancy, or applications to fill the vacancy may be made directly to the committee concerned, or the committee concerned may nominate someone to fill the vacancy. Only these persons are eligible for appointment;
- c) in, or with, the White Book, the committee concerned must report to the Assembly the names and qualifications of the persons referred to in (b) and the proposed terms of appointment.

Note: for 'staff' and their appointment by committees see [rule 5.32](#).

## Section Three ... Committees

**5.20 Appointment of committees**

5.20.1 On establishing a committee, the General Assembly must name it, state its membership, purpose and duties, appoint its convener, and provide other necessary directions usually in the form of regulations. It may vary any of the same from time to time.

5.20.2 A committee must conduct its business in accordance with:

- a) the directions and regulations specific to it;
- b) the rules of the church; and
- c) general regulations relating to committees enacted by the General Assembly.

5.20.3 If a committee meets:

- a) three of its members constitute a quorum;
- b) motions need not be seconded;

- c) a member may speak more than once to the same question;
  - d) the convener, without leaving the chair, may speak to a question and may move motions or amendments, and has both a deliberative and a casting vote;
  - e) it may, however, at any time resolve to be guided strictly by Chapter 7 (Standing Orders);
  - f) any member of the Assembly has a right to be present and may be associated with the committee;
  - g) reports of its proceedings may not be published without its consent.
- 5.20.4 A committee may without meeting approve a motion by email provided that the motion is notified by email to each committee member in time for each member to make a considered decision and email response to the motion. The convener must table all responses at the next meeting of the committee. Any member of the committee can in a particular case veto use of this procedure and require that it be considered at the next usual meeting of the committee.
- 5.20.5 Further:
- a) if it considers it necessary, a committee may, by a motion duly approved and minuted, appoint an executive of at least three persons, normally including the convener and secretary, to deal with matters that the committee may refer to it;
  - b) this executive is not normally empowered to authorise payments from committee funds; however, where this is considered necessary, the committee may empower its executive to authorise specific payments, provided that the committee minute of this decision accompanies all requests for expenditure;
  - c) all activities of this executive shall be recorded and formally reported to the committee at its next meeting. Decisions of the executive shall be recorded in the committee's minutes and are to be regarded as any other decision of the committee. However such decisions may be overturned by the committee if in the event that a committee member gives reasonable notice that he or she will move this at a future meeting of the committee.
- 5.20.6 All committees must report on their proceedings to each Assembly.

## **5.21 Nomination of members and conveners**

Subject to any contrary provision in these rules or in any regulation, nominations of the members and conveners of all General Assembly committees are made by the Selection Committee. All these nominations must be published in the White Book (see [rule 7.8.3](#)).

## **5.22 Committees to suggest nominations**

Every committee, unless expressly excepted, must send a list of the suggested nominations for its membership and convenership to the Selection Committee not less than ten weeks before the meeting of the General Assembly. Committees must provide the Selection Committee sufficient information regarding:

- a) attendance;
- b) effective service; and
- c) length of service on the committee;

of members eligible for re-election or due for retirement, to enable it to be satisfied that all nominees can take a reasonably efficient and active part in the committee's work.

## **5.23 Members of General Assembly may nominate**

Members of the General Assembly can also make nominations for Assembly committees by submitting them in writing to the convener of the Selection Committee by noon of Tuesday of the General Assembly. In such cases appointment must be determined by ballot as provided for in the regulations of the Selection Committee.

## **5.24 Conveners' period of office**

- 5.24.1 Subject to any provision in the rules or any regulation to the contrary, no convener of a General Assembly committee can hold office for above seven consecutive years.
- 5.24.2 Notwithstanding the foregoing, the General Assembly, on the recommendation of the Selection Committee, may from time to time extend this period for a specified period.
- 5.24.3 A person ceasing to be convener under [rule 5.24.1](#) is eligible for re-appointment after an interval of two years.

**5.25 Length of membership**

- 5.25.1 Subject to any provision in these rules or any regulation to the contrary, no member of a General Assembly committee can serve for above nine consecutive years.
- 5.25.2 Notwithstanding the foregoing, the General Assembly, on the recommendation of the committee concerned, with the concurrence of the Selection Committee, may extend this service for a specified period.
- 5.25.3 Normally, one-third of the membership of committees must retire each year but are eligible for re-election.

**5.26 Co-opted members**

- 5.26.1 Subject to any provision in these rules or any regulation to the contrary, persons whose advice may be particularly useful to any committee may be co-opted as members provided co-opted members do not exceed one-quarter of the committee.
- 5.26.2 No co-opted member may vote at any meeting of the committee.

**5.27 Members to be diligent in attendance**

- 5.27.1 Members of General Assembly committees must be diligent in their attendance at meetings.
- 5.27.2 Members who absent themselves for over three months or three consecutive meetings without sufficient reason will be considered to have resigned their position and the Selection Committee will be asked to fill the vacancy.
- 5.27.3 In exceptional circumstances, such as extended illness, post-injury recuperation or study leave in the case of college faculty, committees may grant leave of absence for up to 12 months.

**5.28 Resignation and filling casual vacancy**

A member may resign from a committee by doing so to the committee. The committee must inform the Selection Committee of, and submit to it a nomination to fill, the vacancy, which that committee must then do.

**5.29 Authorisation for payments from funds under committee management**

No payment can be made out of the annual revenue of the funds placed under the management of any General Assembly committee unless:

- a) ordered by the General Assembly; or
- b) approved at an ordinary meeting of the committee; or
- c) ordered by its executive, but only when the committee has given authorisation for the executive to act in this way and this authorisation is duly recorded in the minutes of the committee.

**5.30 Members of committees disqualified by personal financial interest**

No member of a committee can:

- a) vote on financial matters in which he or she is personally interested, or which directly affect the congregation of which he is minister or to which he or she belongs; or
- b) except by resolution of the General Assembly be paid a wage or a salary by the committee or receive an honorarium from the committee (for the purpose of this rule an honorarium is reckoned as an amount not greater than 10% of minimum remuneration, i.e. basic stipend plus non cash benefits as set by the General Assembly from time to time).

**5.31 Committee reimbursement of travelling and out-of-pocket expenses**

A committee may reimburse its convener or other members for travelling expenses for attendance at meetings or for any other approved out-of-pocket expenses incurred in the work of the committee. A committee without funds for this purpose may apply to the Board of Investment and Finance for funding and where practicable it may make such funds available from the funds of the General Assembly.

**5.32 Appointment of committee staff**

‘Staff’ are persons appointed by committees to positions that are provided for in committee regulations, or approved by the General Assembly at the request of the appointing committee, but not named by the General Assembly in its rules.

Committees may only appoint staff:

- a) as provided for in their regulations; or
- b) after obtaining the approval of the General Assembly.

All proposed staff appointments must be placed before the Board of Investment and Finance in accordance with its regulation 8 for the board's determination (after consultation with the appointing committee) of the salary and conditions of employment of such staff.

### 5.33 Moderator may attend meetings

During his term of office the Moderator of the General Assembly may attend and participate in the meetings of any General Assembly committee. The moderator shall not vote in any committee to which he has not been appointed in the regular way.

## Section Four ... Commissions

### 5.34 Ordinary commission

5.34.1 Each General Assembly, at its final sitting, must appoint the ordinary Commission of the General Assembly (which may also be referred to as the 'Commission of Assembly') by passing the following resolution:

'That the Assembly:

- a) appoint a Commission of the General Assembly consisting of the members of this General Assembly, with a quorum of 16 (eight of whom must be ministers), representing at least four presbyteries;
- b) empower this Commission of Assembly to consider and determine every matter referred to it by any decision or order of the General Assembly, and instruct the Commission to be careful to follow all instructions given to it by the General Assembly. With the exception of urgent matters, as permitted in clause c) below, the Commission must not take up any matter that has not been referred to it;
- c) empower this Commission of Assembly to consider and determine all matters that have emerged since the last meeting of the General Assembly that are considered urgent and in need of executive or judicial action. In taking up these emergent matters the Commission must consider the best interests of the church on every occasion;
- d) charge this Commission of Assembly in all its actions and decisions to proceed according to the rules and constitution of this church. For all its actions and decisions, this Commission is accountable to and censurable by the next General Assembly;
- e) charge this Commission of Assembly that it must not enact, amend or repeal any rules or regulations of the General Assembly nor enter into the consideration of any overture or motion proposing legislation;
- f) direct the Commission of Assembly to submit its minutes duly confirmed, and relevant papers, to the next General Assembly through the clerk;
- g) instruct the Commission of Assembly to meet and convene at the Assembly Hall, Melbourne, on ..... (date), or at such other times and places as the moderator of the General Assembly shall determine'.

5.34.2 The powers and duties of the Commission of Assembly can only be altered after overture and under Barrier Act procedure (see [Appendix 1, Forms and Certificates, 6](#)).

5.34.3 A judgment or decision of a Commission of Assembly within power and after regular procedure is treated by the next General Assembly as final.

### 5.35 Special commissions

5.35.1 The General Assembly may appoint from its members the special commissions necessary for particular judicial or administrative matters, and any other urgent matters, and fix their membership, powers, duties and quorum.

5.35.2 When a special commission consists of two or more members the Assembly appoints the chairman.

5.35.3 A special commission usually reports to the next General Assembly which, however, may instruct it to report to an ordinary Commission of Assembly and authorise that Commission to deal with matters arising from the report.



- 5.35.4 An Assembly may set aside any action or decision of a special commission if it contravenes or is outside the powers of the commission.

**5.36 Representation of parties before commissions or committees of inquiry**

On any inquiry by a commission or committee into any complaint concerning the actions of any committee, office bearer or employee of the church, any complainant or committee or person against whom the complaint is made is entitled to representation by a member of the church at the inquiry.

## Section Five ... Meetings and Procedure

**5.37 Ordinary meetings**

The General Assembly ordinarily meets once a year. Each General Assembly, before it dissolves, must fix the date and place of the next General Assembly.

**5.38 Urgent meetings**

An urgent meeting of the General Assembly may be convened by the moderator, at his discretion, following request from at least ten persons entitled to be members of the General Assembly and representing at least three presbyteries. The moderator's notice convening the General Assembly must be sent at least seven days before the meeting.

Action can only be taken at such a meeting:

- a) in relation to matters specified in the moderator's notice;
- b) if there is a quorum; and
- c) after the action of the moderator in convening the meeting has been approved by a majority of the members present.

**5.39 Quorum**

Sixteen members of the General Assembly constitute a quorum for any meeting of the General Assembly, provided that at least four presbyteries are represented and that at least eight of those present are ministers.

**5.40 Appointment of Business Committee**

The General Assembly must appoint a Business Committee to arrange the order of its business, guide the General Assembly on matters of procedure and perform other functions as set out in its regulations. This committee also acts in connection with the ordinary Commission of Assembly.

**5.41 Procedure and rules of debate**

The procedure of the General Assembly is governed by those parts of the following which are applicable to the General Assembly:

- a) the General Rules for church courts (see [chapter 6](#));
- b) the procedure and rules of debate contained in the standing orders of the General Assembly (see [chapter 7](#));
- c) other relevant sections of this chapter.

The General Assembly exercises a discretionary power of procedure in respect of any matter falling within its jurisdiction for which no specific procedure is provided for above. Care must be taken that substantial justice is done to all persons concerned.

**5.42 Special Judicial Committee**

As provided for in [rule 5.55](#), a Special Judicial Committee consisting of the clerks and the Law Agent must advise the General Assembly on procedure in matters of a judicial character and place before it a suggested course of action for each case.

**5.43 Dissolution**

When the business of the General Assembly is concluded, the minutes of the last sitting must be read and confirmed, or remitted to a special commission with power to correct and confirm them. The moderator then must announce the date and place of the next General Assembly, briefly address the

court, and declare in the name of the Lord Jesus Christ, the King and Head of his church, that the General Assembly is dissolved. After praise and prayer he must close the meeting with the benediction.

## Section Six ... Legislative Action

### 5.44 Exercise of legislative function

In the exercise of its legislative function, the General Assembly may enact, amend or repeal:

- a) rules, only on a proposal by overture and in accordance with Barrier Act procedure;
- b) regulations, in accordance with the procedure set out in the following rule.

### 5.45 Enactment of regulations

5.45.1 A regulation may be enacted, amended or repealed pursuant to a proposal made in an overture or in the proposed deliverance of the Code Committee's report.

5.45.2 The proposal may first be remitted by the General Assembly to presbyteries for consideration and report.

### 5.46 Use of Declaratory Act to declare the law of the church

Subject only to the authority of the General Assembly of Australia, the General Assembly, being the interpreter of its own law, may pass a Declaratory Act declaring what it holds the law of the church to be regarding any particular matter. This Declaratory Act may be passed without reference to the presbyteries, but it must be remitted to them under Barrier Act procedure if it amends a rule.

### 5.47 Granting of interim authority

5.47.1 The General Assembly may give interim authority until the next General Assembly to:

- a) a Declaratory Act which is being remitted to the presbyteries under Barrier Act procedure; or
- b) the enactment, amendment or repeal of a rule or regulation pending the consideration and approval of the presbyteries or the report of any committee.

This authority may be renewed by that General Assembly if the remit in the same or amended form is again sent down to the presbyteries, failing which this interim authority lapses.

5.47.2 Interim authority cannot be given to any alteration of the powers and duties of the Commission of Assembly.

## Section Seven ... Administrative Action

### 5.48 Oversight of presbyteries, commissions, committees and officials

5.48.1 In the exercise of its administrative (or executive) function, the General Assembly exercises oversight of all its lower courts. In doing this the Assembly must:

- a) ensure that the functions and duties assigned by the law of the church to the lower courts are not interfered with;
- b) deal with any irregularity or default of duty revealed by the review of the records of presbyteries;
- c) instigate any necessary amendment of the rules.

5.48.2 The General Assembly exercises oversight of its commissions, committees and officials.

5.48.3 The General Assembly directs, counsels, advises and corrects lower courts, commissions, committees and officials as appropriate.

### 5.49 Examination and archiving of records

5.49.1 A committee appointed by the General Assembly must annually call for, examine and approve the records of all presbyteries and of the Assembly's committees and boards.

5.49.2 All records not in active use, in which the last entry is more than seven years old, must be deposited in the church archives.

- 5.49.3 The General Assembly may also call for specified information from sessions and boards.
- 5.50 Appointment of professors and lecturers**  
On the nomination of the Theological Education Committee, the General Assembly may appoint the professors and lecturers in the Theological College as provided for in the relevant regulations.
- 5.51 Alteration of bounds of presbyteries**  
5.51.1 The General Assembly may alter the bounds of a presbytery or amalgamate presbyteries.  
5.51.2 Notwithstanding its general power to effect such alteration or amalgamation, the Assembly normally does so at the request of one or more presbyteries concerned or after consulting the presbyteries concerned, on the recommendation of a commission or committee appointed or instructed to consider the matter.
- 5.52 Congregational levies and special collections**  
The General Assembly may request a levy from each congregation for funds for its own needs, and may appoint special collections throughout the church for purposes which it approves or determines.
- 5.53 Final administrative authority over funds and other property**  
Subject to the provisions of any relevant trust deeds and of the Presbyterian Trusts Act 1890, the General Assembly retains final administrative authority over all funds gathered or held by its committees in its name and over all other property of such committees. It may issue directions and authorisations concerning such funds and property as it considers appropriate.

## Section Eight ... Judicial Action

- 5.54 Judgment of references, appeals and petitions**  
5.54.1 As provided for in the general rules for church courts (Chapter 6) and in the exercise of its judicial function, the General Assembly deals with all references, appeals and petitions presented to it.  
5.54.2 All references, appeals and petitions should be lodged with the Assembly Clerk at least thirty days before the meeting of the General Assembly or the Commission of Assembly but in any particular case the Assembly or the Commission of Assembly may waive this requirement.
- 5.55 Special Judicial Committee duties**  
The clerks and the Law Agent, acting as a Special Judicial Committee (see [rule 5.42](#)):  
a) put petitions, references and appeals lodged with the Assembly Clerk in order if necessary;  
b) may send a copy of them to the party or parties named;  
c) report their nature, but not necessarily their contents, to the General Assembly or Commission of Assembly;  
d) recommend how they may be dealt with;  
e) place before the General Assembly or the Commission of Assembly a suggested course of action in each case;  
f) in the case of appeals, draw the attention of appellants and respondents to the provisions of [rules 6.46.1\(b\)\(ii\) and \(iii\)](#) regarding their speeches.
- 5.56 Discipline**  
5.56.1 If, in a non-judicial proceeding, the General Assembly finds facts which raise a case or matter of discipline, and decides to take up the case or matter, it shall conduct the business before it in accordance with the Code of Discipline and in harmony with the Articles of Agreement.  
5.56.2 In cases or matters of discipline the Assembly shall conduct the business before it in accordance with the Code of Discipline and in harmony with the Articles of Agreement.  
5.56.3 Although the Assembly has original jurisdiction in every case of discipline, in ordinary practice (except when contumacy is involved) it exercises its power of discipline only in cases brought before it from presbyteries by reference or appeal.

- 5.56.4 The Assembly may, but only in accordance with the Code of Discipline, deal summarily with any minister, communicant or adherent who has acted contumaciously against its directions, order or authority.

Note: the jurisdiction of the General Assembly in cases of discipline is given by rules 2.22 – 2.26 of the Code of Discipline. In cases of contumacy the General Assembly proceeds under part 8 of the Code of Discipline.

## Section Nine ... Relationship to General Assembly of Australia ('GAA')

### 5.57 Specific duties and functions re GAA

The General Assembly is required to discharge specific duties and functions relating to the General Assembly of Australia, as set out in the Basis of Union and Articles of Agreement of the Deed of Union of 24 July 1901 as amended.

### 5.58 Transmission of references and appeals to the GAA

The General Assembly transmits to the General Assembly of Australia such references as it determines and all appeals against its decisions which lie to the General Assembly of Australia.

### 5.59 May petition the GAA

The General Assembly may petition the General Assembly of Australia in regard to any matter with which it may competently deal when:

- a) no other constitutional approach is open;
- b) the interests of the church, or of some part of its work, or of some persons connected with it, are involved.

## Chapter 6 ... General Rules for Church Courts

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## **Section One ... Introductory**

**6.1 Extent of application**

The rules in this chapter apply to each court of the church insofar as appropriate to their proceedings or the subject matter before them.

## **Section Two ... Moderators and Clerks**

**6.2 Election of moderator**

Presbyteries and the General Assembly determine the procedure by which the moderator is elected, consistent with free election.

**6.3 Duties of moderator**

Except where the rules state otherwise, the moderator is responsible for convening the meetings of a court that have not been fixed by its own action or by that of a higher court.

At all meetings of the court the moderator:

- a) presides;
- b) ensures that the meeting is properly constituted;
- c) maintains good order in the conduct of its business;
- d) follows an agreed agenda;
- e) disallows motions which he judges to be in conflict with the law of the church, irrelevant, offensive or otherwise incompetent;
- f) protects the rights of each member of the court;
- g) rules on points of order;
- h) announces decisions, administers censures and admonitions, conveys greetings and instructs parties at the Bar;
- i) calls upon members to speak, vote and discharge their duties;

- j) vacates the chair while a lower court of which he is a member is at the Bar, or (except in the case of the moderator of a session) when he is or wishes to become a party to a case or wishes to speak to a matter before the court. He returns to the chair when the matter is disposed of.

#### **6.4 Rights of moderator**

- 6.4.1 The moderator has the right to precedence over the members of the court.  
6.4.2 A moderator in the chair exercises a casting, not a deliberative, vote.  
6.4.3 A moderator has the right to speak in a debate provided that, except in a session, he vacates the chair to do so.

#### **6.5 Clerks and their duties**

- 6.5.1 The clerks of a court act as clerks of its commissions.  
6.5.2 Every clerk must:  
a) keep an accurate roll of the court;  
b) receive, examine, record and report to the court all documents, papers or communications addressed to it;  
c) keep minutes of the proceedings of the court and, when appropriate and at his or her discretion, supply properly certified extracts to anyone entitled to them;  
d) care for the books, papers and records of the court as it directs and produce them when the court requires them;  
e) carry out the correspondence of the court as it directs or as required by the rules, regulations or directions of a higher court;  
f) advise parties who wish to bring business to the court;  
g) perform other duties necessary for the court to do its business efficiently;  
h) carry out such duties as a higher court requires.  
6.5.3 The clerk of a higher court must vacate his table while a lower court of which he is a member is at the Bar.  
6.5.4 The order of a higher court for the submission of records for its inspection is given to the clerk of the lower court, who is answerable to the higher court for any neglect in this matter.

#### **6.6 Declaration of faithful duty**

The clerk makes the declaration of faithful duty on assuming office. In his or her absence an acting clerk is appointed and also makes the same declaration, which is as follows: *'I solemnly affirm and declare that I will faithfully discharge the duties now entrusted to me'*.

### **Section Three ... Meetings**

#### **6.7 Convening of courts**

Except where the rules state otherwise, a court can be convened only by its moderator or by order of a higher court. Any notice sent out by the clerk calling an urgent meeting of the court must bear the words 'by order of the moderator'.

#### **6.8 Attendance obligatory**

A member of a court must, except for good reason, attend its meetings. A member who does not comply with this rule may be ordered to attend. A member who fails to obey this order or to send a satisfactory explanation of absence may be instructed to explain why he is not in contempt of the court. If the court is not satisfied with his explanation, or if he has not responded after two citations, the court may charge him with contumacy under the Code of Discipline.

#### **6.9 Opened and closed with prayer**

All meetings of church courts and their commissions and committees shall be opened and closed with prayer, and this fact shall be recorded in the minutes.

#### **6.10 Open court or in private**

- 6.10.1 All courts, other than the session, are presumed to be open.

- 6.10.2 A court may, in any particular matter, resolve to sit in private when it judges it necessary or expedient, and must do so when required by the law of the church or by instruction of the General Assembly. If so, all persons other than full members or officers of the court and cited parties to a particular matter under discussion are excluded, except that a presbytery may allow a licentiate to remain ([see rule 4.21](#)).
- 6.10.3 In deciding whether or not to sit in private, a court must consider the interests of the church and the necessity to guard its ministers and members from charges which may prove to be ill-founded. In all circumstances a court seeks to uphold the reputation of the church.
- 6.10.4 A court may at any time close its doors and sit in private in consequence of a ruling by the moderator, or of a motion put to the vote without debate and approved. Cases or questions which have been discussed in private in a lower court must be so discussed in higher courts unless a motion to the contrary, put to the vote without debate, is approved.
- 6.10.5 If the moderator declares that a case or question affects character or involves a personal dispute or misunderstanding, the court must sit in private unless a motion to sit in public put to the vote without debate is approved.
- 6.10.6 A motion to sit in private may be repeated notwithstanding its previous failure in that debate or sitting of a court.
- 6.11 The Bar**
- 6.11.1 As provided for in the rules or the Code of Discipline, when a court is exercising specified functions, certain parties to a case are brought to and appear at the Bar of the court. They take their places at the Bar when called by the moderator.
- 6.11.2 A member of the court, while he is a party at its Bar, does not exercise his normal functions as a member of the court.
- 6.11.3 When a matter is finally disposed of, persons at the Bar are formally removed from it by the moderator.
- 6.12 No meeting beyond bounds**
- A court cannot meet beyond its own bounds without permission or direction of a higher court.
- 6.13 No meeting of a court while a higher court meets or of other body while a court meets**
- 6.13.1 A court shall not without permission meet during a sitting of a higher court or a commission of it.
- 6.13.2 A board and a congregation shall not, without the permission of the court, meet during a sitting of the session or of a court above it or of a commission of such court.
- 6.13.3 A committee of a court shall not meet without permission during a sitting of that court.

## Section Four ... Records

- 6.14 Authoritative signature of moderator and clerk**
- When the moderator or acting moderator or the clerk signs any document or communication on behalf of or with the authority of the court, he adds his official designation to his signature.
- 6.15 Decisions when effective**
- The decisions of the General Assembly take effect immediately on the dissolution of the General Assembly unless otherwise ordered. The decision of a lower court takes effect from when it was made or ordered to take effect although the minute of that decision is as yet unconfirmed.
- 6.16 Form of minutes**
- 6.16.1 A court must keep accurate minutes of its proceedings.
- 6.16.2 Minutes must be a statement of fact only and must include:
- a) the circumstances of the meeting, whether by appointment, following adjournment, urgent or special purpose, and the place, date, and time;
  - b) except for the General Assembly, a list of those present;
  - c) the names of members for whose absence apologies were received and sustained;
  - d) all decisions of the court;
  - e) the appointment of the next meeting if this needs to be made.



- 6.16.3 Minutes should not contain unnecessary corrections or alterations. Further:
- a) typographical errors require only initialling by the clerk;
  - b) if words are struck out, the number of them (or of the lines) must be noted in the margin and signed by the clerk;
  - c) if words are inserted, they must be written in the margin and signed by the clerk;
  - d) no records may be deleted without the authority of the higher court;
  - e) the minutes must not contain blank spaces giving opportunity for unauthorised insertions;
  - f) headings of subjects must be made in the margin or in bold font above the minute;
  - g) the keeping and recording of minutes must not be such as to permit a doubt as to the authenticity of the record.

Note: [rule 6.9](#) provides that the fact of opening and closing with prayer is also to be recorded in the minutes.

### **6.17 Framing and approval of minutes**

6.17.1 Every court frames its minutes in a consistent format as far as possible.

6.17.2 Subject to overruling by a higher court, a court is entitled to decide what shall have a place in its minutes.

6.17.3 The clerk or person appointed to take the minutes must:

- a) take down draft minutes, to be subsequently refined into permanent form, and either read to the court at its next meeting or circulated among its members 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 frame all or any of its minutes as the business proceeds so that the minutes may be confirmed at once; or
- c) in the case of the final sitting of the General Assembly before its dissolution, follow the procedure indicated in (b) or submit the permanent minutes to a commission appointed to scrutinise, correct and confirm them (see [rule 5.43](#)).

### **6.18 Extracts and papers relative to a case**

6.18.1 Before and after a decision on a case, copies of any papers held or reserved and full extracts of minutes, relevant to the case, may be applied for by and provided by a court to a person entitled to them.

6.18.2 An extract must be attested by the clerk as extracted from the record of the court. Copies of papers must be certified as such by the clerk.

6.18.3 A court must exercise caution in providing papers and extracts in matters affecting private interests only, in case they are sought merely for the purpose of a civil action.

6.18.4 A court may fix a charge for providing such copies and extracts.

### **6.19 Record apart**

6.19.1 A court must keep minutes in a record apart:

- a) to keep its ordinary minutes free from undesirable matter; or
- b) in a case where moral failure is alleged; or
- c) in a case where it seems desirable to safeguard the church against damages or to protect the reputation of individuals.

6.19.2 The resolution to keep the proceedings of a case in a record apart must be minuted in the record apart. No entry is made of the matter in the ordinary record of the court until the case is finally disposed of.

6.19.3 The minutes of a record apart must be taken down on separate sheets consecutively numbered and secured within a separate folder.

6.19.4 At the following meeting, at the confirmation of the minutes, the record apart minutes must be read to the court, and, when these minutes have been confirmed, each page must be signed by the moderator and the clerk.

6.19.5 Until a case is finally disposed of, the clerk must keep each record apart in a private and secure place separately from the regular minute book and other records.

6.19.6 If the judgment that finally disposes of the case, by whatever court of the church, involves any degree of censure of the accused, then:

- a) the court of first instance must record in its ordinary minute book the first minute of the record apart, the charge, or a summary of each of the charges, and the final judgment; and

- b) following formal inspection of the record apart and report as provided for by [rule 4.96](#), the record apart, together with all papers in the case, must be sealed up in the presence of the court, endorsed with a note of the subject matter and with the date of the final judgment, and placed in the Presbyterian Church of Victoria Archive, with the notation, 'To be opened only by the Clerk of the Presbytery of ..... or the Assembly Clerk'.
- 6.19.7 If the judgment that finally disposes of the case, by whatever court of the church, does not involve any degree of censure of the accused, then:
- a) following formal inspection of the record apart and report as provided for by [rule 4.96](#) or [rule 5.49.1](#) as appropriate, the record apart, together with all papers in the case, must be sealed up in the presence of the court, endorsed with a note of the subject matter and with the date of the final judgment, and kept for six years and then destroyed; and
  - b) the person charged must receive a certified copy of the judgment of the court.

## Section Five ... Citation

### 6.20 Citation

- 6.20.1 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. It protects a court from a charge of failing to give an interested party an opportunity to be heard in a matter pending before the court and leaves the court free to determine the matter without further reference to the person cited except where the rules determine otherwise.
- 6.20.2 A court may issue a citation for the purpose of:
- a) enforcing the attendance of its members;
  - b) taking the mind of a congregation;
  - c) requesting a party to appear in the party's interests in a case pending before it in a process of discipline;
  - d) requesting the presence of any person, court or body within its jurisdiction, and who may be affected by its decision, or whose evidence it desires.
- 6.20.3 A citation must be so issued that the person cited has reasonable grounds for believing that it is authentic and it is clear to the court that the citation has occurred.
- 6.20.4 Citation of a person present in court may be done orally in the presence of the court.
- 6.20.5 Citation of a person not present in court is by written citation in the set form (see [Appendix 1, Forms and Certificates, 17](#)):
- a) delivered by an officer or agent of the court to the person or to his or her usual or last known place of residence; or
  - b) sent by registered or similar post to that address.
- Such citation is proved by the evidence of the officer or agent delivering the citation and by written evidence from the postal service.

Note: citation is also dealt with under part 8 of the Code of Discipline.

## Section Six ... Overtures

### 6.21 Definition and use

An overture is a formal written proposal, with reasons, submitted to a court:

- a) for the enactment, repeal or amendment of a rule or regulation; or
- b) for the interpretation or declaration of any part of the law of the church; or
- c) to have something done or declared which is within the competence of that court; or
- d) to take executive action in relation to any matter with which that court may competently deal.

Only matters of general interest may be brought by overture. An overture must be in proper and respectful language, and if it relates to legislation it must indicate the part of the law of the church affected and state as precisely as is practicable any changes or additions desired (see [Appendix 1, Forms and Certificates, 2](#)).

## 6.22 Who may overture

An overture may be made:

- a) by a lower court to a higher court;
- b) to the General Assembly by one of its committees or by five of its members;
- c) by two of its members to a presbytery or a session;
- d) by a presbytery or the General Assembly to the General Assembly of Australia (see PCA 'Code', chapter 3, rules 2.03, 2.06).

The overturists must appoint not more than two persons to state the overture in the court overtured.

## 6.23 Proceedings non-judicial

A court, when considering an overture, is not exercising its judicial function. The stating of an overture does not bring parties, other than overturists who are not members of the court, to its Bar or exclude any member of the court from participating in its proceedings.

## 6.24 Notice required

No overture can be moved in any court except the General Assembly unless notice of it has been given at a previous ordinary meeting of the court, or intimated by circular sent by the clerk to members of the court at least seven days before the meeting at which the overture is to be brought forward.

## 6.25 Transmitted as extract minute

A lower court transmits an overture only as part of a certified extract of its minutes and with or without comment as it sees fit.

## 6.26 Procedure in dealing with an overture

The usual procedure in dealing with an overture is as follows:

- a) overturists who are not members of the court are called to the Bar;
- b) the overture is received;
- c) the overture is stated by not more than two persons;
- d) any questions are asked through the moderator;
- e) the overturists, if they are members of the court overtured, have the prior right over other members, after due notice to move 'that the overture be sustained'; and
  - i) if this motion is approved, to move that the specific action proposed in the overture be taken;
  - ii) if this motion is disapproved the matter is still before the court and must be disposed of by a motion to dismiss the same or by any other relevant and competent motion until the matter is disposed of.

If the overture is sustained, any subsequent motion in dealing with the overture or its subject matter may be approved, amended, or disapproved.

## 6.27 Enactment, amendment or repeal of rules by overture

6.27.1 The General Assembly enacts, amends or repeals a rule only on a proposal by overture and only with the approval (obtained under Barrier Act procedure) of a majority of the presbyteries within its jurisdiction (for the Barrier Act see [Appendix 1, Forms and Certificates, 6](#)).

6.27.2 If the General Assembly sustains an overture proposing the enactment, amendment or repeal of any rule, it:

- a) must remit the overture and any proposal to presbyteries, under Barrier Act procedure, for either approval or disapproval:
  - i) without comment (in this case approval qualified by comment or suggested amendment is construed as disapproval); or
  - ii) while inviting comment if so desired.
- b) may direct that the overture and any proposal be sent to sessions for their opinion, which however is not binding on the Assembly.

6.27.3 If a majority of the presbyteries reported approval of it, at its next ordinary meeting the General Assembly may:

- a) enact the proposal contained in the overture; or
- b) resolve not to enact it; or
- c) again remit it to presbyteries in an amended form.

6.27.4 If a majority of the presbyteries has either:

- a) reported disapproval of the remit; or
- b) failed to approve the remit

the proposal falls and the General Assembly must pass from it. However this does not prevent the re-introduction of the proposal in original or amended form by fresh overture to the Assembly.

## Section Seven ... Petitions

### 6.28 Definition, use and reception

- 6.28.1 A petition is a signed request in approved form made to a court, including to the General Assembly of Australia, by:
- a) a lower court; or
  - b) a congregation, committee or organisation of the church; or
  - c) a person or group of persons within the jurisdiction of the courts of the church; or
  - d) at the discretion of the court, any other person.
- 6.28.2 A petition usually relates only to the affairs of a petitioner or petitioners and includes a statement of the circumstances or reasons which are submitted to justify the request for something which is within the jurisdiction of the court to grant.
- 6.28.3 The proper use of a petition is to enable the petitioner to seek a remedy from the court of first instance when no other constitutional means is open. Accordingly a petition cannot be used to bring the judgment of a lower court which might have been appealed under review by a higher court, but can be used where:
- a) the petitioner's right of appeal has been obstructed;
  - b) the petitioner is not legally qualified to appeal; or
  - c) a court cannot conveniently deal with a case before it otherwise than by petitioning the higher court to take a specified action; or
  - d) the rules state that it can be used.
- 6.28.4 A court may decline to receive a petition containing improper or disrespectful expressions.
- 6.28.5 The clerk of the court must, if requested or it appears to the clerk or court necessary, advise on how to draft the petition properly, and the court may direct that any approach to it in the form of a petition is put into proper form before it will receive it (see [Appendix 1, Forms and Certificates, 3](#)).

### 6.29 Notice required

- 6.29.1 The petition must be lodged with the clerk of the court petitioned.
- 6.29.2 The petitioner must provide to any person whose interests are affected, by personal delivery or registered or a similar form of post, a reasonable time before the petition is heard:
- a) a copy of the petition; and
  - b) notice of when and where the petition is to be heard; and
- inform the clerk in writing of this.
- 6.29.3 After receiving a petition a court may, if not satisfied that rule 6.29.2 has been complied with, defer the matter to its next ordinary meeting or, in the case of the General Assembly, its next sitting.

### 6.30 Who at the Bar

All petitioners, whether a member of the court petitioned or not, are at the Bar.

### 6.31 Procedure in dealing with a petition

The usual procedure in dealing with a petition is as follows:

- a) the petitioners are called to the Bar. A petition cannot be presented by anyone other than the petitioners;
- b) the court reads the petition or sufficient of it to judge its nature or character, or takes it as read;
- c) the court decides whether to receive the petition after satisfying itself that:
  - i) at least one petitioner is at the Bar to support it;
  - ii) it is the appropriate court to deal with the matter;
  - iii) the matter should not have come forward by some other course;
  - iv) the petition does not contain improper or disrespectful language;
  - v) the petitioner could not have appeared as a party in a case before a lower court;

- vi) the petition ought to be received either in the interests of the church or in justice to the petitioner;
- d) unless the petition is obviously incompetent or clearly exhibits offensive language or intention, the court does not decide not to receive the petition until hearing two petitioners or, if there is only one petitioner, one petitioner on the question of its reception;
- e) if the court decides not to receive the petition, the matter lapses;
- f) if the court receives the petition, the petitioners (or, if there are more than two, their representatives to a number the court determines) state the petition;
- g) any questions are asked through the moderator;
- h) if the petition is to the General Assembly it hears from its Special Judicial Committee (see [rule 5.55](#));
- i) the court then considers any motion to grant the prayer of the petition;
- j) if the motion to grant the prayer of the petition is disapproved then it is followed by another motion to dismiss the petition;
- k) if the motion to grant the prayer of the petition is approved the court considers the petition and decides what relief it will grant;
- l) the moderator announces the decision to the petitioners and removes them from the Bar (see [rule 6.42.2](#)).

Note: the granting of the prayer of a petition means that the court considers there are sufficient grounds in the petition to justify deliberation and decision.

## Section Eight ... Reference to a Higher Court

### 6.32 References

- 6.32.1 If it is in doubt on the correct procedure of the law of the church a court may resolve to refer a case, the facts of which are also stated in the resolution, to its immediate higher court, or in matters in which it is supreme, to the General Assembly of Australia, for opinion, advice, direction or judgment.
- 6.32.2 A court may also refer to its immediate higher court other matters such as:
  - a) cases of particular difficulty or delicacy, the decision on which may establish an important precedent;
  - b) cases on which the members of the court are much divided in opinion;
  - c) cases on which it is desirable, for any reason, that a larger body should first decide.
- 6.32.3 The reference takes the form of a properly attested extract minute of the resolution, with any necessary comment, accompanied by all relevant documents, transmitted to the higher court (see [Appendix 1, Forms and Certificates, 5](#)).
- 6.32.4 The referring court must cite any parties to the case so that they may appear in the higher court for their interests.

### 6.33 Evasion of responsibility

The higher court may decline to deal with the reference and direct the lower court to deal with the matter, or may dismiss the reference without considering its substance, if it considers that:

- a) the lower court is using the reference procedure merely to evade its proper and ordinary responsibility and has not exhausted all its resources in the matter;
- b) the reference is informal or considered to be frivolous.

### 6.34 Effect of referring a case

A reference halts procedure in the lower court until the higher court has given its decision.

### 6.35 Who at the Bar

Persons stating a reference who are not members of the higher court are at the Bar.

### 6.36 Procedure in dealing with a reference

The usual procedure in dealing with a reference is as follows:

- a) persons duly commissioned to state the reference, not more than two in number, are called to the Bar;

- b) the reference is stated with explanation of what the case is and why it has been referred;
- c) any questions are asked through the moderator;
- d) if the reference is to the General Assembly it hears from its Special Judicial Committee (see [rule 5.55](#));
- e) the court then considers any motion to sustain the reference;
- f) if the reference is not sustained the matter is still before the court and must be disposed of by a motion to dismiss the same or by any other relevant and competent motion until the matter is disposed of. Further, the matter lapses and the court may direct the lower court to deal with the matter;
- g) if the reference is sustained, any parties in the case are called and heard, after which the court considers and decides the case, or gives necessary advice and directions and remits the matter to the lower court to take the appropriate action;
- h) the moderator announces the court's decision to those stating the reference, and removes them from the Bar (see [rule 6.42.2](#));
- i) the court decides whether to order that the lower court pay for printing the reference.

## Section Nine ... Dissatisfaction with a Decision of a Court

### 6.37 Dissent or appeal

A member of a court who voted in the minority, if dissatisfied with the decision of the court, may either:

- a) record his dissent against the decision, with or without reasons (see Section Ten below); or
- b) appeal to the immediate higher court (see Section Eleven below).

## Section Ten ... Dissent

### 6.38 Right of dissent

6.38.1 Any member of a court, other than a party at its Bar, is entitled to have his or her dissent from a decision recorded if:

- a) he or she has voted against it; and
- b) the decision was made after a show of hands 'for' and 'against', or a recorded count, or a division; and
- c) the matter is not a resolution of the committee of the whole, or a decision on an amendment, or part of a judicial case; and
- d) the dissent is indicated when the decision is announced; and
- e) the dissent is not against carrying out an instruction of a higher court.

6.38.2 After recording of a dissent other members of the court who voted against the decision may signify their adherence to the dissent and have their names recorded as dissenting.

### 6.39 Effect of dissent

A member of a court who dissents from its decision is required to comply with it, but is relieved from responsibility for it and its consequences and protected from censure on account of it.

### 6.40 Reasons for dissent

6.40.1 Reasons for dissent are not essential.

6.40.2 When a member is recording dissent he or she may at that time submit brief oral reasons. They are recorded, provided they are not disrespectful to the court or injurious to a party, and without comment or debate.

6.40.3 A member who has dissented and not already submitted brief oral reasons may later give written reasons and read them without comment either immediately after the:

- a) minutes recording the dissent are confirmed; or
- b) motion to refer the confirmation of the minutes to a special commission is approved.

Such reasons (which are not subject to debate) are held in the court's records, unless the court directs that they be recorded in the minutes.

**6.41 Answers to reasons for dissent**

6.41.1 A court may appoint a committee to prepare answers to reasons for dissent.

6.41.2 The report of the committee may be debated, amended, or otherwise dealt with, by the court and the approved answers are recorded in the minutes or held in the court's records in the same manner as the reasons for dissent.

## Section Eleven ... Appeals

**6.42 Appeals**

6.42.1 An appeal is a signed document designed to bring the decision of a court under the review of the immediately higher court by a person who voted in the minority, or who is or was a party at the Bar in the case on which the decision was made.

6.42.2 After announcing a court's decision, the moderator must inform any party at the Bar of his or her right of appeal, immediately after which any prospective appellant must say 'I intend to appeal' or words to that effect. If the moderator does not give this information, then any party at the Bar can appeal notwithstanding their failure to state their intention to appeal.

6.42.3 The right of appeal lapses unless the appeal, stating reasons for dissatisfaction with the decision, is submitted to the clerk of the lower court within ten days of the decision.

6.42.4 Appellants should ensure that the reasons stated in their appeals are confined to matters relevant to the decisions they wish to bring under the review of the higher court.

6.42.5 A court may decline to receive an appeal which contains improper or disrespectful expressions, or direct that any approach to it in the form of an appeal is put into proper form before it will receive it. However, notwithstanding that the court declines to receive an appeal, provided the appeal was submitted within the said period of ten days, the right of appeal extends to the next meeting.

6.42.6 The clerk of the court must, if requested or if it appears to the clerk or court necessary, advise an appellant how to draft his or her appeal properly.

6.42.7 On request, an appellant is entitled to receive from the clerk of the lower court all relevant extracts of the proceedings and copies of all relevant papers.

6.42.8 The court must appoint two of its members to act as respondents to defend its decision in the higher court.

6.42.9 An appeal may be withdrawn at any time by an appellant, who, on forming the intention of withdrawing, should then withdraw without delay.

**6.43 Effects of appeal**

6.43.1 Unless otherwise stated in the rules an appeal against the final decision or judgment on a case halts execution of the decision or judgment until the appeal is disposed of by the higher court or it is withdrawn or it lapses by not being prosecuted. Notwithstanding the foregoing, however, if the lower court considers the appeal to be evidently without sufficient substance or deliberately obstructive it may at its own risk proceed without regard to the appeal, the rights of appellants being always preserved.

6.43.2 Unless otherwise stated in the rules, an appeal on a part of a case or a point of procedure does not halt procedure or prevent the court from prosecuting the matter and ripening it to final judgment.

6.43.3 If no appeal is taken against the final decision or judgment on a case, all appeals on part of the case or on points of procedure in the case fall.

**6.44 Papers transmitted**

6.44.1 The clerk of the lower court is responsible for:

- a) transmitting the appeal, with or without comment, to the higher court with all records and documents connected with it, reporting on this to the next meeting of the court, and advising any appellant of this transmission;
- b) reporting the lodging of the appeal to the next meeting of the court;
- c) citing the appellants to appear at the Bar of the higher court.

6.44.2 The appellant is responsible for satisfying himself or herself that the appeal, records and documents referred to in (a) of the previous rule have been transmitted to the higher court.

6.44.3 The expense of printing shall, in the first instance, be borne by any appellant. However when the case is finally decided the court must determine whether the cost of printing is borne by the party losing the case or by the court.

**6.45 Who at the Bar**

On an appeal the respondent court and any appellant are at the Bar of the higher court and take no part in judging the case.

**6.46 Procedure in dealing with an appeal**

6.46.1 The procedure in dealing with an appeal is as follows:

- a) The parties are called to the Bar;
- b) The court then:
  - i) reads the record of the case in the lower court and the relevant documents, or, if printed, may take them as read. No document can 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;
  - ii) hears the appellant or appellants or, if there are more than two, their representatives to a number it determines. Appellants must confine their speeches in support of their appeals to persuading the higher court to find:
    - A. that the lower court has not followed correct procedure sufficiently to have prejudiced the right determination of the case; or
    - B. that the decision of the lower court upon the information before that court was not reasonable;
  - iii) hears the respondents. Respondents must confine their speeches to persuading the higher court to find:
    - A. that the lower court has followed correct procedure sufficiently not to have prejudiced the right determination of the case; and
    - B. that the decision of the lower court upon the information before that court was reasonable;
  - iv) hears the appellant or appellants or their representatives in reply;
  - v) calls for questions through the moderator;
  - vi) removes all parties from the Bar and determines whether they are permitted to hear the discussion of the case;
  - vii) in the case of the General Assembly, hears from its Special Judicial Committee (see [rule 5.55](#));
  - viii) deliberates on the case before it;
  - ix) decides whether to sustain or dismiss the appeal. If a motion to sustain the appeal is disapproved the matter is still before the court and must be disposed of by a motion to dismiss the same or by any other relevant and competent motion until the matter is disposed of.

6.46.2 An appeal can only be sustained if the court:

- a) finds that the lower court has not followed correct procedure sufficiently to have prejudiced the right determination of the case; or
- b) judges that the decision of the lower court upon the information before that court was not reasonable.

6.46.3 If an appeal is sustained, the court may:

- a) reverse the decision of the lower court; or
- b) alter the decision partially or wholly; or
- c) remit the matter to the lower court with instructions to take specified action and/or with the general instruction to deal with the matter according to the law of the church.

6.46.4 If an appeal is dismissed, the decision of the lower court stands affirmed.

6.46.5 After the court has dealt with the matter the parties are recalled to the Bar and the moderator announces the decision to them and removes them from the Bar (see [rule 6.42.2](#)).



## Section Twelve ... Miscellaneous

### 6.47 Power to amend proceedings

Where a person approaches a court using an overture, petition, reference or appeal, but ought by these rules to have used another of such documents, the court may resolve that the proceeding continue as if it had been commenced by the correct document and that the document be amended, provided it is satisfied that any other person would not thereby be unfairly prejudiced.

### 6.48 Assessors

6.48.1 An assessor is a person appointed by a court to strengthen a lower court or to assist it with a particular matter. An assessor enjoys the full rights, powers and privileges of membership in the court to which he is appointed, except when otherwise expressly stated in the law of the church or by the court appointing him. If the court to which he is an assessor is at the Bar of a higher court he is likewise at the Bar.

6.48.2 The persons eligible for appointment by a presbytery as assessors to a session are members of presbytery or elders who are members of other sessions within its bounds.

6.48.3 An assessor may be appointed:

- a) on application by a court to its immediate higher court;
- b) on application by a presbytery to the moderator or acting moderator of the General Assembly;
- c) by a higher court without application.

6.48.4 Any assessor appointed solely to assist a lower court with a particular matter must, on completion of the matter, inform as appropriate the appointing court or moderator or acting moderator of the General Assembly who must immediately discharge the assessor.

### 6.49 Counsel

Unless the law of the church states otherwise, a court has a discretion whether a party may appear in any particular process before it with the assistance of a counsel or an agent who is a communicant of the church.

### 6.50 Commissions and committees

6.50.1 Unless otherwise stated in the rules, a court may appoint and discharge:

- a) commissions drawn from its members to perform particular business and to which are granted any of its powers necessary to perform the commission's duties;
- b) committees drawn from any persons within its jurisdiction to which it may remit such duties as it sees fit. Any appointment ceases on any appointee ceasing to be within the jurisdiction of the court.

6.50.2 Commissions and committees of lower courts report on their proceedings to the court which appointed them. Those appointed by a General Assembly report to the next General Assembly unless otherwise directed.

6.50.3 A commission cannot itself appoint a commission, but can, unless prohibited by the terms of its appointment, appoint any committee to perform specified duties. A commission is responsible for, and may set aside or vary, the actions of any committee it has appointed.

Note: [rule 4.12](#) and [chapter 5 Section Four](#) deal more particularly with presbytery and assembly commissions respectively.

### 6.51 Inquiry by visitors

Every court has power to appoint visitors to inquire into and report upon any matter within its jurisdiction.

### 6.52 Entitlements of associate members

An associate member of a presbytery or General Assembly is entitled to speak but not to preside, vote, move or second a motion, nor to remain in the court when it meets in private.

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## **Section One ... The General Assembly**

**7.1 Definitions**

7.1.1 Standing Orders are the rules used to manage the meetings of the courts of the church.

7.1.2 For the purpose of these standing orders:

- a) 'Assembly' means the General Assembly while sitting;
- b) 'court' means the General Assembly, or a presbytery, or a session;
- c) 'chair' means either the moderator or the chairman of the committee of the whole;
- d) 'moderator' includes the chairman of the committee of the whole, so far as is applicable;
- e) 'leave of the Assembly' means permission granted without any negative voice.

**7.2 Recognising the chair**

When in the Assembly, and especially when entering, passing the chair, or retiring, members must show respect for the Assembly and the office of the moderator.

**7.3 Minutes confirmed**

When minutes of meetings are submitted for confirmation the only question in issue is whether they are an accurate record of the proceedings.

**7.4 Permanent records**

The permanent records of the Assembly shall be those confirmed either in the presence of the court or by a commission appointed and authorised to confirm them.

## **Section Two ... Assembly Business**

**7.5 Order of business**

In the Assembly, the order of business for each sitting (other than the first) is:

- a) confirmation of the minutes of the previous sitting, or, if confirmation is to be assigned to a special commission, at least the tabling of the draft minutes;
- b) reasons of dissent from any of the decisions recorded in the minutes referred to in (a) above;
- c) report of the Business Committee;
- d) business listed on the agenda as prepared by the Business Committee and approved by the Assembly;
- e) applications from presbyteries for authority to meet, and the announcement of meetings of committees;
- f) report of the Business Committee on the next sitting.

**7.6 Orders of the day**

7.6.1 Items of business listed on the agenda as prepared by the Business Committee and approved by the Assembly shall constitute the orders of the day.

7.6.2 When an order of the day is reached it shall be called for by the moderator.

- 7.6.3 No business may be introduced to the Assembly by any member until it is called for by the moderator.

## 7.7 Variation of orders of the day

The Assembly may, if necessary and from time to time during a sitting, vary the orders of the day for that sitting by a motion, without notice and without debate. A motion to vary the orders of the day may be made only at the interval between items of business.

## 7.8 Committee reports and proposed deliverances

- 7.8.1 The business hours of the Assembly are essentially for the review by the Assembly of the year's work of its committees and for the discussion and authorisation of action.
- 7.8.2 Each committee shall submit a written report with recommendations for action appended in a proposed deliverance.
- 7.8.3 The reports and proposed deliverances of all committees shall normally be printed in the White Book and distributed at least seven days before the meeting of the Assembly. In exceptional circumstances printed reports and recommendations may be distributed at least one day before their consideration.
- 7.8.4 Copies of proposed amendments to proposed deliverances must, as a matter of courtesy, be sent to the convener of the relevant committee.
- 7.8.5 Printed reports shall be taken as read unless the Assembly desires otherwise.
- 7.8.6 A recommendation for action is only adopted when the proposed deliverance is approved.

## 7.9 Procedure for reports and proposed deliverances

Reports of Assembly committees and their proposed deliverances (hereafter 'the deliverance') shall be dealt with as follows:

- a) the convener of the Business Committee moves that the committee's report be received;
- b) the motion must be seconded;
- c) the moderator invites questions to clarify the report;
- d) the moderator then puts the motion;
- e) if the motion is approved and:
  - i) if there is no amendment, or notice of motion, or if no member indicates a desire to speak to a particular clause or clauses in the deliverance, then:
    - A. the convener of the committee moves the deliverance as a whole;
    - B. the convener may then (but not later) speak to the deliverance;
    - C. the motion must be seconded;
    - D. the seconder may then (but not later) speak to the deliverance;
    - E. the moderator invites questions to the convener to clarify the deliverance;
    - F. when no member indicates a desire to speak, or the debate is closed, the moderator then puts the motion;

or
  - ii) if there is an amendment, or notice of motion, or if a member indicates a desire to speak to a particular clause or clauses in the deliverance, then:
    - A. the convener of the committee moves the clauses of the deliverance either separately or in convenient groups;
    - B. the convener may then (but not later) speak to the clause or clauses moved;
    - C. the motion must be seconded;
    - D. the seconder may then (but not later) speak to it or them;
    - E. the moderator invites questions to the convener to clarify it or them;
    - F. amendments and notices of motion, if any, are dealt with (see [rule 7.15 \(e\)\(ii\)](#));
    - G. the moderator then puts the motion;
    - H. when all clauses have been dealt with as described in sub-clauses A – G above, the deliverance as a whole must be moved, seconded and approved.

When approved, the deliverance is that of the Assembly.

### 7.10 Questions

Relevant questions may be put by any member through the moderator to:

- a) the convener for clarification of the report before the Assembly receives it;
- b) the convener after he and the seconder have spoken to the deliverance;
- c) the mover of a notice of motion or an amendment.

### 7.11 Competency of motions involving expenditure

Motions proposing expenditure from General Assembly funds are not competent unless accompanied by a report on the proposed expenditure from the committee responsible for the application of the fund.

## Section Three ... Motions and Amendments

### 7.12 Substantive motions

- 7.12.1 A substantive motion is business which does not arise from the report of any committee.
- 7.12.2 Prior to the Assembly, notices of motion must be sent to the Business Convener no later than noon on the opening day of Assembly.
- 7.12.3 During the Assembly, notices of motion must be written and handed to the Business Convener at least thirty minutes before the close of the sitting prior to that in which the matter is to be dealt with. This must be read by him to the Assembly before the close of the sitting.
- 7.12.4 Notices of motion affecting the proposed deliverance of a committee should, as a matter of courtesy, be copied to the convener of that committee.
- 7.12.5 Subject to the approval of the Business Committee, notices of motion are ordinarily printed for distribution as Assembly papers.
- 7.12.6 The Assembly Clerk must see that the foregoing motions are in proper form and, if alteration is required, notify the mover of the fact.

### 7.13 Alteration of motions

A member has the right to alter his notice of motion by notice given at least one sitting before it comes before the Assembly or by leave of the Assembly.

### 7.14 Amendment of motions

- 7.14.1 A motion may be amended by:
  - a) leaving out words;
  - b) leaving out words to insert or add other words;
  - c) inserting or adding words.

However, a proposed amendment which is in form or substance a direct negative to the motion is incompetent.
- 7.14.2 A proposed amendment can be:
  - a) with notice (see [rule 7.13](#)); or
  - b) without notice if in the opinion of the moderator it:
    - i) arises in the course of the debate; and
    - ii) does not alter the substance of the motion.

If the moderator's opinion is that the proposed amendment has arisen in the course of the debate but alters the substance of the motion it cannot be moved without leave of the Assembly.

### 7.15 Procedure for motions

Motions shall be dealt with as follows:

- a) the mover moves the motion;
- b) the mover may then (but not later) speak to the motion;
- c) the motion must be seconded;
- d) the seconder may then (but not later) speak to the motion;
- e) the moderator invites questions to the mover to clarify the motion; and

- i) if there is no amendment, when no member indicates a desire to speak, or the debate is closed, the moderator puts the motion;  
or
- ii) if there is an amendment:
  - A. the mover moves his amendment;
  - B. the mover may then (but not later) speak to it;
  - C. the amendment must be seconded;
  - D. the seconder may then (but not later) speak to it;
  - E. the moderator calls for questions to the mover of the amendment to clarify it;
  - F. debate must be confined to the amendment;
  - G. when no member indicates a desire to speak, or the debate is closed, the moderator puts the amendment;
  - H. if the amendment is disapproved, it lapses;
  - I. if the amendment is approved, it becomes the motion;
  - J. when no member indicates a desire to speak, or the debate is closed, the moderator puts the motion.
- f) if the mover is absent another member may move the motion or the court may reschedule it, but otherwise it lapses;
- g) a motion of which notice has been given can be withdrawn by the mover before it is seconded, but without remark;
- h) an amendment may be moved to an amendment which has been moved and seconded.

#### **7.16 Procedure in debate**

- 7.16.1 No member who moves or seconds a motion or amendment shall have the right to defer his speech to a later stage of the debate.
- 7.16.2 A member who has spoken to the original motion shall not move an amendment on it, but may second or speak to an amendment moved by another member.
- 7.16.3 A member who moves an amendment shall not afterwards speak to the motion as amended.
- 7.16.4 After a motion or amendment has been moved no change shall be made in its terms without leave of the Assembly.
- 7.16.5 After a motion or amendment has been seconded it shall not be withdrawn except at the request of the mover, with the consent of the seconder, and by leave of the Assembly.
- 7.16.6 Other motions can be moved without notice but only by leave of the Assembly.

#### **7.17 Motions not recorded**

The following are not recorded in the minutes:

- a) a motion or amendment ruled incompetent, except when the ruling of the moderator has been challenged and voted on;
- b) a motion withdrawn by the mover before it is seconded;
- c) a motion or amendment not seconded;
- d) a motion withdrawn by leave of the court.

### **Section Four ... Speaking in Debate**

#### **7.18 Members called**

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

#### **7.19 Members speaking more than once**

Each member may speak once to each question in debate, whether a motion or an amendment. No member shall speak more than once to the same question, except:

- a) in explanation; or
- b) in stating and asking the ruling of the moderator on a point of order; or
- c) if he is the mover of the original motion, in reply at the close of a debate.

**7.20 Moderator leaves the chair**

The moderator shall take no part whatever in any debate. If he wishes to speak to any question or to present the report of a committee, he must leave the chair. He must also leave the chair when any case arises in which he is a party (see [rule 6.4](#)).

**7.21 Moderator standing**

When the moderator rises in his place, all members must resume their seats and remain silent so that the moderator may be heard without interruption.

**7.22 Interruptions**

No member shall interrupt a speaker except to:

- a) state a point of order and to ask for a ruling of the moderator on it;
- b) call attention to a breach of the privileges of the Assembly or its members;
- c) object to language considered objectionable or reflecting on character;
- d) make a personal explanation;
- e) move that the Assembly sit in private;
- f) move the adjournment of the debate;
- g) move the 'previous question'.

**7.23 Point of order**

7.23.1 A point of order refers strictly to the order of the proceedings of the Assembly.

7.23.2 A member raising a point of order must simply state it and no other member shall speak at this stage. The moderator must then:

- a) rule on the point; or
- 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 Assembly for decision by debate and vote.

**7.24 Ruling of the chair challenged**

When the ruling of the moderator is challenged the challenger may be heard for not more than five minutes. The moderator may speak in reply and the vote must be taken without further discussion.

**7.25 Privilege**

7.25.1 Questions of privilege take precedence over all other business and may be brought forward at any time by any member.

7.25.2 Questions of privilege must refer strictly to matters directly affecting the privileges of the Assembly or its members. These matters must have recently emerged and call for immediate attention.

7.25.3 If a question of privilege is brought forward in committee of the whole, the committee must immediately report it to the Assembly which alone can deal with questions of privilege.

**7.26 Objectionable language**

7.26.1 When language used in debate seems to any member to be objectionable, he may then, but not later, raise a point of order concerning it and ask for the ruling of the moderator. Language ruled objectionable must be immediately withdrawn and apologised for by the speaker in a manner satisfactory to the Assembly.

7.26.2 A member may also demand that the words he considers to be objectionable be 'taken down'. The moderator must, without debate, put the question, 'that the words objected to be taken down'. If this question is resolved in the affirmative, the moderator must direct the clerk to take them down as ground for such further action as the Assembly may see fit.

**7.27 Personal explanation**

A member may at any time make a personal explanation. If a member makes an explanation during a debate, it must 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 shall be introduced into an explanation during a debate.

**7.28 Adjournment**

7.28.1 A motion for the adjournment of:

- a) the debate; or
- b) the court;

may be made at any time and without notice and must be put without debate.

7.28.2 The disapproving of a motion to adjourn does not preclude its being moved again during the same debate or sitting.

7.28.3 The adjournment of a debate may be moved by any member, including the member who is at the time speaking.

7.28.4 When an adjourned debate is resumed, the right of speaking first belongs to the member whose speech was interrupted by the adjournment. If no speech was interrupted, the right of speaking first belongs to the mover of the adjournment. However the successful mover of an adjournment who has already spoken on the original motion or on an amendment cannot speak again.

**7.29 Previous question**

7.29.1 The previous question is a mechanism by which the Assembly immediately departs from the matter at hand without any further debate or vote. It 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 on the original motion or on an amendment.

7.29.2 The previous question must be moved and seconded without debate and then put to the vote.

7.29.3 The mover of the previous question must specify whether the matter to be departed from is the clause or sub-clause that is before the Assembly or the whole matter. It cannot be moved in a committee of the whole.

7.29.4 The approving of the previous question means that the Assembly does not consider it expedient to discuss further the matter before it. The effect shall be that the Assembly then departs from the whole subject under deliberation and proceeds to the consideration of the next subject of the deliverance before the Assembly, or the next item on the order of business, as the case may be.

7.29.5 The disapproving of the previous question shall not preclude its being moved again during the same debate.

**7.30 Laws and decisions not to be reflected on**

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

**7.31 The closure**

7.31.1 When it appears to the moderator during any debate that the motion or any amendment to it has been adequately discussed, and that it is the evident sense of the Assembly that the question be now put, the moderator may indicate this to the Assembly. The moderator must distinctly state 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.

7.31.2 A motion 'that the question be now put' may then be moved and seconded without any remark or discussion. The moderator must then put this motion and, if it is approved, the moderator must then put to the vote the motion, or the amendment only, or both the amendment and the motion, as the case may be, without further debate.

**7.32 Stating the motion before voting**

The moderator endeavours to put the question at every convenient opportunity. He must state the motion or amendment or cause it to be stated by the clerk. Any member not distinctly hearing the motion or amendment may require it to be stated again.

**7.33 The moderator interrupted**

When the moderator rises in his place to state or put the question, he may be interrupted by, and must 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 says the word 'aye' in putting the question to the voices.



## Section Five ... Voting

### 7.34 Member's vote

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

### 7.35 Voting only within the Assembly

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

### 7.36 Method of taking vote

The vote must be taken by the following method:

- a) **By the voices:** the moderator must take the vote first by the voices:
  - i) he must say: 'The question is, Shall this motion (or amendment) pass? All who are of that opinion say 'aye'';
  - ii) the 'ayes' then respond;
  - iii) the moderator shall further say: 'All who are of the contrary opinion say 'no'';
  - iv) the 'noes' then respond;
  - v) the moderator then says, as the case may appear to him: 'I think the 'ayes' (or the 'noes') have it';
  - vi) if his opinion is agreed with by the silence of the Assembly, he says: 'The 'ayes' (or the 'noes') have it', and the motion or amendment is approved or disapproved accordingly;
  - vii) should there be no dissenting voice a unanimous vote may be recorded.
- b) **By show of hands:** if the moderator's opinion is challenged by any member who has voted saying 'Show of hands!' the vote must be further taken by a show of hands but the numbers shall not be recorded.
- c) **By recorded count or division:** if the moderator's opinion is further challenged by:
  - i) a member moving that the vote be taken by recorded count; or
  - ii) five members requesting a division;
 the vote must be taken by recorded count or by division as the case may be.

Note: the moderator may call on the Ballot Committee to assist him in the taking of a vote.

### 7.37 Recorded count

A motion that the vote be taken by recorded count must be put without debate and decided by a show of hands 'for' or 'against'. Should such a motion be approved, it precludes the taking of the vote by a division. The result of a vote by recorded count, as reported to the moderator in writing and declared by him to the Assembly is final. The numbers must be recorded in the minutes.

### 7.38 Division

- 7.38.1 When a motion to take the vote by recorded count has not been moved or has been disapproved, a division may be called for by five members of the Assembly. Any five members of the Assembly may further demand that the names of those voting be recorded. Numbers must be recorded in any case.
- 7.38.2 When the vote is about to be taken by division, the bell shall be rung and after a lapse of two minutes the doors must be locked and no one allowed to enter or leave the Assembly until the vote is taken.
- 7.38.3 Members of the Ballot Committee must act as tellers, with those 'for' the motion or amendment and those 'against' dividing for the vote as directed by the moderator.
- 7.38.4 The result of the division, as reported in writing to the moderator and declared by him to the Assembly, is final.

**7.39 Questions not reconsidered**

No question which has been decided at one sitting of the Assembly may be reconsidered at a subsequent sitting.

## **Section Six ... Committee of the Whole**

**7.40 Committee of the whole**

7.40.1 For the consideration of a matter involving a variety of details, or for other reasons, a court may resolve to meet as a committee of the whole, in which sufficient of the ordinary rules of debate are suspended so as to permit freer discussion.

7.40.2 The following rules apply to a committee of the whole:

- a) all members of the court are members of the committee;
- b) the court must appoint a chairman of the committee;
- c) separate minutes must 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 is entitled to dissent from any resolution of the committee;
- g) the proceedings are concluded by a resolution to report to the court on the matter committed, or to report progress and request to sit again; the motion 'that the committee report' may be made at any time and without notice;
- h) the court must then resume, and the report of the committee must be submitted, including motions framed or decisions made in committee;
- i) the report may be adopted with or without amendment, rejected, deferred, recommitted, or otherwise dealt with as the court sees fit; at this stage any member may exercise his privilege of dissent or appeal.

## **Section Seven ... Documents, Overtures, Petitions, References, Appeals**

**7.41 Papers transmitted**

All returns on remits and papers transmitted by the lower courts must take the form of certified extracts from their minutes.

**7.42 Documents in a case**

All overtures, petitions, references and appeals, with all necessary papers, must be printed and circulated among the members of the Assembly at least one sitting before the business is taken up for discussion in the Assembly. No other document may be considered part of the record unless a motion to this effect is approved.

## **Section Eight ... Standing Orders Suspended**

**7.43 Suspension of standing orders**

These standing orders may be suspended in whole or in part by a motion to this effect being approved. Notice of this motion shall normally be given at a previous sitting. A motion without notice to suspend standing orders must have leave of the Assembly. The purpose for which it is proposed to suspend standing orders must be distinctly stated.

## Appendix 1 ... Forms and Certificates

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1. Form of Call

CALL TO REV .....

We, the undersigned members and adherents of the congregation/s at ..... in connection with the Presbyterian Church of Victoria, seeking the promotion of the glory of God and the good of the church, being also without a pastor, are well assured of the ministerial abilities, godly character, learning and spiritual wisdom of you ....., and we are also convinced of your suitability to our present circumstances.

We have agreed to invite and call you to undertake the office of pastor among us for the promotion of the Christian gospel in our district and for our spiritual welfare. On your acceptance of this call we promise you all due respect, encouragement, and obedience in the Lord, and promise to contribute appropriately to your support as God may prosper us.

In witness of this we have signed this call, as duly attested by:

.....

(witnesses to signatures attached at the time of the congregational meeting)  
*(Normally, the interim moderator and session clerk)*

.....

(witnesses to signatures attached afterwards)  
*(Normally, the commissioners are appointed at the congregational meeting, see [rule 4.126](#))*

## 2. Overture

**Note:** An overture is used whenever a change is sought to a rule or regulation of the church, or when an interpretation or declaration of general interest to the whole church is required (see [rule 6.21](#)).

To the General Assembly of the Presbyterian Church of Victoria (or Commission of Assembly).

In the light of:

a)

b)

c)

etc. ...

Now therefore .....

*(insert the name of the court or committee overturing, or, if by five members of Assembly, insert the word 'we')*

humbly overture(s) the Assembly to take these premises into consideration and

.....

..... *(insert, in brief and general terms only, the substance of what the overture is seeking to achieve; in the case of rule change being sure to indicate which part of the law of the church it is proposed to alter, and specify the exact wording of the change)*

or do otherwise as in their wisdom they may consider appropriate.

Signed: *(by persons concerned, the presbytery clerk, committee secretary, other appropriate person)*

Dated:

The overturists (if members of Assembly) should then prepare separately a notice of motion, relating to their overture, by which they hope to secure their proposal. If it includes a change to chapters 1 to 7 of the rules, it must do this by way of the Barrier Act. The notice begins with:

That the Assembly: a) sustain the overture

Note: When an overture is forwarded by a court of the church to a higher court, the following extract should be attached to the overture:

Extracted from the minutes of the meeting of ..... on  
..... by me: ..... , clerk.

*Also, provide the names of persons appointed to state the overture.*

### 3. Petition

**Note:** A petition is used to bring to the attention of the court a matter relating only to the affairs of the petitioners. It is brought to the lowest court competent to deal with the matter, and is used when other avenues of approach are not open (see [rule 6.28](#)). The wording of this form is for use to the General Assembly. The same wording can be used to petition the presbytery by substituting 'Presbytery' for 'General Assembly'.

To the General Assembly of the Presbyterian Church of Victoria (or Commission of Assembly).

This petition shows that:

*(here state the grounds on which the petition is made, or the matters leading up to the petition, each one in a separate paragraph)*

a)

b)

c)

*etc. ...*

Now therefore .....

*(insert the name of the court, congregation, committee or person petitioning, or, if by a group of people the names of representatives)*

humbly petition(s) the Assembly to take these premises into consideration and

.....  
 .....

*(insert, in brief and general terms only, the substance of what the petition seeks to address or achieve)*

or do otherwise as in their wisdom they may consider appropriate.

Signed: *(by persons concerned)*

Dated:

*Because petitioners are placed at the Bar of the court, they take no part in the deliberation of the matter, and nor do they present any notices of motion relating to it. They wait for the court to provide some, none or all of their requests.*

*Note: When a petition is forwarded by a court of the church to a higher court, the following extract should be attached to the petition:*

*Extracted from the minutes of the meeting of ..... on  
 ..... by me: ..... , clerk.*

*Also, provide the names of persons appointed to present the petition.*

## 4. Appeal

**Note:** an appeal is an avenue open to someone who is dissatisfied with a decision of a court, whether he was a member of the court who voted in the minority or whether he was a party at the Bar in a case. The person appealing (the appellant) wishes to bring that decision to the higher court for review. The normal grounds for appealing are that the decision of the court was not reasonable given the information before the court, or that it was prejudiced by improper procedure (see [rule 6.46.2](#)).

I ....., appeal to .....  
 (name the court) against the decision of ..... (name the court)  
 given on ..... (date) concerning .....  
 ..... (insert here the issue about which the appeal is made) on the following  
 grounds/for the following reasons:

a)

b)

etc. ...

Signed:

Dated:

The session, presbytery, or General Assembly (as the case may be) of  
 ..... duly convened and constituted on .....  
 (date), resolved, among other things, that the appeal be forwarded to the  
 ..... and that .....  
 ..... are appointed as respondents for the  
 ..... .

(Signed by the clerk)

5. Reference

**Note:** A reference is an avenue of approach in which a court wishes to bring a matter to a higher court for its opinion, advice, direction or judgment. It is used when a court is in doubt as to the correct procedure or interpretation of the law of the church on a matter and wishes to seek the opinion of the higher court before coming to a decision (6.32).

The ..... (name of the court bringing the reference)  
convened and constituted on ..... (date) resolved, among other things, to  
refer to the ..... (name of the court to which the  
reference is brought) the matter contained in the following extract minute for opinion,  
advice, direction or judgment:

(state minute(s), which give the intention of referring and the substance of the matter being referred)

Extracted from the minutes of the meeting of ..... on  
..... by me: ..... , clerk.

Dated:



## 6. The Barrier Act, 1697 (Church of Scotland)

**Note:** *The Barrier Act is used whenever change or addition to the rules of the church, chapters 1 to 7, is considered. It is used to prevent sudden, rash and poorly considered change to the church's constitution.*

*The normal procedure is as follows.*

*The proposed change is brought to the General Assembly by overture. The case is presented and deliberated on.*

*If the Assembly agrees to take the matter further, the proposal is sent to each presbytery in a remit, requesting each presbytery to consider the matter and to give a clear approval or disapproval.*

*The subsequent General Assembly considers the matter a second time, this time in the light of the presbyteries' approvals and/or disapprovals. The Assembly then makes its own decision, as provided for in the rules (see [rule 6.27](#)).*

'The General Assembly, taking into their 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.'

## 7. Edict for ordination/induction of elders-elect

([rule 3.18.1](#))

Messrs or Mr .....  
 ..... , have/has been duly elected to the office of the eldership in  
 this congregation. Before they/he are/is ordained and inducted (or inducted) into  
 office, opportunity is provided for any member or adherent of the congregation who  
 has any objection to the ordination and induction of .....  
 ..... (or to any of them), to notify the  
 Session clerk of the objection, in writing, by ..... (date). \*\* If no relevant  
 objection is given and proved, the ordination and induction (or induction) of  
 .....  
 ..... to the office of eldership of this congregation will proceed on  
 ..... according to the laws of the church.

Signed: *(Session clerk)*

Dated:

Read to the congregation on: .....

Signed: *(witness)*

Dated:

\*\* The date must be set so as to allow sufficient time for the moderator to call a meeting of the session to deal with any objections that may be received and, if necessary, for the session to postpone or cancel the service of ordination and induction or of induction only in an orderly fashion.

## 8. Commission for representative elders

(see [rule 3.48.1](#))

The Session of ....., having met at .....  
on ....., and been duly constituted, among other things, resolved to appoint:

- a) ....., one of their number, to represent it in the presbytery for the next twelve months (and ..... as alternate); and
- b) ....., one of their number, to represent it in the General Assembly for the next twelve months.

Extracted from the minutes of Session on ..... by me:  
....., clerk.

Dated:

## 9. Commission for representative elders (of another session)

(see [rule 3.48.3](#))

The Session of ....., having met at ..... on ..... , and been duly constituted, among other things, finding that its representative(s) for the year is/are unable to attend the meetings of the presbytery and/or General Assembly, and/or it is unable to appoint from its members, resolved to appoint:

a) ..... , member of the Session of ..... , to represent it in the presbytery for the next twelve months; and

b) ..... , member of the Session of ..... , to represent it in the General Assembly for the next twelve months.

Extracted from the minutes of session on..... by me:  
....., clerk.

Dated:

## 10. Certificate for licentiates

(see rules [4.39\(f\)](#), [4.45\(b\)](#), [4.48.4\(a\)](#), [4.134.3](#))

### Extract of minute of licence:

Mr ....., following his request and having forwarded all necessary certificates, was taken on trials for licence and has successfully completed all requirements. He satisfactorily answered the appointed questions put to him by the moderator and signed the Formula.

The presbytery licensed Mr ..... to preach the gospel of the Lord Jesus Christ.

Signed: *(presbytery clerk)*

Dated:

## 11. Certificate for ministers

(see rules [4.45\(a\)](#), [4.48.4\(b\)](#))

### Certificate of status:

At ..... (*place where meeting was held*) and on ..... (*date*), the  
Presbytery of ..... having this day accepted the Rev  
.....'s resignation of his charge at ..... , instructed me  
to give this certificate that he retains his full status as a minister of the Presbyterian  
Church of Australia.

Signed: (*presbytery clerk*)

Dated:

## 12. Edict of vacancy

(see [rule 4.105](#))

As a result of the translation (resignation, termination of appointment, death) of the Rev ....., formerly minister of the pastoral charge of ....., the Presbytery of ..... declares the charge to be vacant. The presbytery calls on all parties concerned to proceed diligently and prayerfully and according to the law and practice of the church to fill the vacancy.

Signed: *(presbytery clerk)*

Dated:

Confirmation that the edict was read:

This edict was duly announced to the congregation at ....., on the ..... day of ..... 20.....

Signed: *(normally, session clerk or interim moderator)*

Dated:

### 13. Edict of ordination/induction of licentiates and ministers

(see rules [4.134.3](#), [4.137.2](#), [4.138](#), [4.139](#))

The Presbytery of ....., in connection with the Presbyterian Church of Victoria, having completed the necessary steps for the ..... of ..... as minister of the congregation at ..... , directed that this edict be read.

If any person has anything to object to in the life or doctrine of ....., he/she should notify the presbytery clerk in writing by ..... (date \*\*).

If no relevant objection is made by this date, the presbytery will proceed to the ..... service as arranged.

Signed: *(presbytery clerk)*

Dated:

#### Confirmation that the edict was read:

This edict was duly announced to the congregation at ....., on the ..... day of ..... 20.....

Signed: *(normally, session clerk or interim moderator)*

Dated:

\*\* The date must be set so as to allow sufficient time for the moderator to give at least seven days' notice for an urgent meeting of the presbytery to deal with any objections that may be received and, if necessary, for the court to postpone or cancel the service of ordination and induction or induction only in an orderly fashion.



## 14. Questions at ordination/induction of licentiates and ministers

(see [rule 4.141\(c\)](#))

### Questions for the congregation which is invited to stand:

*(Normally assent is given by the congregation answering together: 'We do')*

- a) Do you, the members and adherents of this congregation, adhere to the call which you have already signed in favour of Rev ..... to be your minister?
- b) Do you now warmly receive him as your minister, promising to provide for his suitable maintenance, and give him all due respect, encouragement and obedience in the Lord?

### Questions for the minister-elect:

*(Assent is given by the answer: 'I do' for all questions except the 5<sup>th</sup> which is answered: 'They are')*

- a) Do you believe the Word of God which is contained in the Scriptures of the Old and New Testaments to be the only rule of faith and practice?
- b) Do you own and accept the Westminster Confession of Faith, as amended by the General Assembly, read in the light of the Declaratory Statement contained in the Basis of Union adopted by this church on the 24<sup>th</sup> day of July, 1901, as an exhibition of the sense in which you understand the Holy Scriptures and as a confession of your faith; and do you engage firmly and constantly to adhere thereto, and to the utmost of your power to maintain and defend the same?
- c) Do you own and accept the purity of worship as practised in this church?
- d) 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?
- e) Are zeal for the glory of God, love to the Lord Jesus Christ, and a desire to save souls, and not worldly interests and expectations (so far as you know your own heart), your great motives and chief inducements to the work of the holy ministry?

- f) Do you accept this call and promise through grace to perform all the duties of a faithful minister of the gospel among this people?
- g) Do you promise to give conscientious attendance upon the courts of this church, and to direct your best attention to the business thereof, doing all in the spirit of faithfulness, brotherly kindness and charity?
- h) Do you promise, in the strength of divine grace, to lead a holy and circumspect life, to rule well your own house, and faithfully, diligently and cheerfully to perform all the parts of the ministerial work to the edifying of the body of Christ in love?
- i) All these things you profess and promise through grace, as you shall be answerable at the coming of the Lord Jesus Christ?

**Note:** For questions at inductions of ministers appointed to special offices, for ordinations and/or inductions of missionaries, professors and lecturers, or at licensing of theological students, see 'Constitution, Procedure and Practice of the Presbyterian Church of Australia', commonly called the PCA 'Code', chapter 6.

## 15. Questions at ordination/induction of elders

(see [rule 3.19.2\(b\)](#))

### Questions for the congregation which is invited to stand:

*(Normally assent is given by the congregation answering together: 'We do')*

Do you, the members and adherents of this congregation, now confirm the election of these brethren (or this brother) to the office of Ruling Elder in this congregation? And do you promise to render them (or him) all due respect and encouragement in the discharge of their (or his) office?

### Questions for the elder-elect:

*(Assent is given by the answer: 'I do' for all questions)*

- a) Do you believe the Scripture of the Old and New Testaments to be the Word of God, and the only rule of faith and practice?
- b) Do you own and accept the Westminster Confession of Faith, as amended by the General Assembly, read in the light of the Declaratory Statement contained in the Basis of Union adopted by this church on the 24<sup>th</sup> day of July, 1901, as an exhibition of the sense in which you understand the Holy Scriptures and as a confession of your faith; and do you engage firmly and constantly to adhere thereto, and to the utmost of your power to maintain and defend the same?
- c) Do you own and accept the purity of worship as practised in this church?
- d) 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?
- e) Do you adhere to your acceptance of the call of this congregation to exercise among them the office of ruling elder?
- f) 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?

- g) All these things you profess and promise through grace, as you shall be answerable at the coming of the Lord Jesus Christ?

## 16. Formula for ministers, licentiates and elders

(see rules [3.19.2\(e\)](#), [4.39\(c\)](#), [4.141\(d\)](#))

I own and accept the subordinate standards 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.

## 17. Citation

(see [rule 6.20.5](#))

To ..... *(name of person being cited)* of .....  
..... *(address)*.

I, ....., Clerk of the Session of ..... (or of the Presbytery of  
..... or of the General Assembly of the Presbyterian Church of Victoria)  
on behalf of the court by this letter cite you to be in attendance when the court will  
meet at ..... *(place)* on ..... *(date)* at the time of ..... for the  
purpose of .....

If you fail to attend at the place and time mentioned above the court may proceed  
to determine the matter in your absence.

Signed: *(clerk of session, or other court)*

Dated:

## 18. Edict of citation

(see [rule 6.20.5](#))

To the congregation of ..... (or the Session of ..... or the  
Presbytery of ..... as the case may be).

I, ..... , clerk of ..... on behalf of the court by  
this letter cite all members to be in attendance when the court will meet at  
..... (place) on ..... (date) at the time of ..... for the purpose of  
.....

If you fail to attend at the place and time mentioned above the court may proceed  
to determine the matter in your absence.

Signed: *(by persons concerned)*

Dated:

(clerk of .....)

### Confirmation that the edict was read:

This edict was duly read to the congregation of ..... (or Session or  
Presbytery) on the ..... day of ..... 20.... at ..... (time).

Signed as witnesses:

*(Two office bearers)*

## 19. Rolls and registers

### a) Roll of communicants (see [rule 3.27](#))

No.	Name	Address	Date	How admitted into Membership	Attendance at communion	Remarks

### b) Roll of adherents (see [rule 3.29](#))

No.	Name	Address	Date	How admitted as adherent	Remarks

### c) Register of baptisms (see [rule 3.25](#))

Of infants

No.	Father's Name Mother's Name	Mother's maiden name	Address	Child's Names	Date of Birth	Date of Baptism	Where Baptised	Officiating Minister

Of adults

No.	Name	Address	Age	Date of Baptism	Where Baptised	Officiating Minister



## Appendix 2 ... Model Trust Deeds

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## MODEL TRUST DEED FOR CHURCH SITE

**To all whom these presents shall come**

all of [Trustees or Trustee]

**Send Greeting -**

- A. **Whereas** under and by virtue of the [Certificate of Title or Conveyance] particularly mentioned or referred to in the First Schedule hereunder written the piece or parcel of land and hereditaments particularly described in the Second Schedule hereunder written, and the fee simple and inheritance thereof in possession are now vested in the said [Trustees or Trustee] as joint tenants
- B. **And whereas** the said hereditaments do not belong to the said [Trustees or Trustee] beneficially but have been acquired by and become vested in them as Trustees only for the purposes hereinafter mentioned, and they are desirous of declaring by this deed the trusts ends intents and purposes upon and for which they acquired and shall henceforth stand seised and possessed of the said land and hereditaments and all buildings now and hereafter to be erected upon the same or any part thereof

**Now therefore know ye and these presents witness that**

1. the said [Trustees or Trustee] do and each of them doth **hereby declare** that they and the survivors and survivor of them and the heirs of such survivor their or his assigns (all and every of whom are hereinafter referred to as the said Trustees or Trustee) shall hold and stand seised of all the hereditaments described in the said Second Schedule **upon trust** for the religious denomination mentioned in the Act 22 Vic. No. 82\* (\*Printed in Blue Book of 1883, page 106.) and known as and called "The Presbyterian Church of Victoria" (hereinafter styled **the said Church**)
  - (a) and to permit and suffer the said land and hereditaments to be used for such purposes and by such person or persons as the General Assembly of the said Church (hereinafter called **the Assembly**) may from time to time direct (of which direction the certificate in writing under the hand of the Moderator for the time being of the Assembly shall be sufficient evidence), anduntil such direction

- (b) to permit and suffer the same to be used as a site for a church for the public worship of God by such persons as are now or at any time or times hereafter may be recognised by the Assembly as a Congregation of the said Church and who hold and shall continue to adhere to the standards of religious belief and of ecclesiastical government of the said Church and
- (c) to permit and suffer the Minister for the time being of the said Congregation together with the Elders and other office-bearers thereof –
  - (i) to have free and uninterrupted enjoyment of the said land and hereditaments not only for the purposes of public worship as aforesaid but for such objects in connection with the affairs of the said Congregation as the Presbytery of the said Church for the time being entrusted by the Assembly with the superintendence of the said Congregation (hereinafter called **such Presbytery as aforesaid**) may approve of direct or appoint and
  - (ii) to enter on the said land and hereditaments or a sufficient part or parts thereof to erect and build such church and other necessary buildings and from time to time alter pull down remove renew enlarge and repair the same as shall at any time or from time to time hereafter be directed by the vote of at least two-third parts in number of such of the members and adherents for the time being as shall be personally present at a public meeting thereof called and held pursuant to notice in that behalf duly given in accordance with and conformity to the rules and regulations of the said Church for the time being affecting the convening and holding of meetings of members and adherents in similar cases.

2. **And it is hereby declared** that the said Trustees or Trustee shall have no power or authority to appoint dismiss or in anywise interfere with the appointment or dismissal of the Minister or any Office-bearers of the said Congregation nor in anywise meddle or interfere with such Minister or Office-bearers in the discharge of their official duties and that a certificate under the hand of the Moderator for the time being as aforesaid shall be conclusive evidence of the person for the time being claiming to minister as aforesaid being in fact such Minister.

3. And further that the said Trustees or Trustee shall be bound to obey and give effect to the orders rules decisions and appointments made and to be made by the Assembly and of any such Presbytery as aforesaid and of the Office-bearers thereof relating to or concerning the admission or removal of the Minister and Office-bearers of the said Congregation and the rights and privileges belonging to him them or any of them in virtue of his or their office and concerning every other matter or thing whereon the Assembly or such Presbytery as aforesaid may or shall be by these presents or the constitution of the said Church declared to have authority and shall furnish to the Assembly and to such Presbytery as aforesaid such returns reports and other information as may be required.
4. And further that the said Trustees or Trustee shall by a mortgage or mortgages of or other security or securities over all or any part or parts of the said hereditaments raise such sums or sum of money for the completion extension or reparation of the said buildings or the improvement of the said hereditaments or for any other purposes of the said Congregation and on such terms in all respects as shall with the consent of the Assembly be directed by any such vote as aforesaid and shall make any such mortgage or other security either with or without a power of sale of the mortgaged hereditaments and with all usual and incidental covenants clauses and agreements and execute all necessary and proper assurances for effecting any such mortgage or other security provided always that the said Trustees or Trustee shall not be obliged to execute any covenant rendering them or him personally responsible to repay the amount mentioned in any such mortgage
5. And further that the said Trustees or Trustee shall absolutely make sale and dispose of the said hereditaments or any part or parts thereof and the fee simple and inheritance thereof when and on such terms and in such manner and subject to such conditions as to the title or otherwise as shall with the consent aforesaid be directed by any such vote as aforesaid and convey the hereditaments sold to the purchaser or purchasers thereof and shall pay the moneys received by virtue of any such mortgage or sale as aforesaid to the Treasurer for the time being of the Assembly (whose receipt shall be a sufficient discharge to the said Trustees or Trustee) who shall in the first place deduct thereout all costs and expenses attending such mortgage or sale

and then payoff and discharge any encumbrance or encumbrances for the time being affecting the said hereditaments or any part or parts thereof and then pay the balance to the said Congregation or otherwise as may be directed by the Assembly to be applied and disposed of in or towards the purposes for which such mortgage or sale shall have been authorised

6. And further that the said Trustees or Trustee shall from time to time demise or let such part or parts of the said hereditaments as shall not for the time being be actually required for the purpose of public worship or other Congregational purposes for such term or terms, at such rent or rents, upon such conditions, and subject to such covenants as shall be approved under the Rules of the Church and shall have been directed by any such vote as aforesaid but the reversion in the hereditaments demised or let shall continue subject to the powers of mortgaging and selling respectively herein contained Provided that the clear rents arising from any such demise or letting shall be collected by the Treasurer for the time being of the said Congregation and be paid and applied for such purposes as shall have been directed by any such vote as aforesaid and approved by such Presbytery as aforesaid
7. And it is hereby further declared and agreed that any receipt which shall be given by the said Trustees or Trustee for any money payable for or in respect of any mortgage sale or lease of or other dealings with the said hereditaments or any part or parts thereof shall effectually discharge the person or persons paying the same from being answerable or accountable for the non-application or misapplication or from being obliged or concerned to see to the application of the money in such receipt acknowledged or expressed to have been received
8. And that every covenant and agreement that shall be entered into and every mortgage conveyance or lease which shall be executed by the said Trustees or Trustee pursuant to the trusts hereinbefore declared shall be as good and effectual both at law and in equity as if every member and adherent of the said Congregation had joined therein or assented thereto and shall be binding and conclusive on all persons claiming any benefit or interest under or by virtue of these presents

9. And that it shall not be incumbent on any mortgagee purchaser lessee or tenant of the said hereditaments or any part or parts thereof to inquire into the necessity or propriety of any such mortgage sale demise or letting or whether the same is authorised by these presents or into the due nomination election or appointment of any Trustees or Trustee under these presents and that a solemn statutory declaration by the persons or person purporting and claiming to mortgage sell lease or let as the Trustees or Trustee for the time being of these presents shall be conclusive evidence in favour of any mortgagee purchaser lessee or tenant of such person or persons being such Trustees or Trustee
10. And further that the said Trustees or Trustee shall have no power or authority to collect the revenues or to manage or interfere with the management of the temporal affairs of the said Congregation.
11. And further that three Trustees shall be held to be an actual quorum at any meeting duly convened and
12. if any of the said Trustees shall die or desire to resign his trust or shall cease to be a member or adherent of the said Congregation or shall have removed his residence to a distance of one hundred miles from the said place of worship for at least, twelve consecutive months or shall refuse to exercise and execute any of the powers and authorities hereby reposed in him when so required as aforesaid or shall disobey or neglect or refuse to carry out any order instruction or decision of the Assembly or of such Presbytery as aforesaid or shall by the Assembly be declared to have been guilty of conduct unbecoming a Trustee then and in any of the said cases it shall be lawful for and incumbent on such Presbytery as aforesaid by resolution reciting the facts to declare a vacancy in the Trusteeship in respect of such Trustee who shall immediately thereupon *ipso facto* cease to be a Trustee and shall be deprived of all powers and privileges vested in him of which resolution the certificate of the Moderator for the time being of such Presbytery as aforesaid shall be conclusive evidence and
13. that as often as the number of Trustees shall be reduced by any of the ways or causes

aforesaid to less than three it shall be lawful for and incumbent on the said Congregation at a meeting duly convened for that purpose to proceed to the appointment of one person being a member of the said Church or Congregation for every such vacancy in the office of Trustee and that when and so often as such presbytery as aforesaid shall have ratified such appointment the said hereditaments shall thereupon with all convenient speed be conveyed and assured by the surviving and acting Trustees or Trustee (together as the case may be with the Trustee or Trustees as to whom such vacancy or vacancies shall have been declared) so and in such manner as that the same shall be effectually vested in the surviving and acting Trustees or Trustee and in the new Trustees or Trustee jointly upon the same trusts and conditions and for the same purposes as have hereinbefore been provided and declared.

14. Provided always, and notwithstanding anything hereinbefore contained, it is hereby further agreed and declared that, should any Congregation at any time cease to exist (and such cesser of existence shall be deemed to have occurred if no Presbyterian Church service is held by a Minister or Elder or Home Missionary of the said Church, on the said land and hereditaments, for a continuous period of twelve months, and of which cesser the certificate in writing of the Moderator for the time being of the Assembly shall be sufficient evidence), the Assembly shall be at liberty to direct the Trustees or Trustee to sell, mortgage, lease, exchange, or otherwise deal with or dispose of the said land and hereditaments, and the buildings and erections thereon, or any part thereof, in any manner and upon such conditions (if any) as the Assembly may from time to time direct.

**In witness whereof** the said

have hereunto set their bands and seals the                      day of                      A.D., 19....

The First Schedule hereinbefore referred to

[Description of the Certificate of Title or Conveyance]

The Second Schedule hereinbefore referred to  
[Description of the Land as in the Title]



**EXTRACT FROM MODEL TRUST DEED FOR MANSE SITE**

Same as for Church site except that the following Trusts are substituted for the corresponding clause in deed for Church site.

**Upon Trust** for the religious denomination mentioned in the Act 22 Vic. No. 82\* (\*Printed in Blue Book of 1883, page 100.) and known as and called "The Presbyterian Church of Victoria" (hereinafter styled the said Church)

- (a) and to permit and suffer the said land and hereditaments to be used for a site for a Manse or Minister's dwelling to be occupied solely by such person or persons in succession as shall from time to time be inducted by the said Church into the office of and shall continue to be recognised by the General Assembly of the said Church (hereinafter called **the Assembly**) as the officiating Minister for the time being in connection with the Congregation at ..... in the Colony of Victoria which now is or at any time or times hereafter may be recognised by the Assembly as a Congregation of the said Church and holding and continuing to adhere to the standards of religious belief and of ecclesiastical government of the said Church
- (b) and to permit and suffer the Minister for the time being of the said Congregation to have free and uninterrupted enjoyment of the said land and hereditaments for the purposes aforesaid
- (c) and also to permit and suffer such Minister together with the Elders and other Office bearers of the said Congregation –
  - (i) to have free and uninterrupted enjoyment of the said land and hereditaments for such other objects in connection with the affairs of the said Congregation as the Presbytery of the said Church for the time being entrusted by the Assembly with the superintendence of the said Congregation (hereinafter called **such Presbytery as aforesaid**) may approve of direct or appoint and
  - (ii) to enter on the said land and hereditaments or a sufficient part or parts thereof to erect and build such Manse and other necessary buildings and from time to time alter pull down remove renew enlarge and repair the same as shall at any time or from time to time hereafter be

directed by the vote of at least two-third parts in number of such of the Members and Adherents for the time being as shall be personally present at a public meeting thereof called and held pursuant to notice in that behalf duly given in accordance with and conformity to the rules and regulations of the said Church for the time being affecting the convening and holding of meetings of Members and Adherents in similar cases.

## Appendix 3

### EXPLANATIONS AND DIRECTIONS

#### RELATING TO THE

#### PRESBYTERIAN TRUSTS ACT 1890\*\*

##### A. – Main Objects of the Act

The main objects of the “Presbyterian Trusts Act 1890” were threefold.

1. To establish a permanent corporate body to hold all property belonging to the Church generally and also all congregational property which congregations might desire to vest in the Corporation.
- II. To establish a Register of Trustees of Congregations where the property is not vested in the Corporation, so as to simplify matters when trustees are changed, and also to bring the trusts of such properties into some uniformity.
- III. To facilitate and render less expensive the conveyance and transfer of Church Property.

##### B. – The Corporation

1. By virtue of section 6 of the Act all properties belonging to the Church, except those of existing settled congregations are vested in and are now held by the Corporation.
2. Power is given to the majority of the members and adherents of any congregation, with the consent of the General Assembly and of a majority of the trustees, to vest its property in the Corporation.  
(See sections 7, 8 and 10).
3. Further, in all cases where there are no trustees, and where there is no one authorised to elect new trustees, or if the persons authorised do not elect within one month after being called on to do so by the Moderator of the General Assembly, under section 9, the property will vest in the Corporation.

##### C. – Congregational Trustees

1. In all cases where the property is not vested in the Corporation trustees are to be elected and removed in accordance with the Rules of the Assembly. (See pages 12-15).
2. These are so full that no explanation is necessary.
3. Trustees are nominated by the congregation, and appointed by the Presbytery.\*
4. The attention of Clerks of Session and Ministers is, however, specially drawn to Rule 19. (see page 15). Great trouble has been occasioned in the past by deaths and resignations of trustees not being properly notified, and it will be quite impossible to keep the Register of Trustees correct unless full and immediate intimation is given of all changes of trustees. The Register of Trustees is established for the benefit of congregations, so as to save the expense and trouble of getting conveyances of their properties on every change of trustees. It is therefore absolutely necessary that all should cooperate in making it a correct record.
5. The Moderator is responsible for the Register, but without accurate information being given to him he cannot keep it in proper order.

\* Forms relating to the Nomination and Appointment of Trustees may be obtained from the Office of the General Assembly.

### **D. – Property**

The Act is applicable to all Church property; and section (2) defines property to mean property both Real and Personal.

1. Real property includes:–
  - (a) All land granted, promised, or reserved by the Crown for any of the purposes of the Presbyterian Church of Victoria, or any of the bodies mentioned in the Union Act, No. 82, as amended by Act No. 321.
  - (b) All land acquired by purchase or gift.
  - (c) All land belonging to the Presbyterian Church of Victoria, or to any of its congregations or mission stations, or mission districts or otherwise.
2. Personal Property includes:–

Money held in Trust –

  - (a) For the Church generally.
  - (b) For any congregation.
  - (c) For any special purpose in connection with the Church.
  - (d) For the benefit or use of the members thereof as such.
  - (e) For any person or persons holding for the time being office therein.
3. No land whatever under any circumstance can be transferred, conveyed, mortgaged, exchanged or leased without the special permission of the General Assembly (see section 20).

### **E. – Trusts of Properties**

1. Many properties of the Church were held without any declaration of the exact trusts on which they were held. The Act (section 18) therefore provides that all such properties shall be held on the trusts of the Model Trust Deeds, or one of them. It follows, therefore, that all the properties of the Church are now subject to the Model Trust Deeds, or one of them, except in cases where there are express trusts.
2. Some of these express trusts are, however, very imperfectly expressed, or, owing to change of circumstances, have become unsuitable. Section 19 provides a mode of bringing these properties also under the trusts of the Model Trust Deeds or one of them.
3. It is provided in section 20:– (1) That no dealing with Church property, either by way of transfer, conveyance, mortgage, exchange or lease, shall have any effect without the written consent of the Moderator. (2) That a deed signed by a majority of the trustees shall be as effectual as if all had signed, and that an attorney, under power of a trustee, may sign for him; and rule 11 (page 12) enacts that the consent of the Moderator to any transfer, conveyance, mortgage, exchange, or lease, shall not be given unless a law agent of the Church first approve thereof.

### **F. – Presbyteries**

1. It is the duty of Presbyteries to appoint new trustees of Congregational properties.
2. Also before and after appointment to see that the trustees sign the required declarations.
3. To forward the declaration signed after appointment to the General Office of the Church, Assembly Hall.

4. If a congregation call upon a trustee to resign, the call must be approved and confirmed by the Presbytery before it is effectual.
5. Clerks of Presbytery are specially to note that notice of the appointment of every new trustee, and of the removal of any trustee must be sent to the Moderator of the General Assembly within a week after such appointment or removal.
6. This is essential to the accuracy of the Register of Trustees.
7. The attention of Presbyteries is also drawn to the resolutions of Assembly requiring them to keep Registers of Properties. (See page 18).

#### **G. – Moderator**

It is the duty of the Moderator to see that the Register of Trustees is accurately kept, and to sign all entries therein, also to give certificates when required showing who are the trustees of any property (see sections 21 and 22 of the Act); also to give his consent in writing to dealings with church properties, provided—

- (a) The dealing is in accordance with the trusts on which the property is held.
- (b) The dealing has the assent of the General Assembly.
- (c) A law agent has approved of the deed or other document.

**\*\* The Act may be accessed or download from:**

[http://www.legislation.vic.gov.au/domino/Web\\_Notes/LDMS/LTObject\\_Store/LTObjSt3.nsf/d1a8d8a9bed958efca25761600042ef5/8dabb69bcc7a5f2bca257761002954b1/\\$FILE/90-1175a002doc.doc](http://www.legislation.vic.gov.au/domino/Web_Notes/LDMS/LTObject_Store/LTObjSt3.nsf/d1a8d8a9bed958efca25761600042ef5/8dabb69bcc7a5f2bca257761002954b1/$FILE/90-1175a002doc.doc)

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## General Assembly Committee Regulations

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## **1. Assessors Committee**

### **1. Title**

There shall be a committee of the General Assembly entitled the Assessors Committee, hereafter referred to as the committee.

### **2. Membership**

The committee shall consist of the moderator or acting moderator of the General Assembly (convener), the Assembly Clerk, the convener of the Selection Committee and the convener of the Business Committee.

### **3. Duties**

The duties of the committee are to appoint assessors to presbyteries upon:

- a) a direction from the General Assembly; or
- b) a request from a presbytery.

### **4. Requests for Assessors**

Upon receiving such a request from a presbytery the convener may:

- a) subject to the consent of the proposed appointee, appoint him to sit with the presbytery; or
- b) convene a meeting of the committee should the case in his opinion warrant such action.

### **5. Completion of Duties**

Upon receiving advice from assessors of the completion of their duties, the convener shall relieve the assessors of further responsibility.





## **2. Australian Presbyterian World Mission (Victoria) Committee**

### **1. Title**

There shall be a committee of the General Assembly entitled the Australian Presbyterian World Mission (Victoria) Committee, known as 'APWM Victoria', hereafter referred to as the committee.

### **2. Membership**

The committee shall consist of 12 members, including a convener, appointed by the General Assembly, from:

- a) ten members nominated by the General Assembly; and
- b) two members nominated by the PWMU State Council.

### **3. Function**

The General Assembly of Australia is entrusted by the Deed of Union (Article 4.1) with the task of 'world mission' and to fulfil this function has appointed a Committee for Australian Presbyterian World Mission (PCA 'Code', ch. 10.1), known as APWM National. APWM Victoria works in concert with APWM National to fulfil the task of 'world mission' in Victoria.

### **4. Duties**

The committee is responsible for:

- a) promoting the work of APWM National throughout Victoria by encouraging Victorian congregations to an informed, wholehearted and consistent commitment to the missionary task of the church (Matthew 28:18-20) and seeking to involve the church in praying for and supporting approved personnel and projects through practical and financial means;
- b) recruiting, interviewing and recommending to APWM National, potential candidates for short and long-term missionary service with approved partner churches or as APWM Associates, and interviewing and approving potential candidates with partner agencies, in accordance with the general lines of policy laid down by APWM National;
- c) encouraging and maintaining partner relationships with approved overseas partner churches and partner agencies and, where appropriate, seeking out new partnerships for gospel work always in co-operation with and fully informing APWM National;
- d) assisting in providing pastoral care and support for all Victorian Presbyterian missionaries while in the field and on home assignment by widespread disclosure of their needs, and by prayerfully and wisely dispersing funds available in keeping with the policies of APWM National.

### **5. Meetings**

The committee shall meet regularly to fulfil these duties, at least five times a year.



### **3. Ballot Committee**

**1. Title**

There shall be a committee of the General Assembly entitled the Ballot Committee, hereafter referred to as the committee.

**2. Membership**

The committee shall consist of five members, including a convener, appointed by the General Assembly or the Commission of Assembly.

**3. Duties**

The committee shall conduct all ballots arising during the sitting of the General Assembly or the Commission of Assembly.

**4. Regulations**

The following regulations shall apply except where otherwise specifically stated:

- a) the committee authorised by the General Assembly to receive nominations and/or applications for offices to be filled shall furnish a list of those names to go to ballot to the Ballot Committee not later than the commencement of the morning sitting on the day on which the ballot is to be held;
- b) nominees and/or applicants for offices to be filled who desire to withdraw their names from the ballot should notify the convener of the committee authorised by the General Assembly to receive them as soon as possible, and not later than the closing of the evening sitting prior to the day on which the ballot is to be held;
- c) the ballot shall be by preferential voting;
- d) the committee shall report the result of the ballot to the moderator, who shall privately inform the person whose name is first on the list and ascertain his willingness to accept the office; if the office is accepted he shall inform the General Assembly of the result of the ballot. Should the person whose name is first on the list indicate his unwillingness to accept the office the moderator shall approach the other persons in order of preference until he is in a position to notify the General Assembly of the result of the ballot in terms of the one who accepts the office.



## **4. Board of Investment and Finance**

### **1. Title**

There shall be a committee of the General Assembly entitled the Board of Investment and Finance, hereafter referred to as the BIF.

### **2. Membership**

- a) the BIF shall consist of ten persons elected and appointed by the General Assembly and such appointees shall form the membership of The Presbyterian Church of Victoria Trusts Corporation;
- b) members of the BIF shall be appointed for a five year term initially and be eligible for re-election for a second consecutive five year term;
- c) as vacancies arise and after consultation with the BIF, the Selection Committee shall bring nominations to the General Assembly each year for the election of new BIF members.

### **3. Chairman**

The BIF shall elect one of its members as chairman at its December meeting who shall hold office for a 12 month term and be eligible for re-election.

### **4. Meetings**

The chairman shall convene a meeting of the BIF at least once a month except in the month of January.

### **5. Duties**

Subject to the powers, duties and functions of The Presbyterian Church of Victoria Trusts Corporation under the Presbyterian Trusts Act 1890 as amended by the Presbyterian Trusts (Common Fund) Act 1965 and the regulations there under and subject to the rules of the Church and the Resolutions and directions of the Assembly, the Board shall carry out the duties described in regulations 6-17 of these regulations.

### **6. Financial administration**

The BIF shall:

- a) administer the financial affairs of and act as Treasurer of the General Assembly; and
- b) be responsible for the maintenance of all accounting records; and
- c) publish audited accounts for the General Assembly and The Presbyterian Church of Victoria Trusts Corporation annually.

### **7. General Assembly office**

The BIF shall:

- a) maintain an office of the General Assembly;
- b) engage such staff as may from time to time be deemed necessary for the work of the General Assembly, including a General Manager, who shall manage that office and control the staff and shall be responsible to the BIF. If required, the General Manager shall attend meetings of the Board;
- c) determine the salaries and conditions of employment of the General Manager and other staff and make adjustments thereto from time to time.

### **8. Committee staff appointments**

The BIF shall:

- a) consider all proposed appointments of office and other staff by committees of the General Assembly; and
- b) determine, after consultation with the committee, the proposed salary and conditions of employment of such staff; and
- c) approve the appointment provided that it is satisfied that the proposal is:
  - i) in accordance with the committee's regulations; and

- ii) financially viable.

**9. General Assembly budget**

The BIF shall:

- a) present to the Commission of Assembly each year for its approval a recommended budget for the forthcoming year disclosing:
  - i) the estimated expenditure of all General Assembly committees, including a division between capital expenditure and non-capital expenditure;
  - ii) the estimated receipts of all General Assembly committees.
- b) carry out its duties with respect to the preparation of the budget by:
  - i) requiring from each General Assembly committee in the prescribed form not later than 28 February its proposals and estimates for the budget for review and advice prior to submission to the Commission of Assembly in May, provided that the BIF may thereafter require any General Assembly committee to provide such additional information in relation to any item as the BIF shall consider necessary to assist in its review;
  - ii) requiring any General Assembly committee wishing to undertake work or initiate a project involving expenditure not included in the budget approved by the Commission of Assembly or General Assembly to submit its proposal to the BIF which:
    - 1) In the case of expenditure not exceeding 10% of the committee's total budgeted expenditure as approved by the General Assembly or \$20,000, whichever is the greater amount, and consistent with the committee's regulations and which would be financed from trust income available within the terms of the trust in question, shall have authority to approve or disapprove such expenditure and shall report any expenditure so approved to the subsequent General Assembly.
    - 2) In the case of expenditure which does not fall within the terms of sub-clause (1) hereof may present such proposal to the Commission of Assembly or subsequent General Assembly for approval.

**10. General Assembly Rate**

The BIF shall present to each Assembly a proposal to fix an Assembly Rate payable by congregations to assist in defraying the costs of the Assembly.

**11. Committee expenditure**

The BIF shall:

- a) oversee the expenditure of all General Assembly committees to the end that the committees shall exercise proper budget controls and not engage in expenditure that has not been submitted to the BIF under clause 9(b)(ii) and approved in accordance with the provisions of that clause;
- b) take steps to prevent committees from incurring expenditure beyond their means or in unauthorised ways.

**12. General Mission Program**

The BIF shall:

- a) present to the General Assembly or to a Commission thereof each year for approval a mission program for the church for the ensuing financial year, to be known as the General Mission Program 'GMP', which shall include the following recommendations:
  - i) the total amount of money to be sought from charges through presbyteries during the relevant year to fund the program;
  - ii) an equitable formula for the allocation to presbyteries of the total amount of the program, such formula remaining in operation for such period as the General Assembly or the Commission may determine;
  - iii) the allocation to presbyteries of amounts based on the formula referred to in regulation 12(a)(ii), which in total equal the amount of the program referred to in regulation 12(a)(i);

- iv) the distribution of the total amount of the GMP to the relevant committees of the General Assembly and/or to any other organisations within or outside the church which the General Assembly has approved for financial support;
- b) for the purpose of determining its recommendations to be submitted to the General Assembly or Commission of the Assembly, the BIF:
  - i) shall require each committee of the General Assembly which desires to apply for a distribution from the GMP to prepare in a form approved by the BIF a budget for the ensuing year clearly indicating the amount sought by that committee from the GMP, supplemented by a submission supporting the application, such budget to be provided to the BIF by a specified date;
  - ii) shall receive a copy of the budget for the ensuing year of each committee of the General Assembly which desires to apply for a distribution from the GMP, clearly indicating the amount sought by that committee from the GMP, where necessary supplemented by a submission supporting the application;
  - iii) may confer with any General Assembly committee or its convener for the purpose of clarifying any item in the budget submitted by that committee;
  - iv) may reduce or increase the amount sought by any General Assembly committee, or decline to include any amount for that committee;
  - v) may from time to time, require each presbytery to supply to it by a specified date, such financial and other information relating to the several charges or a specific charge within its bounds, as it may deem necessary for it to prepare the formula referred to in regulation 12(a)(ii);
- c) encourage presbyteries and charges to fully subscribe the amounts allocated to them under the GMP;
- d) include in its report to the General Assembly each year a table listing all charges and their respective annual contributions to the GMP during the preceding financial year.

### **13. Capital Fund**

The BIF shall administer the Capital Fund.

#### **Purpose**

- a) The purpose of the Capital Fund is to:
  - i) lend money to congregations seeking funds for capital projects including the purchase of property and erection, extension or renovation of buildings;
  - ii) lend money to organisations associated with the Presbyterian Church of Victoria such as Christian Schools for capital projects including the purchase of property and erection, extension or renovation of buildings, providing that first priority is accorded to congregations;
  - iii) make any such loans at a rate of interest more favourable than the prevailing rate of bank interest;
  - iv) use any surplus that may be generated in the fund to make rebates of interest and/or grants for loan reduction purposes to borrowers from the fund and/or make contribution to the property development fund.

#### **Resources**

- b) The Capital Fund may be resourced from:
  - i) transfer of the funds administered by the Capital Fund Committee up to 31 March, 2006;
  - ii) deposits and/or grants by any congregation or other church body minded to help the wider church by this means.

#### **Administration**

- c) The BIF may do all things it considers necessary to promote the purposes of the Capital Fund, including:
  - i) setting interest rates to be paid on deposits in the fund;
  - ii) setting interest rates on loans from the fund;
  - iii) assessing the financial viability of potential borrowers and declining to lend money if considered prudent to do so;

- iv) assessing any amount which may be available for grants and determining an equitable basis for distribution of same;
- v) determining conditions that may be applied to loans from the fund.

**14. Property management**

The BIF shall manage property held in trust for the purposes of the church, the management of which has not been vested by the General Assembly in some other committee or body.

**15. Deceased congregation**

The BIF shall take steps to see that any monies held for all or some of the purposes of a congregation that has ceased to exist be forwarded to The Presbyterian Church of Victoria Trusts Corporation to be dealt with by it according to law.

**16. Sale, mortgages, leases, transfers etc.**

- a) a sale, lease or mortgage shall not be effected without the consent of the General Assembly or Commission of Assembly, provided that the BIF may give consent to any application which in the opinion of the presbytery and the BIF is urgent and the BIF shall report the action taken to the General Assembly or the Commission of Assembly, as the case may be;
- b) where, in the opinion of the presbytery, it is desirable that buildings or furnishings which are depreciating in value because the congregation has ceased to exist be transferred to serve another congregation, such transfer may be approved on such terms and conditions as the BIF may decide.

**17. Sites Reserve accounts (GAV 2017, min 74.2)**

**Existing Congregations**

- a) When any land owned by or vested in trustees for the church is sold on behalf of a congregation, either as vacant land or with buildings erected thereon, the whole of the proceeds shall be paid to the General Assembly Treasurer, who shall hold such moneys in trust in a Sites Reserve Account until the congregation, having obtained the approval of the presbytery or the presbytery and the General Assembly as the operation of sub-clause (b) may require, otherwise directs.
- b) Moneys held in Sites Reserve Accounts by operation of clause 17(a) may be applied by the congregation associated with them for any purpose within the church that will serve the cause of the gospel and the building up of the church, subject to:
  - i. the approval of presbytery for expenditure not greater than \$500,000;  
or
  - ii. the approval of both the presbytery and the Assembly in the case of expenditure greater than \$500,000before directing the BIF to disburse the funds as approved.

**Deceased congregations**

- c) Where a congregation has ceased to exist and when, as a result, land owned or vested in trustees for the church is, on the recommendation of the presbytery sold on behalf of the General Assembly either as vacant land or with buildings erected thereon, the whole of the proceeds shall be paid to the General Assembly Treasurer, who shall hold such money in trust until the presbytery or the presbytery and the General Assembly as the operation of sub-clause (d) may require, otherwise directs.
- d) When moneys are held in a Sites Reserve Account by operation of clause 17(c), the BIF shall notify the amount to the presbytery of the deceased congregation, which shall notify all congregations within its bounds and consider any submissions those congregations may make for use of the money.

The presbytery:

- i. in the case of expenditure not greater than \$500,000 in total, having approved a proposed use of part or the whole of the funds; or

- ii. in the case of expenditure greater than \$500,000 in total, having approved a proposed use of part or the whole of the funds and with the approval of the Assembly to the proposed expenditure:  
may direct the BIF to disburse the funds as approved.



## **5. Building and Property Committee**

### **1. Title**

There shall be a committee of the General Assembly entitled the Building and Property Committee, hereafter referred to as the committee.

### **2. Membership**

The committee shall consist of three members, including a convener, appointed by the General Assembly.

### **3. Church Architect**

The committee shall submit to the General Assembly from time to time the name of a suitably qualified person for appointment by it as Church Architect. In the event of a vacancy occurring between General Assemblies, the vacancy shall be filled by the Selection Committee until the next General Assembly.

### **4. Duties – Church Architect**

The Church Architect shall:

- a) advise and assist boards with church and manse building matters on such terms and conditions as may be agreed to between the Church Architect and the board concerned in each particular case;
- b) advise and assist the committee with applications for the approval of proposed new buildings or alterations to buildings by boards referred to him by the committee.

### **5. Duties – Committee**

The committee shall:

- a) consider plans and specifications of proposed new congregational buildings or alterations to congregational buildings submitted to it in accordance with [rule 2.20 \(d\)](#) of the Code; and
  - b) consult with the Church Architect regarding the proposed works (or, in the case of documentation prepared by the Church Architect, with another architect of its choice); and
  - c) if satisfied:
    - i) that the proposed works, if constructed in accordance with the plans and specifications submitted, will:
      - 1) meet the needs of the particular congregation; and
      - 2) comply with the principles approved by the General Assembly, with such variations as the committee may in any special case approve; and
    - ii) that the site on which the proposed works are to be constructed is:
      - 1) suitable in area, situation and character to the needs of the particular congregation; and
      - 2) laid out in such a manner as to ensure its full, proper and economic utilisation;
- approve the plans and specifications.

### **6. Spending Authority**

The committee may remunerate the Church Architect for his services to the committee on an agreed hourly rate.

### **7. Documentation of Applications**

Applications must be accompanied by sufficient information to enable the committee to make a proper evaluation of the proposal. Where the works relate to a new building or extensions/alterations to existing buildings this information should include, but not be limited to the following:

- a) reasons for the proposed changes and a brief description of the project;
- b) outline of proposed uses for the new spaces or facilities including expected number of people;
- c) where appropriate, the number of members and adherents of the congregation;
- d) anticipated cost and method of funding the proposed works;



- e) drawings, specifications, notes and general information of sufficient detail to clearly define the extent of works proposed;
- f) in the case of extended or altered buildings, drawings indicating the existing conditions;
- g) details of any discussions with local Council and requirement for Planning and/or Building Permits.



## 6. *Business Committee*

### 1. **Title**

There shall be a committee of the General Assembly entitled the Business Committee, hereafter referred to as the committee.

### 2. **Membership**

The committee shall consist of:

- a) four members of the General Assembly, including a convener, appointed by the General Assembly;
- b) the clerks of the General Assembly, Procurator and Law Agent; and
- c) during the sittings of the General Assembly, the clerks of all presbyteries under its jurisdiction.

The convener shall not be the convener of any other General Assembly committee during his term of office. He is to be appointed for three years and, notwithstanding anything to the contrary in the regulations of the General Assembly, he shall be eligible for re-election.

No convener of any committee reporting directly to the General Assembly shall be eligible for appointment to the committee.

### 3. **Duties**

The committee shall:

- a) arrange the order of business for all meetings of the General Assembly, all of which, in these regulations, are designated by the word Assembly unless the context otherwise requires;
- b) receive all papers proposed to be submitted to the Assembly (except appeals, petitions, and references, for which see [rule 5.54.2](#));
- c) decide whether papers sent to it are duly attested, drawn up in proper form, and competent, and shall transmit them to the Assembly without comment or with notes attached as it shall determine;
- d) not transmit papers containing proposals which seem to it incompetent, or which are in language it considers disrespectful;
- e) not bring before the General Assembly any proposed expenditure of General Assembly funds (except GMP Budget) without the assurance that the Trusts Corporation/Board of Investment and Finance has been advised of such a proposal and that it is in a position to guide the General Assembly should such guidance be requested;
- f) through its convener, determine the date on which it is necessary that papers shall be received to enable the White Book to be edited and printed and issued on such date as to be in the hands of members at least ten days before the meetings of the Assembly;
- g) other business than that contained in the White Book or in Assembly Papers issued therewith shall be taken only when recommended by the committee and approved by the Assembly;
- h) submit to the Assembly a report of the papers which have been brought under its review and the manner in which these have been disposed of by it, and shall also indicate the order in which it proposes to have the various items of business in the papers taken up. The consideration of this report shall be the first matter submitted to the Assembly after the rolls have been adjusted;
- i) meet from day to day during the sittings of the Assembly at the close of each sitting and report at each evening sitting the items of business it proposes to have taken up on the following day;
- j) recommend to the Assembly such fixed orders of the day as appear essential to assure the presence in the court of some person or persons not able to be in constant attendance.



## ***7. Christian Education and Nurture Committee***

### **1. Title**

There shall be a committee of the General Assembly entitled the Christian Education and Nurture Committee, hereafter referred to as the committee.

### **2. Membership**

The committee shall consist of eleven members, including a convener, appointed by the General Assembly, at least six of whom, including the convener, are to be members of the General Assembly.

### **3. Duties**

The committee shall:

- a) seek to support presbyteries and sessions, ministers and congregations within the church by providing them with material aids to assist in music, worship, devotion, teaching (child/adult) and pastoral care;
- b)
  - i) have jurisdiction over the affairs of the Presbyterian Youth Victoria ('PYV');
  - ii) encourage and support the work of the PYV throughout Victoria;
- c) promote the aims and discharge its responsibilities through the organisation and running of seminars.

Upon initiation by either the committee or the PYV State Council, the committee, in consultation with the PYV State Council, may make or approve changes to the constitution of the PYV, as and when necessary.

### **4. Youth Ministries Director**

The committee shall direct the Youth Ministries Director appointed by the General Assembly, who, under the direction of the committee, shall develop in co-operation with presbyteries and sessions the youth work within Victoria and report to the committee.

### **5. Allan Bequest**

The committee shall administer the Allan Bequest.



## **8. Church and Nation Committee**

### **1. Title**

There shall be a committee of the General Assembly entitled the Church and Nation Committee, hereafter referred to as the committee.

### **2. Membership**

The committee shall consist of ten members, including a convener, appointed by the General Assembly.

### **3. Duties**

The committee shall:

- a) consider all matters referred to it by the General Assembly and take appropriate action;
- b) keep under critical surveillance contemporary trends, movements and controversial issues in public life;
- c) select for special study, in the light of the church's standards, such of these as may require the General Assembly:
  - i) to issue special guidance to the church as a whole;
  - ii) to acquaint the government or other relevant authorities of the church's attitude and the revealed will of God on such matters;
- d) report annually to the General Assembly the findings of such studies with recommendations as to appropriate action;
- e) take appropriate action on behalf of the church on urgent matters of public and Christian concern emerging between meetings of the General Assembly;
- f) advise and assist the moderator in composing and issuing pastoral letters and public statements other than those authorised by the General Assembly.

### **4. Public interface of the church on matters of social and ethical concern**

- a) the General Assembly recognises that from time to time the moderator, the Assembly Clerk and the convener of the committee will individually represent the church in communication with government, the media and other outside bodies on matters of social and ethical concern;
- b) the officers of the General Assembly named in clause 4(a) above, shall always speak consistently with past resolutions of the General Assembly provided that such resolutions have not been superseded;
- c) the officers of the General Assembly named in regulation 4(a) above, shall speak wherever possible in consultation with one another for harmony of response;
- d) on matters in which the General Assembly has not clearly expressed its mind, as distinct from those matters referred to in regulation 4(b), above, these officers as necessary, and time permitting, will confer with the executive of the committee for their guidance;
- e) the Church Office shall retain the services of a Public Relations Consultant for expert advice in regard to its relations with the media and other outside bodies on a needs basis.

### **5. Executive**

- a) the committee shall appoint an executive of three persons, normally its convener, secretary and one other member:
  - i) to deal with matters that the committee may refer to it;
  - ii) to deal with urgent business which must be dealt with prior to the next meeting; and
  - iii) in accord with regulation 4 above, to advise the officers of the General Assembly when speaking on behalf of the General Assembly in relation to matters of social and ethical concern;

## **General Assembly Committee Regulations**

- b) all activities of the executive including any guidance offered to officers of the General Assembly shall be reported to the committee. Decisions of the executive shall be recorded in the minutes and are to be regarded as any other decision of the committee;
- c) from time to time the committee shall adopt procedures to facilitate the work of the executive.



## **9. Church Planting Committee**

### **1. Title**

There shall be a committee of the General Assembly called the Church Planting Committee, hereafter referred to as the committee.

### **2. Membership**

The committee shall consist of seven members, including a convener, appointed by the General Assembly.

### **3. Purpose**

The committee shall oversee and prosper church planting through evangelism (an activity formerly carried on by a committee of the General Assembly known as the Home Mission Committee) within the church always working in conjunction with the presbytery.

### **4. Duties**

The committee shall be responsible to the General Assembly for developing, in conjunction with the presbytery, the work of church planting through evangelism in the state of Victoria. This work shall include, but not be limited to:

- a) planting of new churches;
- b) recruiting and training of church planters;
- c) funding church planters and their teams;
- d) providing funds or grants to establish new congregations;
- e) organising and funding conferences to promote church planting and to train church planters;
- f) providing funds to encourage attendances at conferences by church planters, potential church planters and committee members;
- g) initiating discussion with presbyteries regarding suitable locations for church plants;
- h) responding to the requests of presbyteries for assistance with church planting;
- i) funding research, including costs of appropriate consultancy, regarding potential:
  - i) church planting areas;
  - ii) property and building developments;
- j) application of funds from the Property Development Fund.

### **5. Employed Officer**

The committee shall, when occasion warrants, bring to the General Assembly the name of a suitably gifted person for appointment as the Church Planter Evangelist. The Church Planter Evangelist will work under the committee according to such job description as shall be approved from time to time by the General Assembly.

### **6. Team to assist**

The Church Planter Evangelist shall be responsible, in consultation with the committee, to recruit a team of part-time or full-time people, to work with him. He shall also assist in the process of recruiting other suitable church planters and their teams to work in other church plant charges.

Teams may include, but not be limited to, full-time co-workers, METRO trainees or equivalent and administrative workers.

### **7. Other Church Planters**

As funds and opportunities exist, the committee may employ other suitable, qualified individuals for church planting work.

These church planters, while employed by the committee, shall work under the guidance and direction of the committee.

**8. Funding of team**

The committee shall commit to funding a church plant charge for five years or until it becomes self-sustaining, whichever comes first. After five years, funding shall be re-evaluated and a new time schedule for ongoing grants will need to be negotiated.

Church plant charges will be funded through three streams:

- a) the funding of church planters and their teams either directly by the committee or through grants;
- b) grants for capital purchases, recognising that such assets are not part of congregational property until the congregation is declared a charge;
- c) grants for operational costs to fund the ministry and mission activities of the church plant charge.

The committee is responsible to approve the first budget and thereafter the church plant charge shall follow normal charge procedures and apply annually to the committee for needed grants.

The use of these funds is subject to the normal accountability processes, plus quarterly reporting by the Church Plant to the Committee on the use of funds.

**9. Interim session and assessor elders and board**

While initially, the Church Planter Evangelist and his assistant, or other church planters and their assistants, will make necessary planning decisions; an interim session shall be established before the church plant charge formally begins:

- a) the Church Planter Evangelist, or other church planters, may make relevant recommendations to presbytery regarding the appointment of assessor elders to form an interim session for the church plant charge;
- b) the interim session shall also act as the interim board with the power to co-opt additional members. When there is a sufficient number of people on the communicant and adherent rolls the interim session shall hold board elections in the regular manner;
- c) the interim session shall consult with the committee on a regular basis in order to draw on its experience and guidance in church planting;
- d) at the appropriate time, all church plant charges shall move towards the regular election and induction of elders.

**10. Closure of church plant charges**

The committee recognises that success is not guaranteed in church planting and that some ventures will fail. If, after five years, a church plant charge has made very little progress and has little prospect of existing without significant ongoing grants, the committee and the presbytery shall discuss the need for an exit strategy. This exit strategy may include attempts to revive the work over an agreed period of time. Apart from the Church Planting Evangelist, none of his team, or other church planters and their teams, are guaranteed placements elsewhere. The closure of a church plant charge will lead to an end of employment contracts if no other placement is made.

New works may also be terminated during the first five year period if the committee and the presbytery deem this to be necessary.



## **10. Clerkship Committee**

### **1. Title**

There shall be a committee of the General Assembly called the Clerkship Committee, hereafter referred to as the committee.

### **2. Membership**

The committee shall consist of:

- a) a convener (who shall be a past-moderator of the General Assembly) appointed by the General Assembly for a three year term; and
- b) the immediate past moderator, the Moderator, the Law Agent, the Convener of the Business Committee, the Convener of the Maintenance of the Ministry Committee and the Chairman of the Board of Investment and Finance.

### **3. Definitions**

In these regulations:

*The Assembly* means the General Assembly of Victoria;

*The Clerk* means the Assembly Clerk and shall also mean, where appropriate, the Deputy Clerk.

### **4. Purpose**

The purpose of the committee shall be to

- a) provide counsel, pastoral care and support to the clerk;
- b) administer the clerk's terms of settlement;
- c) provide a body from whom the clerk can seek advice between meetings of the General Assembly;
- d) receive annual reports from the clerk on the performance of duties as determined by the General Assembly and specified in the 'Statement of Duties' as published by the General Assembly from time to time;
- e) recommend to the General Assembly, in consultation with the BIF, the remuneration to be paid to the clerk;
- f) receive and determine any requests for leave made by the clerk;
- g) appoint an acting clerk whenever the clerk is on leave, ill or otherwise unable to perform the duties of his office;
- h) perform the role of the Clerkship Review Committee as specified in the terms of settlement for the Assembly Clerk; this review shall include:
  - i) the roles and specific duties of the Clerk;
  - ii) the performance of the Clerk during his time in office;
  - iii) the terms of settlement of the Clerk; and
  - iv) the reappointment of the Clerk.

### **5. Frequency of meeting**

The committee shall only meet as and when required but shall meet at least once during the year prior to the meeting of the General Assembly for that year.





## **11. Code and General Administration Committee**

### **1. Title**

There shall be a committee of the General Assembly entitled the Code and General Administration Committee, hereafter referred to as the committee.

### **2. Membership**

The committee shall consist of:

- a) three members appointed by the General Assembly; and
- b) the Assembly Clerk (convener), Deputy Clerk, the Business Convener, the Law Agent, the Procurator and the Chairman of the Trusts Corporation. Where the Chairman of the Trusts Corporation is not a minister or elder of the church he may appoint another member of the Trusts Corporation who is a minister or elder in his place.

### **3. Quorum**

Four members, one of whom must be the Assembly Clerk, constitute a quorum of the committee.

### **4. Duties**

The duties of the committee shall be to:

- a) deal with all matters referred to it by the General Assembly in terms of its instruction;
- b) discuss and report to the General Assembly upon matters which concern the organisation and work of the church as a whole;
- c) suggest to the General Assembly ways in which a greater measure of co-ordination and co-operation in the work of the church may be secured, and increased efficiency promoted in the work of the General Assembly and its committees;
- d) take necessary action to keep the Code in line with the changing policy of the church;
- e) remit to presbyteries proposed changes in rule and report to the General Assembly on their return;
- f) receive and consider overtures and report to the General Assembly any bearing they may have on the Code;
- g) supply to presbyteries, sessions and conveners of committees on request:
  - i) a considered opinion on the interpretation of rules or regulations;
  - ii) guidance on matters of procedure;
- h) be consulted by any committee contemplating changes or additions to its regulations before such changes or additions are proposed to the General Assembly.



## **12. Conciliation Committee**

### **1. Title**

There shall be a committee of the General Assembly named the Conciliation Committee, hereafter referred to as the committee.

### **2. Membership**

The committee shall consist of the immediate past moderator (convener) and three ministers and three elders, appointed by the General Assembly. If members of the committee are involved in a dispute that is to come before the committee, then the moderator may appoint alternates.

### **3. Purpose**

The purpose of the committee is to seek to resolve disputes through negotiation prior to the General Assembly with a view to earlier resolution of the dispute and to save taking up the time of the General Assembly unnecessarily.

### **4. Powers and functions**

The committee shall exercise the following powers and functions:

- a) to assist parties to appeals (and petitions that air grievances) to resolve their dispute through negotiations, prior to the hearing of the appeals, (or petitions);
- b) to conduct negotiations between parties, or to assist parties to come before mutually agreed negotiators;
- c) to report to the General Assembly, in the case of unresolved disputes, whether negotiations have been held and the general outcomes of those negotiations, while keeping the content of those negotiations confidential.

### **5. Duties**

The committee receives copies of the relevant documents that have been lodged with the General Assembly.

While parties to the dispute are strongly encouraged to meet with the committee, such meeting is not compulsory.



### **13. Defence Force Chaplaincy Committee**

**1. Title**

There shall be a committee of the General Assembly entitled the Defence Force Chaplaincy Committee.

**2. Membership**

The committee shall consist of:

- a) three members appointed by the General Assembly; and
- b) all full-time and part-time Australian Defence Force ('ADF') chaplains serving in Victoria who are within the jurisdiction of the church.

The convener shall be appointed by the General Assembly from the committee members.

**3. Duties**

Subject to the superior jurisdiction of the General Assembly of Australia and its corresponding committee and officers, and to the General Assembly of Victoria and the authority delegated by it to the Defence Force Chaplaincy Committee from time to time, the committee shall act as the executive authority of the church for the nomination of chaplains for ADF service, and shall maintain a lively interest in the work of Presbyterian chaplains serving in Victoria.

**4. Requirements of defence chaplains**

- a) chaplains shall be ordained ministers of the church in full standing;
- b) applicants for appointment as chaplains shall be within the age prescribed by the authorities of the respective arms of service.

**5. Temporarily in full-time service**

Other than in times of war, chaplains who are ministers of charges, when serving in full-time service for extended periods (i.e. beyond the two months provided for by rule [4.52.1](#)) shall make provision for the carrying on of the full work of their charges and shall arrange commensurate payments for their board. The terms, fully detailed, shall be reported to the presbytery for approval.

**6. Chaplains and their status during war**

Chaplains who are ministers of charges, when engaged for the duration of any war, shall:

- a) lodge their resignation with the presbytery. In ordinary cases such resignations shall be accepted subject to the provisions of [rule 4.104](#). In special cases the presbytery may hold the resignation *in retentis*, to take effect only if and when, in the opinion of the presbytery, circumstances have arisen which require a new settlement;
- b) retain their seats in the presbytery in which their late charges are situated for the currency of their appointment, or until regularly transferred to another presbytery ([rule 4.2\(f\)](#)).



## **14. Exit Students Committee**

### **1. Title**

There shall be a committee of the General Assembly entitled the Exit Students Committee, hereafter referred to as the committee.

### **2. Membership**

The committee shall consist of:

- a) the convener of the Ministry Development Committee or his representative appointed from the MDC (convener); (GAV 2017, min 74.7)
- b) the Ministry Development Officer;
- c) the Principal of the Presbyterian Theological College, or his faculty representative;
- d) the Training Officer;
- e) the Convener of the Church Planting Committee (whenever a church planting placement is being considered);
- f) the convener of the Health and Community Chaplaincy Committee (whenever a chaplaincy placement is being considered); and
- g) a representative of each candidate's presbytery (preferably the convener of the presbytery's candidates committee or equivalent).

### **3. Function**

The sole function of the committee is the placement of exit students for ministry in charges where there is a reasonable prospect of obtaining a settlement, except for the possible involvement as indicated in regulation 8 below.

### **4. Applications**

Applications shall not be considered by the Exit Students Committee unless they have prior approval by presbytery and the Ministry Development Committee.

### **5. Access to reports**

The Exit Students Committee shall have access to all reports concerning the exit students and also of such charges as have been approved by the Ministry Development Committee as suitable to receive a student.

### **6. Consultation with students**

Prior to appointment, the Exit Students Committee shall consult with each student concerned.

### **7. Communication of decisions**

The Exit Students Committee shall communicate decisions regarding appointments directly with each student concerned.

### **8. Reception of call by placed licentiate**

If a licentiate, duly placed in his exit appointment, receives a call during the first 12 months from any other congregation, he shall not deal with it except with consent of the Exit Students Committee.

### **9. Failure to place**

If all reasonable efforts to place an exit student in Victoria or interstate prove unsuccessful, the exit student is released from the exit appointment process and can seek his own ministry path.



## **15. Health and Community Chaplaincy Committee**

### **1. Title**

There shall be a committee of the General Assembly entitled the Health and Community Chaplaincy Committee, hereafter referred to as the committee.

### **2. Membership**

The committee shall consist of ten persons, including a convener, appointed by the General Assembly.

### **3. Duties**

The committee shall:

- a) arrange for the spiritual welfare of Presbyterians and their families within the following areas of responsibility:
  - i) primary area of responsibility: those who are the recipients of care in hospitals or similar institutions for the physically or mentally sick, aged or infirm, and those who are in custody in correctional institutions; and
  - ii) secondary area of responsibility: workers in community support agencies such as the Victoria Police Force, hospitals, fire and ambulance services, or in any area of industry where chaplaincy could provide support; and
- b) support the pastoral care of ministers and their families by providing pertinent literature and resources, arranging speakers and conferences, and keeping abreast of developments in this field in other denominations.

### **4. Committee as executive**

The committee shall act as the executive authority of the church for the nomination or appointment (as the case may be) oversight and discharge of Presbyterian chaplains to the institutions, services or organisations referred to above, and shall notify the presbytery of all such appointments and discharges.

### **5. Chaplains**

Full-time chaplains (whether ordained or lay) shall be appointed as follows:

- a) in cases where the appointment is made by an authority other than the committee it shall nominate to this authority, and shall report the subsequent appointment to the General Assembly;
- b) in all other cases the committee shall have power to appoint and when the appointment is for full-time, it shall report the appointment to the General Assembly.

### **6. Joint appointments**

The committee shall have authority to negotiate with other denominations or inter-church bodies with a view to making joint appointments of chaplains to work in the institutions, services or organisations as outlined in regulation 3.

### **7. Other workers (GAV 2017, min 74.4)**

The committee may appoint, according to need:

- a) persons to give administrative assistance to the committee for any of its nominated duties;
- b) such other workers as it sees fit, to labour under its direction in the institutions, services or organisations referred to in regulation 3;
- c) a Pastoral Support Worker for ministry wives.

### **8. Special collections**

The committee shall recommend to Boards of Management the taking of a special collection on Good Friday each year (or such other date as is convenient to the charge) to support the work of the committee.

**9. Tertiary Chaplaincy**

The committee shall:

- a) receive reports from tertiary chaplains/campus workers who are communicants or adherents of the PCV and deal with all matters relating to their work;
- b) support and contribute to the funding of tertiary chaplains/campus workers who are communicants or adherents of the PCV;
- c) report to the General Assembly on the work of the tertiary chaplains/campus workers.



## **16. Maintenance of the Ministry Committee**

### **1. Title**

There shall be a committee of the General Assembly entitled the Maintenance of the Ministry Committee, hereafter referred to as the committee.

### **2. Membership**

The committee shall consist of six members, including a convener, appointed by the General Assembly.

### **3. Duties**

It shall be the duty of the committee, subject to the direction of the General Assembly, to ensure that adequate provision is made for the maintenance of the ministry, and for all ministerial appointments, and to this end the committee shall:

- a) recommend annually to the Commission of the General Assembly the minimum remuneration, stipend and non-cash benefit components for the ensuing financial year, and any alterations to the minimum terms of settlement which it judges advisable;
- b) recommend annually to the Commission of the General Assembly the amount of sustentation qualifying stipend for the ensuing financial year;
- c) recommend to the General Assembly any mid-year amendments to the minimum remuneration, stipend and non-cash benefits which it deems necessary;
- d) report to the General Assembly amounts approved for expenditure in grants for the previous financial year;
- e) report to the General Assembly on all matters connected with the maintenance of the ministry, and make such recommendation thereto as it sees fit from time to time;
- f) administer the Sustentation Fund and all other funds provided to the committee by the General Assembly, together with any other money of which it may, from time to time become possessed for augmenting ministerial remuneration;
- g) administer the Long Service Leave Fund;
- h) report to the General Assembly long service leave granted in the previous year and any other matters related to Long Service Leave as it deems necessary;
- i) approve or disapprove the proposed terms of settlement in respect of each proposed settlement of a minister in a pastoral or appointment charge;
- j) approve or disapprove the proposed terms of all ministerial appointments;
- k) initiate through the presbytery a review of any existing terms of settlement if in the opinion of the committee a change in the circumstances requires such a review, and when required by these regulations.

### **4. Minimum remuneration**

'Minimum remuneration' shall mean the amounts of stipend and non-cash benefits as defined herein which combined will meet the proper and reasonable requirements of the ministry at the current level of living costs and which the General Assembly or the Commission thereof shall declare from time to time.

### **5. Stipend and non-cash benefits**

'Stipend' is the actual amount of money paid or payable to a minister from church sources for his ordinary ministerial duties. Stipend must equal or exceed the minimum stipend declared by the General Assembly or the Commission thereof.

'Non-Cash Benefits' are the church's provision of benefits to, or payment of accounts on behalf of a minister, or his spouse or child. Non-cash benefits are payments for, not to, the minister. The non-cash benefit component of minimum remuneration will be declared by the General Assembly or the Commission thereof.

**6. Sustentation qualifying stipend**

'Sustentation Qualifying Stipend' is the amount of stipend which the General Assembly or Commission thereof shall declare from time to time to be normally necessary for a charge to provide in order to qualify for a sustentation grant of money under the control of the committee.

Ordinarily the non-cash benefit component as defined in regulation 5 shall be required of a charge for it to qualify for a sustentation grant.

**7. Minimum terms of settlement**

'Minimum Terms of Settlement' are part of a proposal for the settlement of a minister in a pastoral or appointment charge which shall include the promise of provision at least for:

- a) all costs of removal of the minister's family and goods to his new place of residence, except where the committee approves a variation in special circumstances;
- b) a remuneration consisting of a stipend and non-cash benefits;
- c) the stipend component to be:
  - i) equal to or greater than the minimum stipend (stipend is to be in keeping with the resources of a charge);
  - ii) not less than the sustentation qualifying stipend plus the necessary sustentation grant to reach the minimum stipend; or of such amount which together with a grant or payment from church sources other than the committee's funds, with or without a sustentation grant, will be equal to the minimum stipend;
- d) the non-cash benefit component to be such that when combined with the stipend the total is not less than the approved minimum remuneration, declared by the General Assembly or Commission thereof;
- e) additional non-cash benefit;
- f) an amount at the rate the General Assembly or Commission thereof shall declare from time to time based on annual distance of all Church-related travel in excess of 6,000 km;
- g) rent free occupation of a suitable dwelling in the locality or an amount equivalent to rent as an additional non-cash benefit if the minister lives in his own home;
- h) direct payment or reimbursement (not including expenses related to travel) necessarily incurred in carrying out ministerial duties including, but not limited to, telephone rental and all church calls, stationery, printing, copying and postage;
- i) annual leave from pastoral duties for five weeks annually, including pulpit supply on five Sundays. Leave may not be accumulated unless approved by the charge and the presbytery;
- j) study leave from pastoral duties for seven days annually being non-cumulative including one Sunday's pulpit supply, for the purpose of professional development;
- k) ministers shall submit details of their study program and obtain approval from presbytery prior to taking study leave;
- l) superannuation contributions at a rate not less than the minimum prescribed rate;
- m) long service leave contributions to the Presbyterian Church of Victoria Long Service Leave Fund by the charge as per regulation 20; (see regulations 20-23 re eligibility etc).

**8. Remuneration above the minimum**

This can be provided and may be taken as additional stipend or apportioned between stipend and non-cash benefits. It is not to be taken solely as additional non-cash benefits. Additional non-cash benefits may be provided as detailed on the Annual Charge Report.

**9. Notification of changes to minimum terms of settlement**

All charges will be notified by the committee of any changes to the minimum terms of settlement within two months of the changes being approved and declared by the General Assembly or Commission thereof.

**10. Annual Charge Report — committee examination**

The committee shall carefully examine Annual Charge Reports properly submitted to it by presbyteries (see [rule 4.81.4\(a\)](#)) and consider any accompanying recommendations. It may make such further enquiries as it deems fit, and may refer part or all of the proposed terms of settlement back to presbytery for further negotiations with the charge. The committee shall in no case approve proposed



terms of settlement unless it judges that the terms are appropriate to the charge, and that there is sufficient income to meet expenditure.

The committee may approve the terms of settlement if:

- a) the proposed terms of settlement are equal to or in excess of the minimum;
- b) the proposed stipend is less than the minimum stipend, but is equal to or in excess of the sustentation qualifying stipend and all other components of the terms of settlement are equal to the minimum and presbytery certifies that the continuance of the charge in its present form is essential for the work and witness of the church, provided that the committee is satisfied that a sufficient grant is available from its funds to raise the stipend to the minimum stipend by making a sustentation grant to the charge;
- c) the proposed stipend is less than the sustentation qualifying stipend and all other components of the terms of settlement are equal to the minimum, and if it is shown that together with aid from church sources other than the committee's funds, the stipend is equal to or in excess of the sustentation qualifying stipend but still less than minimum stipend, provided, the committee having satisfied itself that a sufficient grant is available from its funds to raise the stipend to the minimum stipend by making a sustentation grant to the charge;
- d) the proposed stipend is less than the sustentation qualifying stipend and if it is shown that the charge is facing sudden and extreme financial hardship beyond its control, provided, the committee having satisfied itself that a sufficient grant is available from its funds to raise the stipend to the minimum stipend, by making a hardship sustentation grant to the charge as a special case and shall report the circumstances surrounding this extra allowance to the following General Assembly or Commission of the General Assembly, whichever occurs sooner;
- e) in the case of a recommendation made to it by the presbytery under [rule 4.71](#) for part-time ministry, and the committee has satisfied itself that the terms as submitted are adequate in the circumstances. Such approval shall be for a period not exceeding 12 months unless renewed upon further application by the charge and recommendation by the presbytery.

**11. Declaration of terms**

The committee, after examination of an Annual Charge Report and approving the proposed terms of settlement shall declare the terms of settlement and inform the presbytery of its decision, which shall be final. In the case of differences of opinion with the presbytery or the charge, the committee shall report the facts to the General Assembly or the Commission thereof, whichever occurs sooner.

**12. Non fulfilment of terms**

Should a presbytery:

- a) inform the committee that it has received a report from a minister or a treasurer of a board of any inability or failure to pay stipend and make available non-cash benefits at least monthly, and in any other respect, to implement the terms of settlement as declared by the committee; and
- b) should the presbytery also advise that it has been unable to speedily rectify the matter and that it judges it inexpedient to assist in the removal of the minister to another sphere of labour or to dissolve the pastoral tie;

the committee shall thereupon take all steps which it judges necessary to correct the situation and may formally intimate to the presbytery that, as the terms of settlement are not being fulfilled, the further action required by the rules and regulations of the General Assembly should be taken.

**13. Additional review**

The committee may at any time require relevant information in respect of any charge.

**14. Sustentation grants**

The committee may make grants to charges, provided that funds are available, according to its assessment of the terms as determined under regulation 10.

All grants to sustain a pastoral or appointment charge shall be paid to the charge for a minister; or in event of his death, his estate.

The committee may examine applications at any time, making grants if funds are available. Applications are to be lodged using the current Annual Charge Report prepared from an audited statement and submitted via the presbytery. Under special circumstances of urgency an Annual Charge Report prepared from an unaudited financial statement may be considered.

**15. Grants to meet special needs**

The committee may make a grant to a minister who received the minimum remuneration and has special needs.

Such grants shall be made direct to the minister, or in the event of his death, direct to his next of kin, after the necessary certificates have been received from the treasurer of the charge.

**16. Grants, travel assistance**

The committee may make grants to a charge where the minister's travel is in excess of 18,000 km per year. The grant shall be calculated as an amount per kilometre of travel on church business, using the rate declared by the General Assembly or Commission thereof, for this purpose.

**17. Grants, reduction of**

The committee may decide at any time to reduce or discontinue a grant in respect to a particular pastoral or appointment charge, but shall not reduce or discontinue the payment of such a grant until six months after giving notice to that effect to the presbytery and the treasurer of the board.

**18. General Assembly appointees**

The remuneration of ministers appointed by the General Assembly whose appointment is solely for the church's own work shall be at least the minimum stipend and shall be determined by the General Assembly together with such non-cash benefits as the General Assembly shall also determine, provided that the minister's duties comply with the fringe benefit taxation laws.

**19. Part-time ministries (see also [rule 4.71](#))**

The committee may approve terms of settlement for part-time ministries (see regulation 10) provided that:

- a) it is satisfied:
  - i) that the objects of the ministry and the welfare of the charge are being properly served; and
  - ii) that the minister will not suffer hardship; and
- b) the presbytery expresses the working time of the minister as a number of days out of five or as a percentage of full-time, and includes adequate time for the minister's preparations.

Such arrangements may only be approved for one year and must be reviewed and approved annually by the presbytery and the committee.

The charge must annually submit the appropriate Annual Charge Report to presbytery for approval by the committee.

**Long Service Leave (regulations 20-30)**

**20. Pastoral ministry**

There shall be an annual assessment to be known as the Long Service Leave Levy to be paid by every charge whether there is a settled minister, a home missionary or a vacancy.

The levy shall be paid by any General Assembly committee that is responsible for the employment of any church worker who is entitled to receive long service leave under these regulations.

The levy shall be determined by the General Assembly or Commission of Assembly on a reasonable basis to ensure that the Long Service Leave Fund retains sufficient monies to meet all its commitments. The determination may include that no levy is required for a particular year.

**21. Eligibility**

Persons eligible for long service leave under these regulations shall include:

- a) ordained ministers;
- b) licentiates appointed to a charge;
- c) home missionaries assigned to a charge;
- d) missionaries on overseas or home service;
- e) church workers, however titled, acting in a pastoral and/or teaching role, and engaged by the presbytery according to a BIF approved contract:
  - i) in the course of their ministry in the Presbyterian Church of Australia, or with the GAA APWM committee or the Presbyterian Inland Mission, providing that at the time of their being eligible for leave they are serving the church in Victoria;
  - ii) ministers or missionaries located outside Victoria when their leave becomes due shall be deemed to be serving in Victoria if they were last commissioned or appointed by a Victorian charge, committee or other body of the church;
  - iii) references in regulations 22-29 to 'minister' shall be read to include all eligible persons identified above and references to 'charge' and 'presbytery' shall be read to include the equivalent employing body of the church.

**22. Calculation of leave**

Leave accrues in respect of a minister whether or not the charge or committee pays the levy into the long service leave fund:

- a) long service leave accrues at the rate of 13 weeks per 10 years of full-time service;
- b) part-time service is to be calculated on a pro-rata basis according to the terms of the appointment, and recorded as a full-time equivalent value;
- c) entitlement to long service leave commences after seven years of service.

**23. Leave due and taken**

Long service leave may first be taken after an initial seven years of service. Thereafter, long service leave may be taken after each five years of service.

**24. No effect on annual leave**

Long service leave shall not affect normal annual leave, and shall be taken as soon as practicable after it is due, unless otherwise approved by the committee, after consultation with the presbytery and minister.

**25. Leave before retirement**

Long service leave must be taken before retirement. A minister who intends permanently to retire becomes eligible to take any accrued long service leave on a proportional basis during his last year.

**26. Death of minister**

On the death of a minister, the amount accrued towards his long service leave shall be paid to his estate.

**27. Terms of settlement**

During the long service leave of a minister the charge or committee is responsible to pay in full his terms of settlement as declared by the committee.

**28. Grant from the committee**

The fund shall reimburse the charge or equivalent employer of the minister for the period of long service leave at the rate of the declared minimum remuneration as at 1 July of the year in which the minister's leave commences.

**29. Resignation of minister**

A minister who resigns from the church other than through sickness, and who has served at least seven years under clauses 21 and 22 of these regulations, may be paid, at the discretion of the committee the proportional entitlement of any long service leave owing.

**30. Reciprocal arrangements**

The committee is empowered to enter into reciprocal arrangements with other state committees to enable leave to be granted in respect of service in any part of Australia.

**31. Grant, special ministerial leave**

The committee may make grants to charges and/or ministers where the circumstances indicate that taking special leave may reasonably be expected to assist the minister to avoid 'burn-out' or early resignation during the first ten years of service in the church – that is, prior to eligibility for long service leave ([rule 4.53](#)). The committee shall promptly resolve applications for such leave.

**32. Supply preaching fees**

Supply preaching fees shall mean payments made for preaching in the absence of the minister of the charge and which the General Assembly or Commission thereof shall declare from time to time. The committee shall review the supply preaching fee on a regular basis, bring recommendations to the General Assembly or Commission thereof, and inform charges of any changes to the amount.

**33. Discretionary powers of committee**

Notwithstanding the provisions of these regulations, the committee shall have discretionary powers to deal with exceptional cases not provided for therein.



## **17. METRO Committee**

### **1. Title**

There shall be a committee of the General Assembly entitled the METRO Committee (Ministry, Equipping, Training and Recruiting Organisation), hereafter referred to as the committee.

### **2. Membership**

The committee shall consist of seven members, including a convener, appointed by the General Assembly.

### **3. Purpose**

The purpose of the committee shall be:

- a) to assist and encourage the church to carry out its stated goal (Commission of Assembly, March 2005, min. 9.1), namely: 'Our specific goal, both individually and as a denomination, is to be engaged in making disciples of the Lord Jesus, to direct all our efforts to preaching repentance to God and faith in Jesus, and to nurturing those who believe the gospel';
- b) on the basis of biblical injunctions such as Matthew 28:18–20 and 2 Timothy 2:2, together with the models for ministry as outlined in Ephesians 4:11,12 and Colossians 1:27–29, to provide the church with encouragement and assistance in multiplying disciples of Christ who can be used to revitalise, nurture and plant churches;
- c) to establish METRO in the church as part of an emerging national initiative which promotes a model of ministry that is best learnt through one to one traineeships;
- d) to recruit, train and equip gospel workers for ministry in the local church context;
- e) to create public awareness of METRO throughout the wider church, particularly within the denomination.

### **4. Duties**

Subject to all the rules and regulations of the church, the duties of the committee shall be to ensure that the stated purposes are fulfilled to the glory of God and the edification of the church.



## **18. Ministry Development Committee**

### **1. Title**

There shall be a committee of the General Assembly entitled the Ministry Development Committee, hereafter referred to as the committee.

### **2. Membership**

The committee shall consist of seven members, including a convener, appointed by the General Assembly.

### **3. Purpose**

The committee shall, in conjunction with the presbyteries, promote the health of congregations within the church.

### **4. Duties**

The committee shall be responsible to the General Assembly for the work of building, revitalising and promoting healthy churches (an activity formerly carried on by a committee of the General Assembly known as the Home Mission Committee) in the state of Victoria. Such work is to be in conjunction with the presbytery which has the primary responsibility for the health of congregations within its bounds. This work shall include, but not be limited to:

- a) provision of assistance to maintain the health and vitality of existing congregations which from time to time may include:
  - i) church consultancy where requested by congregations and also where financial assistance is being sought for long and short term maintenance of ministry;
  - ii) helping congregations re-engage with their task of evangelising their communities through leadership motivation and goal-setting, congregational training and demographic studies;
  - iii) the recruiting, training and provision of intentional interim-ministers;
- b) provision of support to home missionaries and home mission charges including recruitment, training, placement, oversight and oversight of home missionaries;
- c) the administration of financial support to existing congregations where such support falls within the sphere of the committee's responsibilities;
- d) authorisation, allocation and administrative support of district interim moderators and intentional interim ministers (see [rules 4.106-108](#)).

### **5. Special interest congregations**

With presbytery approval, the committee may:

- a) seek to foster the establishment of special interest congregations; and
- b) encourage existing congregations to make available their buildings for use by special interest congregations upon acceptable terms and conditions.

### **6. Employed officer**

The committee shall, when occasion warrants, bring to the General Assembly the name of a suitably gifted person for appointment as the Officer, MDC (formerly known as the Home Mission Director). The Officer, MDC, will work under the committee, in home mission and other areas of the committee's work, according to such job description as shall be approved from time to time by the General Assembly.

### **7. Applications from congregations for home missionary appointments**

Charges seeking the services of a home missionary shall apply to the committee only with the approval of the presbytery.

**8. Candidates for the ministry seeking home mission service**

- a) candidates for the ministry, before making application to the committee for home mission service, shall first obtain the approval of the Theological Education Committee;
- b) private students doing home mission work shall perform their duties to the satisfaction of the committee, which shall have power to dispense with the services of any student who does not prove satisfactory, provided that consultation is held with the Theological Education Committee and the appropriate presbytery before a final decision is made.

**9. Home missionary applications for service**

An applicant for home mission service must:

- a) complete all Ministry Development Committee application forms;
- b) ordinarily be a member of a congregation of the church for 12 months before application;
- c) request his minister to send a letter of recommendation directly to the committee before the application is fully processed;
- d) request his session to send a letter of recommendation directly to the committee before the application is fully processed;
- e) provide three additional current referees;
- f) request his presbytery to provide the committee with its assessment regarding the applicant's suitability for ministry, experience and preaching ability;
- g) provide a current police check;
- h) have a registered doctor assess his suitability for employment in a stressful environment (on the form provided by the committee);
- i) attend a preliminary interview, and, if successful, a second interview with his wife (where applicable);
- j) prove that he is a permanent resident in or a citizen of Australia, or that he holds a working visa allowing him to be in Australia.

**10. Home missionary terms of employment**

Home missionaries who are not candidates for the ministry shall:

- a) at their first appointment be on probation for 12 months and their position reviewed not later than 9 months after the date of their appointment with regular reviews three months before reappointment;
- b) during this first and subsequent years be required to follow a course of study if directed by the committee;
- c) be appointed on the terms of three months' notice being required by either party of the termination of appointment; or the home missionary shall be paid up to three months stipend in lieu of notice to bring his stipend up to the end of December, or by individual negotiations; termination due to disciplinary action can be immediate with thirty days severance pay.

**11. Home missionaries – appointment**

- a) the committee shall appoint and remove home missionaries, but recommendations of presbytery on appointment or removal shall receive special consideration;
- b) home missionaries shall be appointed for a period of 12 months. The time of service in one charge or position shall be determined by the committee, but the request or recommendation of the presbytery shall receive special consideration.

**12. Book grants and other expenses**

The committee may make suitable grants for books, travelling or other expenses to home missionaries engaged in prescribed courses of study.

**13. Home missionaries – stipend**

Home missionaries are paid 85% of the stipend of an ordained minister of the Presbyterian Church of Australia serving in Victoria, and receive the same level of non-cash benefits as a minister.

**14. Removal expenses**

The committee shall pay from its funds such removal expenses of home missionaries as are approved prior to the transition. Removal expenses of exit students appointed to pastoral or appointment charges shall be borne by the charge.

**15. Oversight of home missionary**

Home missionaries in the course of their duty shall be under the oversight of the presbytery within whose bounds they are working. Additionally, the Officer, MDC, will visit all home missionaries on a regular basis to provide on-site, one-to-one training and advice.

**16. Ministry Development Grants**

To the limits that funds are available, the committee may make grants from its funds to:

- a) supplement the local income of a home mission or appointment charge that is unable, after a systematic and sacrificing effort is made, to provide for a home missionary, licentiate, or minister, as the case may require;
- b) make possible the payment of the minimum stipend approved by the Maintenance of the Ministry Committee when a new charge is declared, on condition that the charge becomes self-supporting as soon as possible;
- c) compensate, for a period of one year, congregations that have suffered financial loss owing to re-arrangements of congregations for the purpose of forming a new charge;
- d) support second ministry workers in congregations;
- e) support ministry apprentices;
- f) support evangelism;
- g) support tertiary chaplains or other ministry workers;
- h) support project charges.

**17. Grants – approval and time limit**

Subsidies can be approved and paid to a congregation for up to ten years. The only exception to this time limit on funding and the time limit in 18(d) below are special grants that may be considered to country charges which have been severely affected by external circumstances such as drought, fire or flood (not internal problems or apathy) and have the clear probability of again becoming self-sufficient. To receive such funding a charge must have vibrant weekly prayer meetings and discipleship and evangelistic ministries. Such funding is meant to be temporary and funds may be raised through appeals to the wider church rather than from the committee funds ordinarily used for subsidies.

**18. Conditions of grants**

- a) grants to congregations are made annually, and may be reapplied for each year (subject to [rule 4.83](#));
- b) all applications for grants shall be made on the prescribed forms endorsed by the minister and board. They are then forwarded to the committee through the presbytery, and with its approval (see [rule 4.83](#)). Annual due dates are to be observed;
- c) the committee shall regularly review all grants renewed beyond one year with a view to ensuring that congregations become financially independent of the committee as early as possible;
- d) congregations in a state of decline shall not be made dependent upon grants for a period exceeding one year;
- e) existing congregations which become 'aid receiving' will only be eligible for aid if they engage in a revitalisation program. If positive growth is not realised within two years, aid will be withdrawn;
- f) grants may be made from committee funds, as available within the terms of the various trusts, for the purposes of purchasing church or manse properties for new work, or aiding the extension of new work, for the fostering of mission and youth work or evangelism related to church extension, and for the provision of training or materials of a specialised kind for church extension and chaplaincy work as prescribed in the regulations;
- g) loans may be made to new or growing congregations for purposes related to church extension, upon terms to be arranged by the committee;



- h) every congregation in receipt of loans or grants of any kind from committee funds shall furnish to the committee at the end of each financial year, or on request, a certified copy of the balance sheet duly audited.

**19. Payments – supply preachers**

- a) the treasurers of vacant charges shall pay the supply preachers (lay, licentiates or ministers) within one week (unless otherwise negotiated), for the supply of their pulpits according to the scale approved from time to time by the General Assembly. Travelling expenses to and from the vacancy shall be met and hospitality or suitable board and lodging provided, if required. The travelling expenses between two preaching places in the same charge shall also be met by the charge. Travelling expenses shall be paid at the same rate stipulated for ministers by the General Assembly;
- b) irregularities on the part of local treasurers in regard to the making of such payments, shall at once be reported to the Officer, MDC, and he shall thereupon communicate with the respective presbyteries, who shall at their first meeting thereafter be required to take active steps to have the irregularities rectified.

**20. District interim moderators**

- a) District interim moderators shall:
  - i) be ministers of the Church with proven pastoral experience;
  - ii) have the capacity to oversee a number of vacant pastoral or appointment charges and home mission charges as interim moderator/moderator;
- b) The committee shall:
  - i) advertise for suitably qualified persons;
  - ii) allocate to particular districts determined by the committee persons as district interim moderators;
  - iii) receive requests from presbyteries for names for appointment as interim moderators and moderators to charges within their bounds;
  - iv) consult with applicant presbyteries concerning the proposed appointment, including such matters as the capacity of the charge to bear the cost of such an appointment;
  - v) after satisfactory consultation, provide a name for appointment by the presbytery;
  - vi) collect and coordinate the detailed time requirements for a district interim moderator for each charge within its sphere of responsibility;
  - vii) provide all resources for the appointee, including a manse (if necessary), remuneration and incidental expenses incurred in his role as interim moderator/moderator of the charge/s to which he is appointed;
  - viii) allocate and invoice the participating charges in proportion to the time the district interim moderator spends, and the expenses he incurs, in this ministry to each of them individually;
  - ix) grant financial relief upon request to any charge before or during the period of the district interim moderator's appointment, subject to the normal requirements and constraints on the granting of financial assistance to charges from the committee's funds.

**21. Intentional interim ministers**

- a) Intentional interim ministers shall be:
  - i) ministers of the Presbyterian Church of Australia, preferably with at least 5 years' experience in pastoral ministry;
  - ii) able to demonstrate proven skills in serving what may be a charge under stress;
  - iii) experienced and trained in conflict resolution or be prepared to undertake training in this area;
  - iv) able to accept living in temporary accommodation and to cope with short-term appointments;
  - v) able to accept that the position of intentional interim minister is occasional when need arises, and is not necessarily an ongoing appointment;

- b) The committee shall:
  - i) be pro-active in the seeking and training of suitable applicants for intentional interim ministry positions;
  - ii) consult with presbyteries considering the appointment of an intentional interim minister regarding the availability of suitably qualified men;
  - iii) receive applications to help fund an intentional interim minister from its own funds, and grant such requests where a congregation is unable to meet the terms of settlement and where the committee's funds permit;
- c) The committee may, if it sees fit, grant requests from presbyteries that particular cases be considered extraordinary, and authorise the extension of appointments of intentional interim ministers beyond two years (see [rule 4.107.2](#))



## **19. Overseas Visitors' Fund Committee**

### **1. Aim**

This fund is designed to bring overseas visitors to assist General Assembly committees and presbyteries to further their work by providing additional skills and experience. Preference in allocation will be given to visits that are for a prolonged period.

### **2. Committee Membership**

The committee is composed of the members of the Board of Investment and Finance, together with the conveners of the Christian Education and Nurture Committee, the Theological Education Committee, the Ministry Development Committee and the Church Planting Committee. The Chairman of the Board of Investment and Finance is the convener.

### **3. Application Procedure**

The application process shall be:

- a) the committee will determine when the next grant can be given.
- b) notification will be given to committees and presbyteries and applications invited; Applications must provide evidence the proposed speaker will provide a unique contribution to The Presbyterian Church of Victoria not otherwise available in Australia. The objectives of the visit should be clearly stated, and consideration given to maximising the visit by co-operation with other state and federal bodies of the Presbyterian Church of Australia, or other ministry bodies;
- c) as arrangements for overseas visitors need to be made well in advance, applications will be invited by a date that allows ample time for all planning for the visit to be put into effect;
- d) grants may be for the full cost of the visit (including air fares), or be supplementary to local financial provision for such a visit.

### **4. Reporting**

After an overseas visitor has completed his/her specific tasks, the recipient of the grant should provide a short report to this committee on the benefits of the visit.

### **5. Financial Arrangements**

All arrangements for the payment of the amount of the grant should be discussed with, and approved by, the General Manager.



## **20. Safe Church Committee**

### **1. Title**

There shall be a committee of the General Assembly entitled Safe Church Committee, hereafter referred to as the committee.

### **2. Membership**

The committee shall consist of six members, including a convener, appointed by the General Assembly.

### **3. Purpose**

To assist and encourage the church in its commitment to ensuring that all of its congregations and organisations are safe in respect of everyone within them, specifically helping the church to:

- a) protect and care for the young and the vulnerable in our church;
- b) care for the victims of abuse and the hurting;
- c) implement and adhere to the Safe Church Policy and Code of Conduct;
- d) comply with all federal and state laws relevant to this matter.

### **4. Duties**

The committee shall

- a) have oversight of the Safe Church Unit and its employees;
- b) encourage and support the work of the Safe Church Unit;
- c) advise the Safe Church Unit on any matter that bears on the church's compliance with all federal and state laws relevant to this matter.

### **5. Employees**

The Committee may appoint, under the provision of [Rule 5.32](#), according to need:

- a) the Safe Church Facilitator;
- b) persons to give administrative assistance to the Safe Church Facilitator;
- c) such other workers it considers to be necessary to achieve its purpose under regulation 3 above.

### **6. Panel of Reference**

There shall be a sub-committee entitled Panel of Reference, consisting of at least 3 members, whose principal duty is to consult with the Safe Church Facilitator in reference to particular reports and allegations of abuse, and to provide advice on related procedure in such cases. The Safe Church Committee shall appoint the membership of the Panel, from members of the committee plus co-opted members appointed under the provision of [Rule 5.26](#).



## **21. Selection Committee**

### **1. Title**

There shall be a committee of the General Assembly entitled the Selection Committee, hereafter referred to as the committee.

### **2. Membership**

The committee shall consist of seven members of the General Assembly, including a convener, nominated by the Code and General Administration Committee (naming a convener), published in the White Book and appointed by the General Assembly annually, two of whom shall be from non-metropolitan presbyteries.

### **3. Duties**

- a) unless otherwise expressly provided for in the rules or regulations of the General Assembly, the Selection Committee shall nominate to the General Assembly the members and conveners of all General Assembly committees (which term herein includes boards and councils). These nominations shall be published in the White Book. Other nominations to committees and convenerships may be made by members of the General Assembly, provided that notice of such other nominations has been given in writing to the convener of the Selection Committee not later than noon on Tuesday of the General Assembly. When any other such nominations have been received, appointment shall be determined by a ballot conducted by the Ballot Committee at 12:15pm on the Wednesday of the General Assembly;
- b) nominations by the Selection Committee to committees of the church shall be made as far as possible after consultation with the committees concerned;
- c) the committee (with provision for additional members when advisable) may be directed by the General Assembly to nominate special committees, ad hoc committees and commissions;
- d) in the case of nominations of new members of any committee, the consent of the nominee should, if possible, be obtained by the committee;
- e) the committee shall, after consultation with the committee concerned, fill any casual vacancy in any General Assembly committee, special committee, ad hoc committee or commission or the convenership thereof and such appointment shall remain effective up to the next meeting of the General Assembly;
- f) no minister, except those holding office 'ex officio', shall be on more than four committees other than ad hoc committees;
- g) when a ballot becomes necessary the names of the retiring members of the committee concerned shall be marked with an asterisk, and a brief statement of the qualifications of all the nominees and their church affiliation shall be prepared by the Assembly Clerk and circulated to members;
- h) when nominations are required for the position of Moderator-General of the GAA, the committee is authorised to call on presbyteries to make nominations for the position with replies to be in the hands of the convener by 31 July of that year. The committee shall then submit names of nominees to the General Assembly for ballot.



## **22. Social Services Committee**

**1. Title**

There shall be a committee of the General Assembly entitled the Social Services Committee, hereafter referred to as the committee.

**2. Membership**

The committee shall consist of ten members, including a convener, appointed by the General Assembly.

**3. Duties**

The committee shall:

- a) be responsible to the General Assembly for the planning, development, administration and oversight of all social service activities sanctioned by the General Assembly, and for termination of any such activity when considered by the committee to be necessary or appropriate after consultation with The Presbyterian Trusts Corporation; and
- b) meet monthly with the exception of January.

**4. Ineligibility of membership**

No employee or resident with respect to any institution or activity under the oversight of the committee shall be eligible for membership of the committee.

**5. Congregations and social service activities**

Any congregation of the church proposing to improve or acquire ownership of real property for the carrying on of a project or activity of a social service nature, shall first apply for and obtain the approval or consent of the presbytery and of the Trusts Corporation and the approval of the Social Services Committee before proceeding. The committee shall report to the General Assembly giving reasons for its approval or disapproval, and in the case of an approval stating the terms and conditions of such approval.



## **23. State News Committee**

- 1. Title**

There shall be a committee of the General Assembly entitled the State News Committee, hereafter referred to as the committee.
- 2. Membership**

The committee shall consist of four members (two ministers and two elders), including a convener, appointed by the General Assembly.
- 3. Purpose**

The committee shall produce a quarterly publication containing general news items as well as articles and viewpoints from individuals, congregations, committees or courts within the church and even beyond the church. Such items may be published when deemed by the committee to be of interest to the people of the church and pertinent to and supportive of the church's mission.
- 4. Quorum**

Three members constitute a quorum for policy-making purposes, or two members for editorial purposes.
- 5. Co-opted assistance**
  - a) the committee may co-opt or enter into arrangements with any other individuals, parties or companies to assist in the production of the publication;
  - b) co-opted individuals or representatives may be invited to attend meetings in an advisory capacity but shall have no voting rights.
- 6. Editorial oversight**

Editorial oversight of the publication rests with the committee or with any other party nominated by the committee for that purpose. Where such responsibility is devolved to an individual, that person shall be appointed to work under terms and conditions specified by the committee and to a job description mutually negotiated for the position. That person shall be called the editor.

  - a) an editor (should one be appointed) shall attend committee meetings but shall have no voting rights;
  - b) notwithstanding the appointment of an editor, ultimate responsibility for the content, presentation and publication remains with the committee.
- 7. Website**

The committee may, at its discretion, establish a website to enhance its purpose.
- 8. Advertising**

Advertising may be included at the discretion of the committee (or, in its place, the editor) and at whatever rates the committee deems appropriate. As matter for periodic review, the committee shall decide to what extent advertising should contribute to offsetting the production costs of the publication.
- 9. Equipment**

The committee may purchase any equipment (including computer software) it deems necessary to assist in the production of the publication to be used by whomever it deems is appropriate to assist in the production of the publication.



## **24. Theological Education Committee**

### **1. Title**

There shall be a committee of the General Assembly entitled the Theological Education Committee, hereafter (except where named in full) referred to as the committee.

### **2. Membership**

The committee shall consist of:

- a) ten members, including a convener, appointed by the General Assembly;
- b) the Principal of the Theological College;
- c) another member of the Theological College faculty.

### **3. Duties**

The duties of the committee shall be:

- a) to provide and promote the best quality theological education at both undergraduate and postgraduate levels;
- b) to be responsible for the direction of all candidates for the ministry at all stages of their training;
- c) to manage the business affairs of the Theological College;
- d) to determine and administer bursary assistance to candidates;
- e) to report for the decision of the General Assembly upon all matters relating to the appointment and retirement of the principal, professors and other full-time lecturers in the Theological College;
- f) to provide resources for, and supervise, the work of the PCV Training Officer.

### **4. Visitation of moderator to Theological College**

- a) during his term of office, the moderator of the General Assembly shall conduct a formal visitation of the Theological College;
- b) the visitation shall take place on a suitable date to be arranged by the committee in consultation with the faculty and the moderator may request not more than two members of the committee to take part in the visitation;
- c) in the course of the visitation, the moderator shall convey a message from the General Assembly and the church, and conference shall be held with the faculty and with the students on any matters requiring special consideration. Prior to such conference the faculty and the students shall be invited to notify the moderator of any such matters, and he may prepare questions to be submitted to them;
- d) a report of this visitation shall be submitted by the moderator to the following General Assembly.

### **5. Acceptance and oversight of candidates for the ministry (see also rules [4.31](#), [4.34](#))**

- a) those contemplating the work of the ministry should:
  - i) notify their own minister;
  - ii) confer with the Principal at the Theological College;
  - iii) apply to the clerk of their presbytery, who shall guide them in their application to be accepted as a student for the ministry;
- b) when a presbytery notifies the committee that it has approved such an application, the committee shall interview and test the applicant for his fitness in all respects for the office of the ministry and report its recommendation to the applicant's presbytery.

In the event of a candidate at any stage of his course proving himself unsatisfactory, the committee may institute proceedings with a view to the presbytery, acting in consultation with the committee, terminating his candidature.



**6. Appointment of Professors and Lecturers**

**a) Professors**

- i) there shall be a nominating committee consisting of the members of the Theological Education committee and one representative from each presbytery, of which the members of the Theological Education committee shall be the executive;
- ii) the executive shall take steps to call for applications by advertisement;
- iii) the nominating committee shall consider the applications with a view to bringing a recommendation to the General Assembly to which all shortlisted applications shall be submitted;
- iv) the General Assembly need not proceed immediately to make an appointment from one of the applicants. If it considers it expedient, it may further invite someone who has not applied to submit a formal application for the position;
- v) the General Assembly may, if it considers it expedient, proceed to election by ballot;
- vi) the appointment of a professor shall be for an initial period of seven years, with subsequent appointments of seven years. Before the appointment expires the Theological Education committee shall interview the professor and review his work. Following a satisfactory review and with the concurrence of the lecturer the committee shall recommend to the General Assembly a further period of service. The retirement date shall be at the end of the year in which the appointee has his 65<sup>th</sup> birthday;
- vii) this review (mentioned in clause (vi) above) shall normally take the form of personal interview(s) with the professor, consultation with faculty members, especially the Principal, review of any of his publications, and visitation in class to sample the professor's teaching gifts.

**b) Full-time Lecturers**

- i) there shall be a nominating committee consisting of the members of the Theological Education committee;
- ii) the nominating committee shall take steps to call for applications by advertisement;
- iii) the nominating committee shall consider the applications with a view to bringing a recommendation to the General Assembly to which all shortlisted applications shall be submitted;
- iv) the General Assembly need not proceed to make an appointment from one of the applicants. If it considers it expedient, it may invite someone who has not applied to submit a formal application for the position;
- v) the General Assembly may, if it considers it expedient, proceed to election by ballot;
- vi) the appointment of a lecturer shall be for an initial period of seven years, with subsequent appointments of seven years or such lesser period as may be negotiated. Before the appointment expires the Theological Education committee shall interview the lecturer and review his work. Following a satisfactory review and with the concurrence of the lecturer the committee shall recommend to the General Assembly that the lecturer be reappointed;
- vii) this review (mentioned in clause (vi) above) shall normally take the form of personal interview(s) with the lecturer, consultation with faculty members, especially the Principal, review of any of his publications, and visitation in class to sample the lecturer's teaching gifts.

**c) Part-time Lecturers**

The faculty, through the Principal, and after consultation with the committee, shall appoint such part-time staff as shall be required.

**7. Principal of the Theological College**

- a) the General Assembly shall appoint a Principal of the Theological College on recommendation of the committee after consultation with the faculty;
- b) the Principal shall be a member of the teaching staff of the Theological College;
- c) the Principal shall be appointed for a ten year term with subsequent appointments of ten years or such lesser period as may be negotiated. Before the appointment expires, the Theological Education Committee shall interview the Principal and review his work. Following a

satisfactory review and with the concurrence of the Principal, the committee shall recommend to the General Assembly that the Principal be reappointed;

- d) the Principal shall have authority to preside over all meetings of the Theological College, and shall be responsible for the co-ordination of the work within the college. He shall represent the college to the church and, as far as possible he shall place the needs and claims of the college before the church as a whole;
- e) the General Assembly may appoint a Vice-Principal of the Theological College, on the recommendation of the committee, after consultation with the faculty, who shall act as deputy to the Principal.

**8. Professional development leave of lecturers**

- a) where professional development leave forms part of the terms of appointment of a professor or lecturer, the committee shall be responsible for the administration;
- b) all matters relative to salary and expenses shall be determined at the discretion of the committee in the light of the circumstances governing each particular case.

**9. Long service leave of lecturers**

The conditions and terms of long service leave shall be the same as for other ministers of the church only that long service leave shall be taken in such a way that it does not interfere with the conduct of classes or courses of study.

**10. Faculty of the Theological College**

- a) the faculty of the Theological College shall consist of the full-time teaching staff;
- b) the faculty shall be responsible for the work of the classes, the oversight and direction of studies, the spiritual tenor of college life, the academic rigour of the course, the maintenance of discipline, and the care of the library within the Theological College;
- c) the faculty shall be responsible for ensuring that the regulations and decisions of the College Committee of the General Assembly of Australia are fulfilled;
- d) the faculty shall report regularly through the Principal to the committee, and annually to the General Assembly by means of an addendum to the committee report.

**Diaconal Committee**

**1. Membership**

The membership of the committee shall consist of the members of the Theological Education Committee.

**2. Duties**

To have general management of the business and financial affairs of the committee.

**3. Meetings**

The committee will meet under the auspices of the Theological Education Committee and as often as that committee meets.

**4. Sub-Committee**

The committee will appoint a sub-committee of its members as may be desirable from time to time.

**5. Aims**

- a) to encourage, support and finance training in diaconal ministries through the Presbyterian Theological College;
- b) to ensure that the course of training is sufficiently broad in its curriculum for effective diaconal ministries today;
- c) to publicise such courses of training among the churches;
- d) to finance the purchase of books and journals for the Presbyterian Theological College library suited to courses in diaconal training;

- e) to make available for the churches media resources related to diaconal ministries suitable for local use;
- f) to encourage and equip congregations to provide their own selection procedures and training courses for diaconal service;
- g) to encourage suitably qualified women within our churches to consider specialised diaconal ministry, on a part-time basis as, for example, in chaplaincy, social work, or counselling;
- h) to encourage congregations to operate their diaconal training and ministries under [rule 3.40](#).



## Supplementary Regulations and General Assembly Decisions

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## **1. PCV Internet Presence and Email Use Policy, Guidelines and Protocols [Oct 2016]**

### **POLICY**

#### **Preamble**

God created the world and made us stewards of its resources. Then, during the history of redemption, he gives some of us certain resources to share the good news of his rescue plan with others. One historical incarnation of this allocation of resources is the Presbyterian Church of Victoria (PCV), including, for example, its office bearers, computers, websites and social media. In God's sovereignty, he has placed the PCV into 21<sup>st</sup> century Australia, where most people have some sort of access to the Internet and social media. In order to better present the good news of Jesus Christ online and in order to be better stewards of the various resources he has blessed us with, we have this policy governing our online presence.

1. The purpose of this policy is to govern our online presence and direct resources to that end.
2. The ultimate aim of this policy is to have an online presence that brings glory to God through making Jesus Christ known and being good stewards of our technological resources.
3. Online resources should be curated and organised in such a way that outsiders form a positive impression of the Presbyterian Church, while those inside the church have easy access to all necessary information.
4. An Online Coordinator is delegated by the Assembly to be responsible for implementing this policy, setting guidelines and protocols.
5. These guidelines include the PCV website, the PCV email news network, email addresses, social media and all the associated design and technical support requirements as well as job descriptions.
6. The protocols cover privacy, security and appropriate use of email addresses.
7. The Online Coordinator sets a budget and determines the content of the PCV website and social media.
8. The Online Coordinator is responsible for bringing that budget or any changes to this policy to the Assembly for approval.
9. The Online Coordinator works with the PCV Safe Church Facilitator and Privacy Officer to ensure these PCV protocols are up-to-date and appropriate.

### **GUIDELINES**

**The Online Coordinator, the Clerk of Assembly (GAV, 2014, Min 66):**

1. requests and allocates the budget (initial setup, annual maintenance, logo refresh, photography, design etc.);
2. has overall supervision of all tasks outlined below;
3. is finally responsible for implementation and adherence to the 'Policy' and 'Protocols';
4. may select and convene a task-force working group to advise and assist him.

**Members of the task-force working group advising and assisting the Online Coordinator may be, from time to time:**

1. **Network Administrator:** the technical behind-the-scenes person;
  - a) manages:
    - i) the email system;
    - ii) PCV domain names and associated hosting;
    - iii) troubleshooting of website and email;
    - iv) security controls and procedures;
  - b) reports regularly to the Online Coordinator.
2. **Website and Social Media Publisher:**
  - a) updates the PCV website;
  - b) organises for items to be published on Social Media by:

- i) keeping an events calendar up to date as information arises or as requested by the Clerks of Assembly;
  - ii) updating the news section of the website with news and events relevant to the PCV;
  - iii) ensuring all contact details and links are current;
  - iv) soliciting and organising the publishing of content to social media;
- c) reports regularly to the Online Coordinator.

3. **PCV Email Network Operator:**

- a) operates the PCV Email Network according to the PCV Email Network protocol;
- b) reports regularly to the Online Coordinator.

**Additional persons, not necessarily part of the task-force working group:**

1. **Social Media Moderators:**

There are currently four channels of Social Media, namely: Facebook, Twitter, You Tube and Google Plus:

- a) the Online Coordinator designates a responsible person for each channel (this person could be a staff-member, minister or volunteer);
- b) this person is then responsible for monitoring comments, publishing material as directed and referring inquiries or problems as they arise to the Online Coordinator.

2. **Photographer, video editor, designer etc:**

There will be persons who are requested to complete specific tasks, from time to time, as directed by the Online Coordinator.

**Further Aspects and Definitions**

**Websites**

Domain names owned by the PCV or connected to the PCV:

pcv.org.au

pcvic.org (owned by Michael Wharton, currently pointing to pcv.org.au)

**Email**

Office bearers are given exclusive access to an appropriate email address for the duration of their service. e.g. [officeholder@pcv.org.au](mailto:officeholder@pcv.org.au)

All current ministers or home missionaries automatically receive a pcv.org.au email address, which either redirects to their current email address or is connected, if they have so requested, to a mailbox. e.g. [fred.nurks@pcv.org.au](mailto:fred.nurks@pcv.org.au)

It is a requirement that office bearers and ministers / home missionaries by virtue of their role agree to and adhere to the Safe Church Policy and Privacy Policy of the PCV while using a pcv.org.au email address. All current ministers, home missionaries and office bearers who receive and send emails containing personally identifiable and/or sensitive information about individuals in the course of fulfilling their roles must use an email address that is not accessible to anyone other than themselves (for example, no shared email addresses with spouses are to be used by current ministers, home missionaries and office bearers when using email relating to personally identifiable and/or sensitive information about individuals). For a definition of 'personally identifiable and/or sensitive information', see section 1 of the PCV Privacy Policy.

Simple step by step set up instructions for those using a mailbox will be provided, on request:

- 1. that explain how Outlook or Mail can use the PCV email address;
- 2. that explain how users of Gmail or Yahoo can use the PCV email address.

**Social Media**

*Facebook* = the main portal of interaction for most people online;

*Twitter* = a rolling journalistic feed of information, useful during events;

*You Tube* = a place for posting training videos;

*Google Plus* = a less used and more technical social media feed.

Because these social media channels officially represent the PCV it is best for the content to come from a single source. However comments will need moderation and inquiries will need responding to, so volunteer moderators will be needed to monitor each channel.

### PCV Email network:

1. to receive and distribute information relevant to the PCV;
2. the Network Operator makes decisions as to whether submitted content is relevant and appropriate for distribution according to the PCV Email network Protocol, consulting with the Clerk of Assembly when necessary.

## PROTOCOLS

### 1. Protocol for PCV Email Network (amended from GAV 2003, Min. 82):

- a) The PCV email network list is open to anyone, anywhere in the world, upon request. Users should remember this when submitting material. Sensitive information is to be strictly avoided.
- b) The operator shall ensure that the email distribution list is kept strictly private.
- c) When a person joins the list, the operator shall send him or her a copy of this protocol by email.
- d) Members can unsubscribe at any time by clicking on 'click here to unsubscribe' at the bottom of a list email.
- e) The purpose of the list is to distribute information of general interest to members and friends of the church, including news from congregations, presbyteries and assembly committees concerning ordinations, inductions, special meetings and events etc.
- f) Persons submitting items of a personal nature relating to other persons (for example, prayer requests, or change of contact details) must first obtain the prior approval of any persons named (or, if they are unable to give that consent, of their next of kin), and must then advise the operator that this approval has been obtained when submitting such items for distribution. Without this advice such items will not be distributed.
- g) When posting a submission, users should include a summary description in the 'subject' heading; for example, 'PCV Ministry Conference, 8-10 April' or 'Statement by the Barnabas Fund concerning Pakistan'.
- h) Users are requested to avoid posts that are likely to be controversial. The network is for dissemination of information, not for debate.
- i) No copyrighted material may be posted without the consent of the original author or website. Material in the public domain must include a link to the original site with attribution to the original author.
- j) All items must be approved by the operator. If the operator is in doubt concerning the legitimacy of material submitted, or of the wisdom of publishing it, he will consult with the Clerk of the Assembly, who shall have the final say in what is posted.
- k) Users should send messages as plain, unformatted text. If files are attached, they should be in a widely readable format, such as Adobe PDF, and kept as small as possible. Users must ensure that such attachments do not contain viruses.

### 2. PCV Email Protocol (for users of a PCV Email address)

#### User Responsibilities

When using the email or Social Media users must at all times:

- a) Respect the privacy and personal rights of others.
- b) Take all reasonable steps to ensure copyright is not infringed.
- c) Take all reasonable care not to plagiarise another person's work; or defame another person.
- d) Not forward or otherwise copy a personal email (except with permission of the author) or an email which contains personal information or an opinion about a person whose identity is apparent (except with permission of that person).
- e) Not send forged messages, or obtain or use someone else's email address or password without proper authorisation.
- f) Not send mass distribution bulk messages and/or advertising without direct approval of the Online Coordinator.



- g) Not send SPAM (refer Relevant Australian Legislation). The user must ensure that the recipient(s) of the intended email have consented to receive such email(s).
- h) Not harass, intimidate or threaten another person/s.
- i) Not send sexually explicit material, even if it is believed that the receiver will not object. Remember, the intended receiver may not be the only person to access the communication.
- j) Adhere to the PCV Safe Church practices as set out in PCV Safe Church Policy, Guidelines and Protocols document.

### Standards Required When Using Email

Appropriate standards of civility should be used when using your official PCV email address to communicate with your colleagues, congregation or members of the public, or any other message recipients. When using the email or messaging system users must not send emails that violate PCV Safe Church practices. Email should not be assumed to be a private medium. Be conscious that anything you write in email can be forwarded (accidentally or otherwise), misaddressed or otherwise accessed by people it was not intended for.

### Forwarding of Emails – Privacy and Ownership of Copyright

The PCV owns copyright in all email correspondence created by office holders in relation to their employment duties.

Copyright in work-related email will not be infringed by forwarding a message to another office holder or interested party on a need-to-know basis. However, care must be taken if an email contains personal information. Under the Privacy and Data Protection Act 2014 No.60 (VIC), 'Personal Information means information or an opinion, whether true or not, about a person whose identity is apparent'. This kind of information must not be forwarded or copied without prior permission from the person who is the subject of the personal information.

Copyright in a personal/non-work related email belongs to the writer of the message. A personal email must never be copied or forwarded without permission of the writer.

Copyright will be infringed if you send, without permission of the copyright owner, an audio or video file, music charts/lyrics, commercial photographs, journal article or report to another person using email.

### Commercial Usage Prohibited

The private commercial use of your official PCV email address for email and messaging is not allowed. Email must not be used for private commercial purposes unless permission is granted by the Online Coordinator.

### Forwarding of emails after contract expiry or end-date

Your official PCV email access will cease on expiration of employment with the PCV or office. An option to forward email to another external email account for professional or work-related reasons must be authorised by the Online Coordinator and shall not exceed 6 months.

### PCV Social Media Protocol

The protocol that describes what type of content is posted and how comments are moderated on PCV Social Media Channels:

- a) Appropriate content posted by PCV (e.g. articles, videos, links etc.) for social media is determined according to the PCV Internet Policy, Guidelines and Protocols document.
- b) Comments are moderated according to PCV Safe Church and Privacy Policy and will be deleted if they are determined by the appointed Social Media Moderator as not upholding the ethos of the PCV.
- c) Privacy – written permission (in either digital or paper format) from persons concerned is required before posting a public photo or video of them on social media. Personally identifiable and sensitive information relating to individuals (i.e. residential addresses, email addresses, phone numbers, date of birth, etc.) should not be made public without written permission (in either digital or paper format).
- d) For further guidance, see the Safe Church Social Media Guidelines.



## ***2. Relations with Other Religions [Oct 2009]***

### **1. Personal Relations**

We are willing to meet with representatives of other religions in a friendly, openhearted and generous spirit, in accordance with the example of our Lord.

### **2. Dialogue**

- a) We encourage an active academic interest in the history, teachings and practices of other religions to achieve mutual understanding.
- b) We encourage informal meetings with representatives of other faiths to achieve mutual understanding and friendship.
- c) We oppose organisational union with other religions and any actions that could foster syncretism in worship, doctrine or mission.

### **3. Worship**

- a) We recognise the democratic and pluralist nature of Australian society, and the long-standing principle of religious freedom.
- b) We affirm that the integrity of the worship of different faiths, including our own, must be respected and therefore we believe that interfaith gatherings which meet specifically for worship are ambiguous and inappropriate; and accordingly our Moderator and/or other church leaders are not to attend such gatherings in their official capacity (c.f. BB 2001 Minute 47 (6-8)).
- c) We recognise that, when a public event is convened on the premises of a particular religious community, the protocols of that community should be respected.

### **4. Evangelism**

- a) We affirm our biblical responsibility to share the Christian Gospel with people of other religions and of no religion, in culturally sensitive and non-coercive ways.
- b) We acknowledge the right of representatives of other religions to share their faith with others in culturally sensitive and non-coercive ways.
- c) We encourage all churches and Christians to witness to Christ's love by word and deed in accordance with our belief that salvation is found in Him alone.
- d) We reaffirm the previous enactment of the General Assembly (BB 2001 Minute 47 (5)), namely, that the absolute teaching of the Word of God is that the only way to God the Father is by Jesus Christ (John 14:6); that Jesus Christ is our only Lord and Saviour (Philippians 2:10-11); that Jesus Christ is uniquely the only begotten son of God, supreme in salvation and redemption (Colossians 1:15-19) and that Jesus Christ is the only mediator between God and human beings (1 Timothy 2:5).

### **5. Social Issues**

- a) We commend, where appropriate, joint action with representatives of other religions regarding public issues where there is agreement on the needed outcomes and no departure from Christian doctrine is involved (Clause 4(d) above).
- b) We respect the right of religious communities to establish and maintain suitably accredited faith-based schools and other educational institutions.
- c) We respect the right of religious communities to place suitably accredited faith-based chaplains in schools, work places and public institutions.



### **3. Equality Statement [Oct 2012]**

We believe:

1. That God has created human beings so that each person is unique with a personality and gifts different to that of any other person.
2. That although human beings are unequal in such qualities as giftedness and intelligence, God nevertheless loves everyone and treats them justly; as the Scripture says, he 'shows no partiality' (Acts 10:34) and he 'judges impartially according to each one's deeds' (1 Peter 1:17b).
3. That because the content of the moral law ultimately originates in God, it remains the same and cannot be altered by the passage of time, by a majority vote of citizens, by legislation introduced by governments, by concessions granted to special interest groups or by any other means.
4. That although there is only one moral law, people have different views about what constitutes ethical behaviour and therefore tolerance, that is, the ability to live in peace with people whose views may be considered objectionable, is essential.
5. That therefore freedom of religion, speech and conscience are essential if people with diverse views are to be free to find life's purpose.
6. That therefore the state should not adopt, incorporate into legislation or impose on all its citizens any laws that undermine or take precedence over these fundamental human rights of freedom of religion, speech and conscience.
7. That although it is necessary for the state to prevent citizens from doing physical harm to each other, it should not pass laws that enable litigation over hurt feelings, except in so far as it is possible under the laws of libel.



#### ***4. Nomination Procedure for Moderator-Designate***

**1. Nomination**

Following the annual meeting of the General Assembly the Clerk of Assembly will invite the presbyteries to make two nominations from those who are eligible for membership of the General Assembly. Only the presbyteries shall be entitled to submit nominations.

**2. Consent**

In making their nominations the presbytery will obtain the consent of the persons to be nominated.

**3. Notification**

The Clerk of Assembly will notify the Commission of Assembly of the persons nominated and prepare an appropriate ballot paper.

**4. Election of Moderator-Designate**

The election shall occur at the Commission of Assembly by preferential ballot and the successful candidate will be named as Moderator-Designate of the next General Assembly.

**5. Nomination inoperative**

Should the person elected as the Moderator of the next General Assembly for any reason be unable to assume office the current Moderator shall invite the person second in the ballot to accept the position as Moderator of the next General Assembly.

**6. Expenses for Moderator**

The Moderator shall receive an honorarium of 10% of minimum remuneration and the Trusts Corporation / Board of Investment and Finance shall make suitable financial arrangements to meet the Moderator's expenses during his term of office. It is to be understood that the Moderator may be accompanied by his wife on his official visits.

**7. Robes of Moderator**

The Moderator's robes of office shall be provided without personal cost to himself. Accordingly, if the Moderator-Designate is the minister of a charge, an opportunity shall be given to his congregation to help with the provision of these robes, but, if necessary, the Trusts Corporation / Board of Investment and Finance shall meet the expenses.



## 5. Property Development Fund Regulations

### 1. Title

There shall be a fund called the Property Development Fund.

### 2. Fund administration

The fund shall be administered by the Church Planting Committee ('CPC') and these regulations shall be read in conjunction with the Church Planting Committee's regulations. The committee should seek advice from those with experience in property development and advice and direction from local presbyteries as it plans the expenditure of monies in this fund.

### 3. Purpose

The purpose of the fund shall be, in consultation with the presbytery, to provide money for:

- a) the purchase of new congregational meeting places and manses by new congregations as defined in the code, for example, [rule 2.10](#);
- b) the purchase of property in areas of population growth in anticipation of the establishment of a congregation in that area;
- c) the extension of existing properties which are, in the committee's opinion, deemed inadequate to meet the needs of impending population growth in that area;
- d) the purchase or erection of buildings essential for church planting;
- e) the collection of demographic data relevant to the committee's operation or the commissioning and funding of demographic studies where such material is not available from other Presbyterian agencies;
- f) the funding of professional services required to purchase new land.

### 4. Conditions governing the purchase of property or buildings

In accordance with the committee's purpose, funds can be disbursed for the purchase of property, buildings or erection of buildings - either by its own initiative or in response to a request from an eligible congregation and/or presbytery.

- a) Conditions for the purchasing of land shall normally include:
  - i) the area has been designated a growth area by the appropriate civic planning bodies;
  - ii) the committee anticipates planting a congregation in that area;
  - iii) a presbytery has recognised a cogent argument for expansion in or into that area;
  - iv) an existing congregation is considered by the committee and its presbytery to be in such a strategic location that an expansion of its property is prudent.
- b) Conditions for an existing congregation to receive payments from the fund shall normally include:
  - i) The nature of the congregation:
    - 1) The congregation has been established as a church plant by Church Planting Committee, presbytery or another congregation.
    - 2) The congregation, in the opinion of the committee, has a history of growth that indicates that it will be a viable continuing congregation.
    - 3) There is, in the opinion of the committee, stability of ministry.
    - 4) The congregation is, in the opinion of the committee, committed to evangelism and church planting and is willing to commit to returning 5% of the congregation's income from regular giving back to the fund for a period of no less than 20 years.
  - ii) The nature of congregational finances: the congregation has insufficient resources of its own to buy property, expand existing property or to build necessary facilities and is using as much of its own finances as practicable.
  - iii) The nature of the buildings: the congregation can show that such a building is necessary to facilitate the continuation of its ministry to further its growth.
  - iv) Approval of presbytery: the congregation has the support of the presbytery in its request.

**5. Ownership of property**

In the matter of ownership of property:

- a)
  - i) Any property purchased by the Church Planting Committee without a church plant attached to it shall remain the property of the Church Planting Committee until sold or otherwise disposed of, or until the condition of clause (ii) below applies.
  - ii) Any property purchased by the Church Planting Committee with a church plant attached to it remains the property of the Committee until the church plant demonstrates viability as a full charge in the opinion of the committee. When this point is reached the property shall become the property of the congregation. If, in the opinion of the committee the church plant fails before reaching viability the committee may hold on to the property for a future church plant or sell the property to replenish the Property Development Fund.
  - iii) Any property purchased or building purchased or erected by the Church Planting Committee to expand existing church properties shall be the property of that existing congregation.
- b)
  - i) Whenever the Church Planting Committee shall procure an advance from the Property Development Fund it shall specify to a congregation which is to be assisted by that advance and the presbytery:
    - 1) how much of the advance is a grant or a loan;
    - 2) the details of any conditions, and after agreement by all parties involved, a written record of such conditions.
  - ii) Where a new congregation has been established by the Church Planting Committee and payments are advanced from the Property Development Fund to assist in the establishment of this congregation, the new congregation shall be accorded the same rights, powers and privileges that a congregation normally has in respect of its financial affairs when:
    - 1) the new congregation has an elected board; and
    - 2) the new congregation has in the opinion of the Church Planting Committee a viable session; and
    - 3) the Church Planting Committee has resolved that the new congregation is discharged of any obligation in respect to the payment or payments from the Property Development Fund, except if there are other agreed conditions made in connection to the payments.

**6. Resourcing of the Fund**

The fund may be resourced from:

- a) An allocation of 10% of the General Mission Program (or such percentage as may be determined by the General Assembly).
- b) Gifts and bequests.
- c) Beneficiaries of the fund returning 5% of their income from regular giving as their commitment to future church planting for a period of no less than 20 years.
- d) Support from any other congregation of the Presbyterian Church of Victoria with available funds and a heart for the growth of the denomination.
- e) Presbyteries willing to transfer funds from the sale of properties of congregations which have ceased to exist.



## **6. Minimum Manse Standards [2014]**

The standards for a manse property have been assessed as follows:

- A. Construction or purchase of a new Manse**
- B. Upgrade of an existing Manse**

### **A. CONSTRUCTION OR PURCHASE OF A NEW MANSE**

A new manse, whether purpose built or purchased ready built must comply with the following standards, except for such variations as the General Assembly's Building and Property Committee may in any special case approve.

#### **1. General Requirements**

A manse is required to provide both a private residence for the minister and his family, and, taking into account any suitable facilities provided in the church building or elsewhere, facilities for the minister's study, preparation, counselling and administrative work.

##### **1.1 Location**

If the manse is on the same land title as the church it should preferably be a separate building fenced off from the church with separate private entrance and garden.

If the manse is attached to the church buildings it must not be linked internally and must have a separate private entrance and private garden.

If the manse is on a separate land title it should preferably be located within 2 kilometres of the church.

##### **1.2 Building access**

Pedestrian access from the street or from a visitor parking area on the site to the front door must be wheelchair friendly, with ramped paths suitable for wheelchairs provided in lieu of steps. Care should be taken to ensure storm water drainage design is adequate to prevent potential flooding of the manse building. A single step at the front entry is acceptable. A relatively flat site will provide less design challenges.

##### **1.3 Orientation**

Except where special local conditions dictate otherwise, the living and sleeping areas must be oriented to the north and east and the building designed in accordance with passive solar design criteria to achieve low energy costs, reduced maintenance, and increased level of comfort for the occupants. This will entail attention to appropriate solar orientation, the use of thermal mass, and appropriate ventilation and window placement.

##### **1.4 Building construction**

The building must be compliant with the current version of the Building Code of Australia ('BCA') and the Victorian Building Regulations ('VBR'). The building should be a Class 1 building and be designed in accordance with energy efficiency requirements of the applicable Climatic Zone.

### **2. Accommodation**

#### **2.1 Study/Office**

Generally to be attached to, or part of, the house with access from or near the front entrance and separate from the living area and preferably have a northern or eastern, but not a westerly aspect. A separate building is acceptable, but must be accessible without entering the house.

Access to the study/office must not be through or past private areas of the house. The entry area must be able to function as a waiting area.

A study/office must have:

- A floor area, clear of built-in cupboards and shelving, of not less than 15.5m<sup>2</sup> and be suitable for use for small meetings;
- not less than 14 lineal metres of bookshelf;
- a telephone and internet connection;
- and access to a toilet and basin nearby that is not the family facility or accessed by passing through private areas of the residence or give unrestricted access to such areas.

Where the minister's office is provided in the church and meets the requirements set out above the following minimum requirements apply to the office/study in the manse:

- A floor area, clear of built-in cupboards and shelving, of not less than 12m<sup>2</sup> and have at least one openable window;
- must be positioned near the front entry of the house;
- must not have a westerly aspect;
- be equipped with at least 6 lineal meters of bookshelf;
- and must have access to a toilet and basin nearby that is not the family facility or accessed by passing through private areas of the residence or give unrestricted access to such areas.

## **2.2 Lounge room, Dining room**

These may be combined when a separate family area is provided. It must be possible for the lounge area to be used for a meeting without restricting the use of the rest of the house by the minister's family. The minister's family must be able to utilise a separate living area and have free access to kitchen, bathroom, toilet and bedrooms. A separate toilet and hand basin must be available to the meeting participants. This may be the same facility associated with the study/office.

## **2.3 Kitchen, Family room**

The kitchen must be open to the family room and also be capable of serving through to the lounge/dining room. It must be not less than 14m<sup>2</sup> in floor area with 5 lineal metres of bench space plus adequate cupboard and pantry storage.

Facilities shall include:

- Oven with griller
- Cook top with at least four elements/burners and range hood with external exhaust
- Space above bench for microwave oven
- Dishwasher (minimum 3.5 Star energy rating and 4 Star water rating)
- Space for refrigerator and upright freezer
- A minimum of three double power outlets over benches (separate provision for microwave oven, fridge, freezer and dishwasher)

## **2.4 Bedrooms**

Minimum three and preferably four, all capable of accommodating two beds and a student's desk and with telephone outlet in main bedroom. Each bedroom to have two double power outlets and a built-in wardrobe not less than 550mm deep.

- Bedroom 1 – not less than 13m<sup>2</sup> area with 2 lineal metres of wardrobe
- Bedroom 2 – not less than 12m<sup>2</sup> area with 1.2 lineal metres of wardrobe
- Bedroom 3 – not less than 12m<sup>2</sup> area with 1.2 lineal metres of wardrobe
- Bedroom 4 – not less than 11m<sup>2</sup> area with 1.2 lineal metres of wardrobe

## **2.5 Bathroom**

Fitted with bath, shower cubicle (separate from bath), vanity cupboard with basin and mirror over, exhaust fan and some form of heating. Tile or suitably protected walls around shower and over bath and vanity basin.

## **2.6 Ensuite and WC**

Main bedroom must have an ensuite bathroom with shower, toilet and hand basin.



A separate toilet, preferably with hand basin must be provided for use of the family.

**2.7 Laundry**

Provide with trough and cabinet, storage cupboard for brooms, ironing board etc. and ensure sufficient space to erect ironing board. Cupboard mounted fold out ironing board is acceptable. Space for floor mounted washing machine (with hot and cold taps) and wall mounted dryer. Provide room with wall or ceiling mounted exhaust fan.

**2.8 Linen/storage cupboard**

With a minimum width of 1200mm and 450mm depth and located in family section of house.

**3. Heating**

Must be provided to all habitable rooms, but an efficient and economical form of heating must be provided to lounge, dining, family room and study/office.

**4. Cooling**

Provided to at least the family room and study/office. Air-conditioning systems must have a minimum 4 Star energy rating. Evaporative cooling systems may be adopted where the climate is conducive.

**5. Hot Water Service**

Preferred system is a solar storage hot water system (note 6 Star standard requirements below) located as close as possible to the connected outlets. Connect to all internal water points except toilet cisterns.

**6. Insulation/energy rating**

Energy rating of houses is governed by Building Code of Australia (BCA) requirements and the minimum requirement must be attained. 2014 requirement is for a 6 Star home as follows:

- A 6 Star standard applies to the thermal performance of a home, renovation or addition, plus the installation of a solar hot water system or a rainwater tank for toilet flushing.
- The 6 Star energy efficiency rating applies to the building envelope: the roof, walls, floor and windows.
- 6 Star requirements include efficiency standards for lighting, but not plug in appliances.

**7. Solar panels**

Consideration is to be given to installing solar panels for electrical generation. Establish applicable government rebates and energy concessions available at time of construction.

**8. Floor coverings**

Serviceable carpet must be provided in study/office, lounge, bedrooms, hallways and family room. Polished floor boards or similar may be substituted for carpet to some or all of these areas. Wet areas such as kitchen, bathroom, laundry, ensuite and toilet are to be provided with serviceable sheet type vinyl or floor tiles.

**9. Windows**

Quality windows must be provided with lockable sashes and durable finishes and fitted with curtains and/or blinds. Glass must be compliant with Australian Standards and energy efficient, low-E or double glazed.

**10. Light fittings**

Light fittings must be provided to all rooms and be low energy type, e.g., LED or fluorescent bulbs. External lighting must be provided to front entry and adjacent to all external doors.

**11. Garage or carport**

Preferably double, but must have provision for one covered car space. On-site parking for at least two cars must be provided.

**12. Rainwater tank**

Provision of a 5000 litre rainwater tank and pump connected to toilets and laundry is recommended (note 6 Star standard requirements above). External water taps must be provided at the front and rear of the manse property and be connected to the rainwater tank. These taps must change over to mains supply when tanks are empty.

**13. Garden storage**

Enclosed storage facility for garden equipment, tools, work bench and general storage of not less than 4.5m<sup>2</sup> area must be provided.

**14. Clothes line**

Provide clothes line in the form of rotary hoist (3 metre diameter), rectangular hoist (2.4m x 1.5m) or wall mounted folding unit (2.2m x 1.5m) as a minimum.

**B. UPGRADING EXISTING MANSE**

When altering or extending an existing manse to 50 per cent or more of the volume of the existing manse, the whole house needs to be brought up to 6 Star Standard. The building designer will be required to advise on the design options and the most cost effective requirements to achieve this as part of their submission to the Building and Property Committee.

## A Selection of Presbyterian Church of Victoria Job Descriptions

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6. Principal, Presbyterian Theological College
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8. Lecturer in New Testament Studies, PTC
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11. HCCC Pastoral Care Support Worker for Ministry Wives
12. HCCC Chaplaincy and Pastoral Care Coordinator
13. Researcher, Church and Nation Committee

## A. General Assembly appointments (Assembly Offices) under [Rule 5.19](#)



### ***1. Church Planter Evangelist***

#### **1. The appointee, among other things, shall:**

- a) be an ordained Presbyterian minister, and in good standing with his presbytery;
- b) have experience in planting churches;
- c) have a demonstrated capacity to explain the gospel to Australians and be able to call for a response to that gospel;
- d) be a prayerful man;
- e) if married, have a supportive family;
- f) have a proven capacity to develop and supervise team ministry;
- g) have a proven capacity to supervise, nurture and train SFE students from the Presbyterian Theological College.

#### **2. The appointee will be expected to engage in the following primary tasks:**

- a) to work in the area selected by the Church Planting Committee and under the supervision of this committee;
- b) to preach the gospel and gather those from whom the Lord calls to himself through that preaching into congregations of believers;
- c) to provide initial pastoral support for those congregations by himself or through suitably qualified members of his team, including a consultative role in appointing the initial Session;
- d) to determine, along with the committee, new areas for church plants;
- e) to recruit, along with the committee, assistant church planters and to assemble a team to work with him in church plants, consulting with the PTC SFE coordinator and the PCV Training Officer for the selection of suitable students to work on the church planting team;
- f) while having a seat on the presbytery in which he is working he will not accept any jobs in his presbytery; nor will he be a member of any assembly committee; nor have any teaching role at the PTC (though this latter can be reviewed after 3 years at the request of the TEC and then only in the field directly related to church planting).



## **2. Clerk of Assembly**

### **Role of the Clerk:**

1. The Clerk is the chief administrative officer of the Assembly.
2. The Clerk proactively seeks the peace and good government of the denomination.
3. The Clerk is the Convener of the Code and General Administration Committee; secretary of the Commission for Church Institutions and provides support to the Moderator of the General Assembly and presbytery moderators and clerks.
4. The Clerk is responsible for the scrutiny of presbytery and Assembly committee records (GAV 2015, min 112.7(b)).
5. The Clerk is responsible for church records management and the church archives (GAV 2015, min 112.8).
6. The Clerk is responsible for maintaining a Presbyterian Church of Victoria website (GAV 2014, min 66).
7. The Clerk is deemed to be the head of entity for the PCV for the purposes of the Reportable Conduct Scheme in Victoria (GAV 2017, min 96.13).
8. The Clerk liaises with the General Assembly of Australia and other state Assemblies.
9. The Clerk is the Church's second representative to the Victorian Church Leaders meeting.
10. In carrying out the above (1–9), the Clerk, where appropriate, exercises a pastoral responsibility towards the ministers and members of the denomination.

### **Specific Duties of the Clerk:**

1. As the chief administrative officer of the Assembly, the Clerk shall:
  - a) keep an accurate roll of Assembly;
  - b) receive, examine, record and report to the Assembly all documents, papers or communications addressed to it;
  - c) prepare the White Book;
  - d) attend all sittings of the Assembly;
  - e) keep a correct record of all proceedings of the Assembly;
  - f) prepare the minutes after each sitting of the Assembly, for publication;
  - g) notify the assumption of office by the Moderator to the Governor, State and Civic authorities, and such other public authorities as may be required;
  - h) be Clerk of the Commission of Assembly and the Committee of the Whole;
  - i) make such statutory declarations and affidavits as may from time to time be required by law;
  - j) 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;
  - k) see that the decisions of the Assembly are notified to presbyteries, committees and congregations concerned;
  - l) provide annual training of presbytery clerks and committee representatives in all relevant matters of the Code, and in meeting procedures in order to expedite the business of presbyteries and committees in an efficient and responsible manner;
  - m) teach church polity at PTC, Box Hill as required;
  - n) correspond with and supply information to all who require official information concerning the business of the Assembly;
  - o) make available to the press, radio and television, information concerning the church;
  - p) facilitate the flow of information through the Presbyterian Church of Victoria email network;
  - q) be responsible for the Presbyterian Church of Victoria archives (but the funding of them is to be by General Assembly decision on the recommendation of the Board of Investment and Finance);
  - r) inform the Registrar of Births, Deaths and Marriages of those to be registered under the Marriage Act as marriage celebrants and any changes to their status.

2. As Convener of the Code and General Administration Committee, the Clerk:
  - a) shall ensure the work of the committee is fulfilled according to its regulations;
  - b) shall in terms of [Rule 6.5.2\(f\)](#) provide advice to parties who wish to bring business to the court;
  - c) is the first point of contact by presbytery clerks, committee conveners, and others for interpretation and application of the Church Rules as set out in [Rule 5.12](#).
3. As responsible for church records management and the Church Archive, the Clerk:
  - a) shall arrange for the acquisition and care of church records from all organisations and courts of the church and individuals who may have material relating to it.
  - b) is responsible for:
    - i) the running of the Church Archive and the appointment and oversight of archive staff; and
    - ii) inquiries from within the church and from the general public relating to records and material contained in the Church Archive.
4. As responsible for the scrutiny of presbytery and Assembly committee records, the Clerk shall:
  - a) on behalf of the Assembly call annually for records of all presbyteries to be deposited at the office of the Clerk two weeks prior to the meetings of the General Assembly for scrutiny by the clerks of the presbyteries;
  - b) on behalf of the Assembly and on a regular basis call for and scrutinise the records of Assembly committees, boards and councils responsible directly to the Assembly;
  - c) report to the Assembly on the state of the church records with any necessary recommendations;
  - d) furnish to clerks and conveners a statement on the records submitted, indicating any omissions, irregularities and recommendations inscribed on the records themselves;
  - e) keep a permanent record of all comments on material matters inscribed in the records inspected.
5. The Clerk (along with the Deputy Clerk), in the first instance, provides assistance and guidance for members of the church, and for the church's courts and committees, in all matters of the rules, practice and procedure of the church (see [rule 5.12](#)).
6. In liaising with the General Assembly of Australia and other state Assemblies, the Clerk shall seek:
  - a) the good government of the Presbyterian Church of Australia;
  - b) the advancement of the Kingdom of God throughout the nation.

#### **Relationship with the Clerkship Committee**

The purpose of the Clerkship Committee is to provide pastoral and other support for the Clerk and to administer the Clerk's terms of settlement. Details of the Clerkship Committee's function are provided in the committee's regulations.

#### **Additional Matters concerning the Clerk in Relation to Outside Bodies (GAV 2007, min 95)**

1. The Clerk of Assembly is appointed as the second representative to the Victorian Heads of Churches.
2. The Clerk of Assembly and the Convener of the Church and Nation Committee are directed to consult with one another and the Moderator on upcoming business of Heads of Churches, including the possibility of adding new business to the Agenda of Heads of Churches.
3. The recognition that from time to time the Moderator, the Clerk and the Convener of the Church and Nation Committee will individually represent the church in communication with government, the media and other outside bodies on matters of social and ethical concern in accordance with the relevant clauses in the regulations of the Church and Nation Committee.
4. The Moderator, Clerk, Deputy Clerk and Convener of the Church and Nation Committee are requested to undertake periodic training in regard to the Church's relations with the Media and other outside bodies.



### **3. Officer, Ministry Development Committee (GAV May 2017, min 12.1)**

#### **1. Ministry Development Committee (MDC)**

The Ministry Development Committee in conjunction with the presbyteries is responsible to the General Assembly for the work of promoting the spiritual health of congregations within the church in the state of Victoria.

#### **2. Ministry Development Officer (MDO)**

The MDO is appointed by the General Assembly and is accountable to the MDC. The MDO is committed to working within the structures and procedures of the Presbyterian Church of Victoria and is committed to the policies and goals of the MDC.

#### **3. Attributes**

The successful applicant will display the following attributes:

- a) be a mature and humble disciple of the Lord Jesus Christ and prayerfully dependent on him;
- b) be committed to God's Word and faithfully applying God's Word to all areas of life and ministry;
- c) have a passion to see churches revitalised, healthy and growing spiritually and numerically;
- d) have good verbal, written and relational skills;
- e) be able to make wise decisions with grace;
- f) be self-motivated and well organised and able to handle challenging and complex situations;
- g) be prepared to undertake training in selected areas of ministry as approved by the MDC.

#### **4. Preferred Skills and Experience**

The MDO of the Presbyterian Church of Victoria shall be a person who:

- a) is an experienced minister of the Presbyterian Church of Australia;
- b) has experience in the revitalisation, spiritual health and growth of churches;
- c) has some experience in developing and implementing training programs relating to church spiritual health and revitalisation;
- d) has experience in evangelism and be able to train others in evangelism;
- e) has basic counselling and conflict resolution skills;
- f) has competency in church financial matters including budgeting and understanding basic financial documents.

#### **5. Role**

The Ministry Development Officer:

- a) provides oversight of the home mission program, including:
  - i) proactively identifying and recruiting potential home missionaries;
  - ii) training of home missionaries using the resources of the PTC and other training events where possible;
  - iii) visitation and assessment of home mission charges;
  - iv) in conjunction with presbyteries, identify priorities, and assist home mission charges to develop ministry strategies;
  - v) annually provide pastoral support, guidance and encouragement to home missionaries.
- b) provides assistance to existing pastoral charges and appointment charges through:
  - i) consultation for church extension;
  - ii) facilitating conflict resolution where needed;
  - iii) courses and training in revitalisation and evangelism.
- c) assists the MDC in aspects of policy development and implementation, and supervises the MDC office including:
  - i) directing the work of the MDC Office Administrator;
  - ii) responsibility for committee correspondence;
  - iii) the administration of grants;
  - iv) liaising with the PCV Office;

- v) oversight of committee records and an effective filing system.
- d) liaises and maintains good relationships with presbyteries and other Assembly committees:
  - i) on matters of strategy and areas of church extension;
  - ii) in the recruitment, development and support of district interim moderators and intentional interim ministers;
  - iii) by consulting, where necessary, with presbyteries and charges that have applied for grants and making recommendations to the MDC.
- e) advises on exit appointments including:
  - i) serving on the Exit Students Committee;
  - ii) assisting in the assessment of churches that would be suitable for an exit appointment;
  - iii) follow-up of all exit students in their new appointments.
- f) is available, if invited, to teach at the Presbyterian Theological College at the direction of the MDC.

**6. Accountability and Review**

- a) The MDO is directly accountable to the MDC and will work towards the goals of the MDC.
- b) The MDO will have an annual review by the committee to give valuable feedback to help in the performance and development of the role and to give appropriate advice and support.

**7. Terms of employment**

- a) 1.05 times minister's minimum remuneration package.
- b) Manse provided or manse allowance, to be reviewed annually.
- c) Agreed communication costs.
- d) Fully serviced vehicle with work related expenses, running costs or equivalent benefit.
- e) Manse energy up to \$2000 per annum, to be reviewed annually.
- f) Superannuation at the ministerial rate.
- g) Five weeks annual leave.
- h) One week study leave.
- i) Removal costs.
- j) Work Cover and minister's disability insurance.
- k) Long service leave according to provisions for ministers under the Maintenance of the Ministry Committee.
- l) Any other provision the Assembly may determine from time to time.
- m) The position is a full-time appointment.
- n) The appointment is for an initial period of 3 years terminable by 6 months' notice on either side.
- o) The appointment can be extended by further 5-year terms, with a satisfactory professional review before any reappointment. Any professional review panel or committee should include at least one person external to the MDC.





## **4. District Interim Moderator**

### **1. Preamble**

The ministry of district interim moderator is to address the inconsistent level of ordained ministry within vacant charges, especially those in remote country areas that have been vacant or without a minister for a considerable period of time. This will not only bring a more consistent ministry to vacant charges; it will also allow the ministers in the presbytery more time to concentrate on their own charges once relieved of interim moderator or moderator duties.

The Ministry Development Committee will advertise for and appoint a minister to be the district interim moderator for a particular district.

The Ministry Development Committee will then be responsible for providing the resources, including manse if need be, for the appointee along with remuneration and incidental expenses incurred in his role of interim moderator or moderator.

Presbyteries will have the same authority over and responsibility for district interim moderators with respect to their duties as interim moderators of pastoral charges and moderators of home mission charges that it presently has for interim moderators of vacant pastoral charges and moderators of home mission charges.

District interim moderators will be provided by the Ministry Development Committee for appointment by presbyteries to vacant charges after due consideration of requests by presbyteries for the provision of a suitable person.

The Ministry Development Committee will collect and coordinate the detailed time requirements for a district interim moderator for each charge within their sphere of responsibility.

The committee will then allocate and invoice the participating charges in proportion to the time the district interim moderator spends and the expenses he incurs in his ministry to each of them individually. If the receiving charge is unable to pay their portion of the assessment they may apply to the Ministry Development Committee for financial relief. For charges with known pre-existing needs for funding to participate in the district interim moderator program, they will be required to apply for subsidies under the present procedure.

### **2. Qualifications**

- a) Applicants are to be ministers ordained in the Presbyterian Church of Australia who can administer essential church oversight as mentioned in the duties of the district interim moderator to a number of charges as interim moderator or moderator.
- b) Applicants should have proven experience as a pastor and be available for extensive travel and overnight stays away from home.

### **3. Duties**

- a) The district interim moderator will be responsible to moderate vacant pastoral charges within a district for the time, or part thereof, that pastoral charge is vacant, or to moderate a home mission charge for the time approved by the presbytery.
- b) The district interim moderator will be responsible to the presbytery of jurisdiction over the vacant charge as a ministerial assessor presbyter, unless he is already a member of that presbytery.
- c) He will make regular reports to the presbytery as required by the rules of the church.
- d) the district interim moderator will perform all duties in the charge as required of an interim moderator by the rules of the church. However, his oversight may only be temporary as a pastoral charge under his leadership seeks a minister to fill the vacancy and a home mission charge hopes to become self-sustaining and therefore able to call a minister.
- e) Because his oversight is of several charges, the district interim moderator's prime task in each case is to perform the administrative and allied duties, moderate meetings of session and chair board meetings where the latter is necessary, lead in the Lord's Supper and attend to urgent pastoral matters.
- f) His general duties will include overseeing all preaching rosters, remaining in frequent telephone contact with elders to assure that he is aware of particular needs within the congregation.

- g) Although he will lead in the celebration of the Lord's Supper when time permits, the charges he moderates must not view him as a regular or frequent supply preacher. He will, as time permits, train the leadership of the congregation.
- h) He will be an active participant in helping each congregation under his oversight that has the right to call, to understand what qualities they are looking for and need in a minister, and oversee the selection and call process.
- i) The district interim moderator will also report regularly to the Ministry Development Committee through its officer with respect to the administration, support and financing of his office. The committee will also work with him in a consultative capacity when requested.



## **5. *Intentional Interim Minister***

### **1. Preamble**

The function of an intentional interim minister is to provide a specialised ministry for a pastoral charge through a time of vacancy. This is a time which is presently catered for by the traditional interim moderator who is appointed by the presbytery to oversee a vacant pastoral charge. As the appointed interim moderator usually has a full-time charge of his own and may also be an interim moderator or moderator of other charges, he may not be able to provide more than limited supervision of the worship, leadership and pastoral care.

Occasionally a vacancy proves to be a healthy option rather than expeditiously calling a new minister. A vacancy provides an opportunity for people to personally grow into new areas of leadership where these opportunities may not have existed before. If a charge is healthy, if they have visionary biblically based leadership and can maintain and grow a vision of ministry during a vacancy, an intentional interim moderator is not necessary.

However, when a charge moves from one minister to another it is often a time for reflection on the chapter of its history just concluded and a prayerful seeking for future direction of ministry. This may be hindered by unresolved issues, conflicts or difficulties which have arisen during the previous ministry. The role of the intentional interim minister is to intentionally deal with these before the selection process for a new pastor is commenced. Secondly, it is to bring a fresh vision of ministry and a strategy to accomplish this vision. Often a charge, without external encouragement and tutorage, cannot re-assess, change and move forward without assistance. At the least, this new vision and encouragement can enhance the speed and efficacy of the revitalisation.

### **2. Qualifications**

Intentional interim ministers shall be:

- a) ministers of the Presbyterian Church of Australia, preferably with at least 5 years' experience in ministry in pastoral charges;
- b) able to demonstrate proven skills in serving what may be a charge under stress;
- c) experienced and trained in conflict resolution or be prepared to undertake training in this area;
- d) able to accept living in temporary accommodation and to cope with short term appointments;
- e) able to accept that the position of intentional interim minister is occasional when need arises, and is not necessarily an ongoing appointment.

### **3. Duties**

- a) the intentional interim minister will be responsible to the presbytery that appointed him, having the same rights and responsibilities as expressed in the rules of the church as applying to interim moderators;
- b) on appointment the intentional interim minister will lead the congregation in exploring the history, decision-making, denominational relationships, and core identity of the charge before initiating the procedure for filling the vacancy as required of an interim-moderator under the rules of the church;
- c) progress is reportable to the Ministry Development Committee through the presbytery;
- d) after satisfactorily working through all the issues mentioned in the above sub-clause, and having reported this to the presbytery, the intentional interim moderator may then encourage the charge to resume the normal procedures for filling the vacancy.

### **4. Conditions of Employment**

- a) the salary package will ordinarily be 120% of the minimum remuneration for ministers as declared from time to time by the Assembly (unless otherwise negotiated), which will be paid by the charge in which the intentional interim minister serves;
- b) the intentional interim minister will not be available for a call to any church he serves until a period of three years has passed after his departure, except with the consent of the presbytery and the Ministry Development Committee;

- c) the intentional interim minister will be a member of the presbytery in which the charge is located if he meets one or more of the qualifications of [rule 4.3](#), with the same responsibilities and privileges as a called or appointed minister;
- d) the intentional interim minister's remuneration and other costs (such as removal expenses, manse energy allowance etc.) and conditions of employment will be the responsibility of the board of the charge to which he is appointed (as for a called or appointed minister);
- e) the intentional interim minister will serve exclusively in the one charge for a period of up to two years. (Only in the most extraordinary circumstances will an appointment exceed a second year). Ninety (90) days' notice from either minister or charge to the presbytery is required for termination of the appointment by the presbytery in consultation with the Ministry Development Committee.



## **6. Principal, Presbyterian Theological College**

### **1. Position Summary**

The Presbyterian Theological College [PTC], the ministry training college of the Presbyterian Church of Victoria, is seeking a new principal. The PTC is a reformed and evangelical institution which has a vital role in developing, disseminating and supporting faithful gospel ministry in Melbourne, regional Victoria and beyond in the coming years. The Assembly, through the Theological Education Committee [TEC], the body entrusted with the oversight of the college by the Victorian Assembly, is looking for a faithful Christian, academically able and with experience in pastoral ministry, who can give direction to the development of the college, be a model of integrity and faithful Bible teaching to the students, support and encourage the work of his colleagues, and encourage the work of the gospel in charges throughout the State. The Assembly believes that the college is in a unique position to have a significant role in promoting the work of the gospel in the State of Victoria both within and beyond the bounds of the denomination and is looking for a person of energy and determination who can see the opportunities and lead the college in making its contribution through the training of faithful gospel ministers.

### **2. Responsibilities**

- i) The principal is responsible for the day-to-day work of the college, co-ordinating the delivery of high quality courses to prepare men and women for gospel ministry in the Presbyterian Church of Victoria and beyond. As such the principal must
  - Give academic, educational and pastoral leadership to the Faculty, encouraging them in the fulfilment of their own teaching, pastoral and research responsibilities.
  - Oversee the administration of the college.
  - Set an example in life and ministry to the students and be responsible for their pastoral support while they study.
  - Maintain the well-being of the college community.
  - Be involved in and represent the college's interests in the life of the Presbyterian Church of Victoria.

These tasks will involve teaching in his own discipline, presiding at faculty meetings, participation in Australian College of Theology meetings, interviewing new students and meeting with continuing students, participation in presbytery and Assembly, having a seat on the TEC, supervision of office staff, meeting with relevant student bodies, and having awareness of the financial management of the college.
- ii) The principal is responsible for giving direction to the development of the college. The principal will need to engage in:
  - Considering the need for innovation in the delivery of the college's courses.
  - Anticipating regulatory requirements.
  - Giving guidance to the TEC in relation to the resources needed to maintain and develop the college property.
  - Consideration of further opportunities for gospel ministry and anticipated needs for gospel ministers in the PCV and wider Victorian community.
- iii) The principal is responsible for promoting the college in the denomination and beyond. As such the principal will be involved, where invited, in preaching in Presbyterian congregations throughout the state, in speaking to university groups, and taking part in appropriate interdenominational meetings.

### **3. Attributes**

- Able to meet the qualifications of an elder as described in 1 Timothy 3 and Titus 1, i.e. demonstrating a mature Christian character.
- Prayerful.
- Fully committed to the Bible as the Word of God written.
- A capacity to communicate a clear vision and translate his vision into a program of implementation.
- Ability to relate to people of diverse cultural backgrounds.

**4. Selection Criteria - Qualifications Essential**

- Qualified in one of the major theological disciplines at Research Masters level or above.
- A minister in full standing with the Presbyterian Church of Australia or willing to satisfy the requirements of the rules of the General Assembly of Australia relative to the reception of ministers from other churches.
- Pastoral experience

**5. Achievements and Capabilities**

- Demonstrated ability to lead teaching and learning in his discipline, with experience in curriculum design and assessment.
- Educational qualifications or experience with an awareness of different modes of delivery of courses.
- Demonstrated innovation and creativity in the fields of communication or education.
- Understanding of the Australian Higher Educational context, especially of the expectations of the Australian College of Theology.
- A doctorate in his field.
- An ability to sustain a public platform ministry.
- Involvement in discipling and training others in ministry skills.
- Demonstrated capacity to work in and with a team.
- Administrative experience with an ability to coordinate day to day operations of an educational institution.
- Experience in the activities of presbytery and Assembly.



## **7. Lecturer in Old Testament Studies, PTC**

### **1. Position Summary**

The Presbyterian Theological College ('PTC'), the ministry training college of The Presbyterian Church of Victoria, is seeking a lecturer in Old Testament Studies. The PTC is a reformed and evangelical institution which has a vital role in developing, disseminating and supporting faithful gospel ministry in Melbourne, regional Victoria and beyond. The Assembly, through the Theological Education Committee ('TEC'), the body entrusted with the oversight of the college by the Victorian Assembly, is looking for a faithful Christian, academically able in the disciplines of Hebrew and Old Testament studies and with experience in pastoral ministry, who can help students understand the Old Testament in its context, locate its teaching in the flow of biblical theology to fulfilment in Christ, and preach it today as God's Word. A lecturer at the PTC will also have a role as a theological resource to his brothers in parish ministry.

### **2. Responsibilities**

The lecturer in Old Testament will be responsible, under the Principal of the PTC, for delivery of lectures in the area of Old Testament studies and Hebrew language, teaching principally the Old Testament courses of the Australian College of Theology.

A lecturer must

- Set an example in life and ministry to the students.
- Contribute to the well-being of the college community.
- Be involved in and represent the college's interests in the life of The Presbyterian Church of Victoria.
- Undertake administrative tasks delegated by the Principal.
- Stay abreast of educational developments and be willing to be innovative in the delivery of his courses and in their assessment.

These tasks will involve attendance at faculty meetings, participation in Australian College of Theology meetings in his area, and participation in Presbytery and Assembly.

### **3. Attributes**

- Able to meet the qualifications of an elder as described in 1 Timothy 3 and Titus 1, i.e. demonstrating a mature Christian character.
- Prayerful.
- Fully committed to the Bible as the Word of God.
- A capacity to communicate clearly.
- Ability to relate to people of diverse cultural backgrounds.

### **4. Qualifications**

#### **Essential**

- Qualified in Old Testament at Research Masters level or above.
- A minister in full standing with the Presbyterian church of Australia or willing to satisfy the requirements of the rules of the General Assembly of Australia relative to the reception of ministers from other churches.
- Pastoral experience.
- A wholehearted commitment to the Westminster Confession of Faith as a systematic exposition of the teaching of Scripture.

#### **Achievements and Capabilities**

- Demonstrated ability to teach in his discipline, ideally with some experience in curriculum design and assessment.
- Educational experience with an awareness of different modes of delivery of courses.
- Understanding of the Australian Higher Educational context, especially of the expectations of the Australian College of Theology.
- Involvement in discipling and training others in ministry skills.
- Demonstrated capacity to work in a team.

- Experience in the activities of presbytery and Assembly.
- Administrative experience with an ability to share in the administrative work of a tertiary institution.





## **8. Lecturer in New Testament Studies, PTC**

### **1. Position Summary**

The Presbyterian Theological College (PTC), the ministry training college of the Presbyterian Church of Victoria, is seeking a lecturer in New Testament Studies. The PTC is a reformed and evangelical institution which has a vital role in developing, disseminating and supporting faithful gospel ministry in Melbourne, regional Victoria and beyond. The Assembly, through the Theological Education Committee (TEC), the body entrusted with the oversight of the college by the Victorian Assembly, is looking for a faithful Christian, academically able in the disciplines of Greek and New Testament studies and with experience in pastoral ministry, who can help students understand the New Testament and preach it today as God's Word. A lecturer at the PTC will also have a role as a theological resource to his brothers in parish ministry.

### **2. Responsibilities**

The lecturer in New Testament will be responsible, under the Principal of the PTC, for delivery of lectures in the area of New Testament studies and New Testament Greek, teaching principally the Greek and New Testament courses of the ACT.

A lecturer must

- Set an example in life and ministry to the students.
- Contribute to the well-being of the college community.
- Be involved in and represent the college's interests in the life of the Presbyterian Church of Victoria.
- Undertake administrative tasks delegated by the Principal.
- Stay abreast of educational developments and be willing to be innovative in the delivery of his courses and in their assessment.

These tasks will involve attendance at faculty meetings, participation in Australian College of Theology meetings in his area, and participation in presbytery and Assembly.

### **3. Attributes**

- Able to meet the qualifications of an Elder as described in 1 Timothy 3 and Titus 1, i.e. demonstrating a mature Christian character.
- Prayerful.
- Fully committed to the Bible as the inerrant Word of God.
- A capacity to communicate clearly.
- Ability to relate to people of diverse cultural backgrounds.

### **4. Qualifications**

#### **Essential**

- Qualified in New Testament at Research Masters level or above.
- Ideally already possessing or working toward a doctorate and be interested in writing journal articles and/or books
- A minister in full standing with the Presbyterian Church of Australia or willing to satisfy the requirements of the rules of the General Assembly of Australia relative to the reception of ministers from other churches.
- Pastoral experience.
- A wholehearted commitment to the Westminster Confession of Faith, as read in the light of the Declaratory Statement of 1901, as a systematic exposition of the teaching of Scripture.

#### **Achievements and Capabilities**

- Demonstrated ability to teach in his discipline, ideally with some experience in curriculum design and assessment.
- Educational experience with an awareness of different modes of delivery of courses.
- Understanding of the Australian higher educational context, especially of the expectations of the Australian College of Theology.
- Involvement in discipling and training others in ministry skills.
- Demonstrated capacity to work in a team.

- Experience in the activities of presbytery and Assembly.
- Availability to preach at weekends and represent the college, as well as teaching evening classes.
- Administrative experience with an ability to share in the administrative work of a tertiary institution.



## **9. CENC Youth Ministries Director**

### **1. Preamble:**

In a desire to fulfil the intent of the Allan Bequest as revealed in Section 6, and recognising the different era we are in compared to the wording of the Allan Bequest, the CENC Youth Ministries Director will work to develop a 'native ministry' in the youth ministries of the PCV.

### **2. Position Purpose:**

To assist, encourage and equip those in the ministry and religious education youth within the PCV in the discharge of their duties.

### **3. General Responsibilities:**

The general responsibilities are outlined here in three broad categories:

- a) Encouraging the development of youth work in local congregations through:
  - (i) Participating in regional training events for youth leaders and parents of teenagers;
  - (ii) Speaking at regional youth camps and events; and
  - (iii) Developing new initiatives at the direction of the PYV Council. This may include accepting invitations to work with particular congregations.
  - (iv) Developing a planned teaching curriculum for all PYV events in line with the expectations and results of sections 8.2 and 14.2-10 of the Allan Bequest.
- b) Seek to maintain the quantity, while improving the quality, of state level youth ministry by:
  - (i) Overseeing the strategic direction of PYV's camping ministry
  - (ii) Addressing the pastoral needs of key PYV leaders.
  - (iii) Participating with Youth-METRO in teaching and training leaders for ministry, including SURGE conferences.
- c) Recruiting and developing PYV leaders by:
  - (i) Speaking with prospective new leaders about opportunities for training and ministry;
  - (ii) Coordinating pre-camp training;
  - (iii) Speaking with local church leaders in relation to the involvement of their youth in leadership; and
  - (iv) Working with camp conveners to recruit leaders to fill required job descriptions.

### **4. Working Relationships:**

- a) CENC reports to the General Assembly.
- b) CENC representatives together with up to 10 elected Councillors make up the PYV Council, of which the CENC representatives report to the CENC.
- c) The Youth Ministries Director is ultimately answerable to the CENC, but makes monthly reports to PYV Council for normal operations. One of the CENC representatives on PYV Council is particularly set aside to pastorally care for the Youth Ministries Director between meetings. If the Youth Ministries Director is dissatisfied with a PYV decision, he may appeal to his CENC representative who may take up the matter with the PYV Council or the CENC.
- d) The Youth Ministries Director will initially be reviewed at the end of a 6-month probationary period and give semi-annual reports to an Review Panel consisting of delegates from both CENC and PYV Council. This Review Panel should first handle any complaint against the youth Ministries Director.
- e) The Operations Manager works in cooperation with the Youth Ministries Director.
- f) Camp and event conveners report to the Operations manager.
- g) Camp and event leaders report to conveners.



## 10. PCV Training Officer

### 1. Qualifications:

The Training Officer of the Presbyterian Church of Victoria shall be a person who is:

- a) Theologically qualified.
- b) In full agreement with the standards of the Presbyterian Church of Australia.
- c) Committed to working within the structures and procedures of the Presbyterian Church of Victoria.
- d) Experienced in mentoring others within local church and/or university environment.
- e) Familiar with the training principles of MTS.
- f) Self-motivated and well organised.
- g) Willing to travel to various parts of the state (as required).
- h) Experienced in developing and implementing training programs.

### 2. The Training Officer shall be responsible to:

- a) Work under the supervision of the Theological Education Committee.
- b) Be directly responsible to the Principal of the Presbyterian Theological College.

### 3. The Training Officer shall be responsible for:

- a) Training disciple makers:
  - i) Develop training programs for local church leaders.
  - ii) Provide disciple training for local congregations.
- b) Challenge to ministry:
  - Challenge potential ministry candidates to consider going to the ministry.
- c) Ministry Traineeships:
  - i) Continue to develop METRO.
  - ii) Identify and train ministry candidates before college.
  - iii) Train people not involved in METRO before entering college.
- d) Theological College:
  - i) Train ministry candidates to be trainers.
  - ii) Be available to oversee and develop the S.F.E. program at the principal's request.
- e) Training Pastors:
  - i) Mentor by mutual agreement ministry candidates for the first two years after college.
  - ii) Mentor ministers by mutual agreement as trainers in their local church context.
  - iii) Assist ministers who are working with trainees.
  - iv) Seek to liaise with the other committees of the PCV engaged in training to discuss areas of mutual cooperation.

### 4. Terms of employment: (cf. GAV 2007 Blue Book, minute 66.9-10)

- a) 1.05 times minister's minimum remuneration package.
- b) Payment of additional NCB for work-related travel exceeding 6000 km at the Assembly rate.
- c) Manse provided or manse allowance.
- d) Telephone rental plus all calls.
- e) Manse energy.
- f) Superannuation at the ministerial rate.
- g) Five weeks annual leave.
- h) One week study leave.
- i) Removal costs.
- j) Work Cover and minister's disability insurance.
- k) Long service leave according to provisions for ministers under Maintenance of Ministry Committee regulation 21.
- l) Any other provision the Assembly may determine from time to time.

- m) The position is a full-time appointment.
- n) The appointment is for an initial period of three years terminable by six months' notice on either side.
- o) Following a satisfactory professional review the appointment shall be for a further seven years with major reviews after three and five years terminable by six months' notice on either side.

## B. Committee Staff appointments under [Rule 5.32](#)



### ***11. HCCC Pastoral Care Support Worker for Ministry Wives***

#### **1. Objective**

To provide pastoral care and support services to the wives of ministers and Home Missionaries (hereafter referred to as 'ministry wives') within the Presbyterian Church of Victoria.

#### **2. Employer**

The Health and Community Chaplaincy Committee ('HCCC').

#### **3. Terms and Conditions**

The position will be advertised as a full-time appointment but may be made available as two part-time positions depending on the availability of suitable applicants.

Applicants should be a member in good standing of the Presbyterian Church of Victoria with a basic understanding of Presbyterian polity and practice. To avoid conflicts of interest, it is desirable that the appointee would not be the wife of a currently serving minister or home missionary within the PCV.

#### **4. Accountability and Reporting**

The Pastoral Support Worker ('PSW') will be responsible to the Convener of the HCCC and will report in person twice annually to the committee regarding the development of the role during the year.

The PSW will be subject to an annual performance review by a sub-committee appointed by the Convener, which may include representatives from the wider church.

Any matters relating to wider church accountability for the PSW e.g. from Presbyteries or committees will be received by the Convener of the HCCC and directed to/discussed with the PSW.

#### **5. Position Pre-requisites**

- a) Relevant qualifications in theology, pastoral care and/or counselling.
- b) Documentary evidence of effective ministry among women.
- c) Ability to build and maintain relationships amongst individuals and diverse groups within the Presbyterian Church.
- d) Demonstrated Christian maturity and a clear understanding of the need for sensitivity, discretion and the protection of privacy for ministry spouses at all times, in ministering to their needs.
- e) The ability to interpret and appropriately respond to the needs of diverse parties within the pastoral relationship, the ministry family and wider ministry relationships (e.g. church and presbytery).
- f) Friendly, caring, empathetic and approachable.
- g) Well organised and able to work independently.
- h) Free to travel as required into country regions in Victoria (occasional overnight stays) and across Melbourne. Own car is desirable. An accommodation and travel allowance will be provided.
- i) Competence and experience in organising seminars and functions.
- j) Basic understanding of computerised data-bases, mail merge and email.
- k) Good spiritual, physical and mental health and stamina.
- l) The ability to establish and maintain appropriate boundaries in relationships with ministry wives.

#### **6. Mandatory Competencies (Key Performance Indicators)**

Applicants will be assessed, appointed and regularly reviewed on the basis of mandatory competency in six key areas.

- a) Personal and Spiritual Suitability.

- b) Christian maturity and experience.
- c) Commitment to biblical truth and practice in line with the Westminster Confession of Faith.
- d) Suitable gifts and temperament – demonstrated gifts of prayerfulness, communication, discretion, and sensitivity.
- e) Concern for and empathy with ministry wives and an understanding of the specific physical, spiritual and emotional issues related to ministry life.
- f) Physical and mental health and stamina.
- g) Ability to set and maintain appropriate boundaries in pastoral care relationships.
- h) A healthy commitment to self-care.
- i) Willingness to undertake regular supervision with appropriately qualified professional.

## 7. Specialist Knowledge

- a) Basic understanding of Presbyterian polity and practice, or willingness to learn.
- b) Experience in Christian ministry and an understanding of ministry lifestyle and pressures.
- c) Theological/pastoral care qualifications relevant to pastoral support.
- d) Experience in ministering to the sick and grieving.
- e) Up to date knowledge of developments in and availability of appropriate resources for Christian counselling, marriage and family therapy.

## 8. Technical Skills and Application

- a) Counselling skills relevant to sensitive and active listening.
- b) The ability to negotiate and establish *pastoral* relationships rather than *therapeutic* counselling relationships with ministry wives.
- c) Telephone, letter writing and other personal contact skills.
- d) Skills in event planning, organisation and delivery.
- e) Resourcefulness for others – able to determine what resources and support links are available and access/develop them on behalf of ministry wives.
- f) Networking skills.

## 9. Record Keeping and Administration

- a) Able to develop access and maintain up to date records of contact details for ministry wives and families.
- b) Able to develop and manage an annual calendar of events, visitations, including General Assembly, ministers family camp for visitation and support purposes and profile raising.
- c) Preparations for mail-outs, flyers, newsletters etc..
- d) Twice annual reports to the HCCC and regular reporting to the convener.

## 10. Team Work and Communication

- a) The development of a strong working relationship with the convener of HCCC and committee members and job-share partners if relevant.
- b) Commitment to maintaining healthy communication and relationships with wider church bodies including presbyteries and PCV committees.
- c) The development of a network of 'Volunteer Helpers' – designated current and past serving ministers wives who may be able to assist with the delivery of support services at a presbytery level.

## 11. Ongoing personal and professional development

- a) Willingness to undertake regular professional supervision (paid for and authorised by HCCC).
- b) Attendance as a participant at pastoral care and other professionally relevant conferences and seminars (at HCCC's expense and subject to convener's approval).
- c) Regular attendance at worship and a commitment to an active church life and Christian fellowship within the Presbyterian church.



## **12. HCCC Chaplaincy and Pastoral Care Coordinator**

### **1. Job Title**

Chaplaincy and Pastoral Care Coordinator Health and Community Chaplaincy Committee PCV.

### **2. Reporting to**

The Convener, HCCC and the committee.

### **3. Tasks**

- a) PCV/HCCC employees
  - i) Oversight, administration and communications with workers and their supervisors; regular prayer time for workplace and employee needs.
  - ii) Negotiation and updating of job descriptions/employment details/workplace agreements, reappointment procedures
  - iii) Relationship management and conflict resolution with institutional senior executives and line managers.
- b) Oversight of Voluntary Visiting Chaplains
  - i) Oversight, administration, information and resourcing for PCV volunteer visiting hospital chaplains.
  - ii) Oversight, administration, information and resourcing for PCV police and fire chaplains, prison chaplains, PCV linked public school chaplains and sports chaplains.
- c) Annual PCV HCCC Good Friday Appeal and Chaplaincy Awareness Month
  - i) Administration of annual Good Friday Appeal – advertising, information and mail out/communications.
  - ii) Administration of PCV Chaplaincy Awareness month – coordination of profile raising activities and communications.
- d) Liaison with External Chaplaincy Providers
  - i) Tertiary Chaplains ('AFES') - Executive of Tertiary Chaplains Sub-Committee, oversight, administration, communications.
  - ii) ACCESS ministries (Public schools chaplaincy/training and CRE).
  - iii) NALAG (National Association of Loss and Grief) – chaplaincy training.
  - iv) Victoria Police and Converge International (Police and Fire Chaplaincy).
  - v) ASPEA/Clinical Pastoral Education ('CPE') – training providers for hospital chaplaincy.
  - vi) Sports Chaplaincy Australia – Sports Chaplaincy.
  - vii) Prison Fellowship – Prison Chaplaincy.
- e) Health Care Chaplaincy Council of Victoria ('HCCVI')
  - i) PCV Representative on State Peak body for Health Care Chaplaincy (attendance at meetings/executive involvement and interdenominational project work).
  - ii) Relationship management and networking with heads of chaplaincy in other denominations.
- f) Training and Development of Chaplains
  - i) Remaining up to date with chaplaincy accreditation procedures in all fields.
  - ii) Distribution of relevant training information to chaplains in a timely manner.
  - iii) Liaison with PTC faculty/TEC regarding course development for educational and health chaplaincy training through the PCV from 2010 and beyond.
  - iv) Recruitment enquiries, talks to relevant groups, communications, advertising and distribution of information regarding training and employment opportunities.



- g) Pastoral Care of PCV Ministry families
  - i) Oversight of pastoral care activities for ministry families:
  - ii) Pastoral support worker
  - iii) Annual ministry family camp
  - iv) Pastors renewal retreats
  - v) Distribution of relevant information and resources.
  - vi) Distribution of counselling information and professional development opportunities related to pastoral care for PCV ministers.
  
- h) Emergency/Disaster Response Chaplaincy
  - i) PCV Representative on Victorian Council of Churches Emergency/Disaster Response Chaplaincy working Group.
  - ii) Co-ordination/distribution of relevant information to PCV ministers.
  - iii) Scheduling/rostering of PCV trained chaplains for emergency response duties in the event of a declared Victorian state emergency.
  
- i) Committee Tasks
  - i) Regular reporting/liaison with HCCC Convener and secretary – agenda and meeting preparation as necessary (including correspondence, records and PCV office liaison).
  - ii) Authorisation of regular expenses (to a pre-determined limit as per HCCC).
  - iii) Committee communications – information/consultation and prayer requests.
  - iv) Budget preparations/consultations with HCCC Convener and committee General Management and Board of Investment and Finance as necessary.
  - v) Attend HCCC meetings and report as requested on the committee's ongoing chaplaincy work
  
- j) Qualifications/Experience/Personal Qualities:
  - i) Qualifications in both business and theological studies would be well regarded. Studies in Clinical Pastoral Education (CPE) would be considered valuable.
  - ii) Excellent communication skills and ability to form and manage relationships both denominationally and externally across a range of fields.
  - iii) Ability to work inter-denominationally and maintain a balance which reflects both Presbyterian particularity and integrity and also a willingness to engage with clergy and chaplains of other denominations.
  - iv) An understanding of the 'multi faith' orientation of Victorian Hospital Chaplaincy.
  - v) Strong interest in training and development of chaplaincy workers.
  - vi) Organised, flexible and excellent administration skills.
  - vii) Owns and accepts the Westminster Confession of Faith, as amended by the General Assembly, read in the light of the Declaratory Statement contained in the Basis of Union adopted by the Presbyterian Church of Australia on 24<sup>th</sup> of July, 1901, as an exhibition of the sense in which he/she understands the Holy Scriptures and is a confession of his/her faith.



### ***13. Researcher, Church and Nation Committee***

#### **Researcher Position Description**

The purpose of the position of Researcher is to assist the Church and Nation Committee in its duties as outlined in the Code:

- a) consider all matters referred to it by the Assembly and take appropriate action;
- b) keep under critical surveillance contemporary trends, movements and controversial issues in public life;
- c) select for special study, in the light of the church's standards, such of these as may require the General Assembly:
  - i. to issue special guidance to the church as a whole;
  - ii. to acquaint the Government or other relevant authorities of the church's attitude and the revealed will of God on such matters;
- d) report annually to the General Assembly the findings of such studies with recommendations as to appropriate action;
- e) take appropriate action on behalf of the church on urgent matters of public and Christian concern emerging between meetings of the General Assembly;
- f) advise and assist the Moderator in composing and issuing pastoral letters and public statements other than those authorised by the Assembly.

#### **Work Environment**

The Researcher shall work from office space negotiated between the Committee and the Researcher, though some travel will be necessary. Office costs will be covered by the committee up to \$2,500 pa.

#### **Primary Responsibilities and Duties of The Position**

- Researching matters and or concerns (political, biomedical, family and ethical issues) as directed by the committee.
- Reading and preparing papers and or briefs to assist the committee with submissions.
- Assist in preparing reports or papers for the committee and Assembly.
- Assisting the committee and the convener, which may include attending conferences, tribunals or parliament on their behalf.
- Monitoring matters that arise at the Church-State interface.

#### **Criteria of The Position**

- Familiar with and sympathetic to Reformed theology and the ethos of the Presbyterian Church of Victoria.
- Tertiary educated with an ability to communicate in clear, concise and grammatically-correct English.
- Familiarity with biomedical, family and ethical issues.
- Ability and willingness to travel when necessary.
- Ability to be self-directed, highly motivated and work diligently with minimal supervision.

#### **Reporting Arrangements**

The Researcher shall report monthly to the Church and Nation Committee through its convener.

#### **Remuneration**

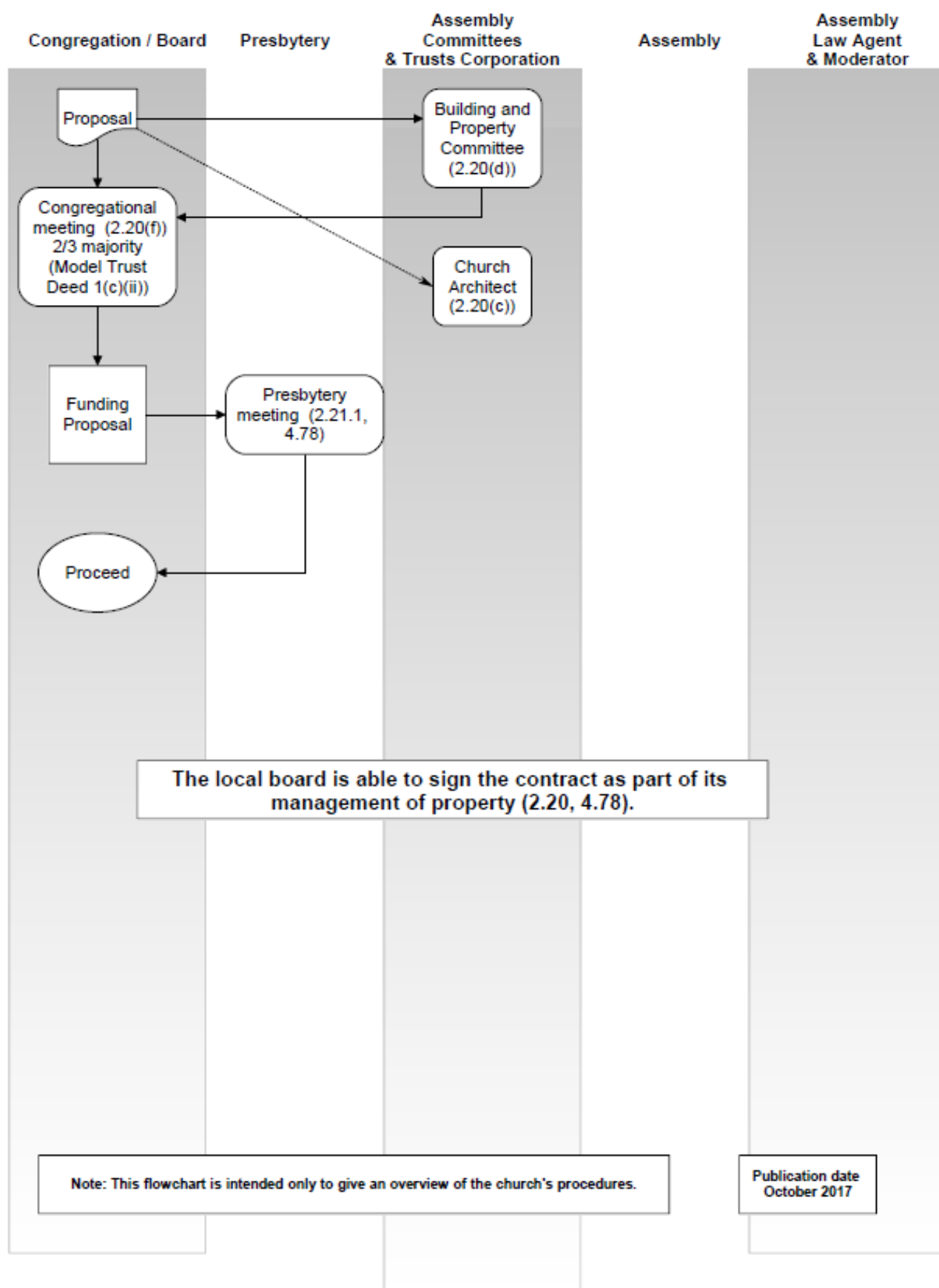
The position is 15 hours per week and regulated by a PCV Trusts Corporation Employment Agreement, reviewed annually, and terms varied accordingly. Travel and associated costs are covered by committee funds.

## Flowcharts of Church Procedures

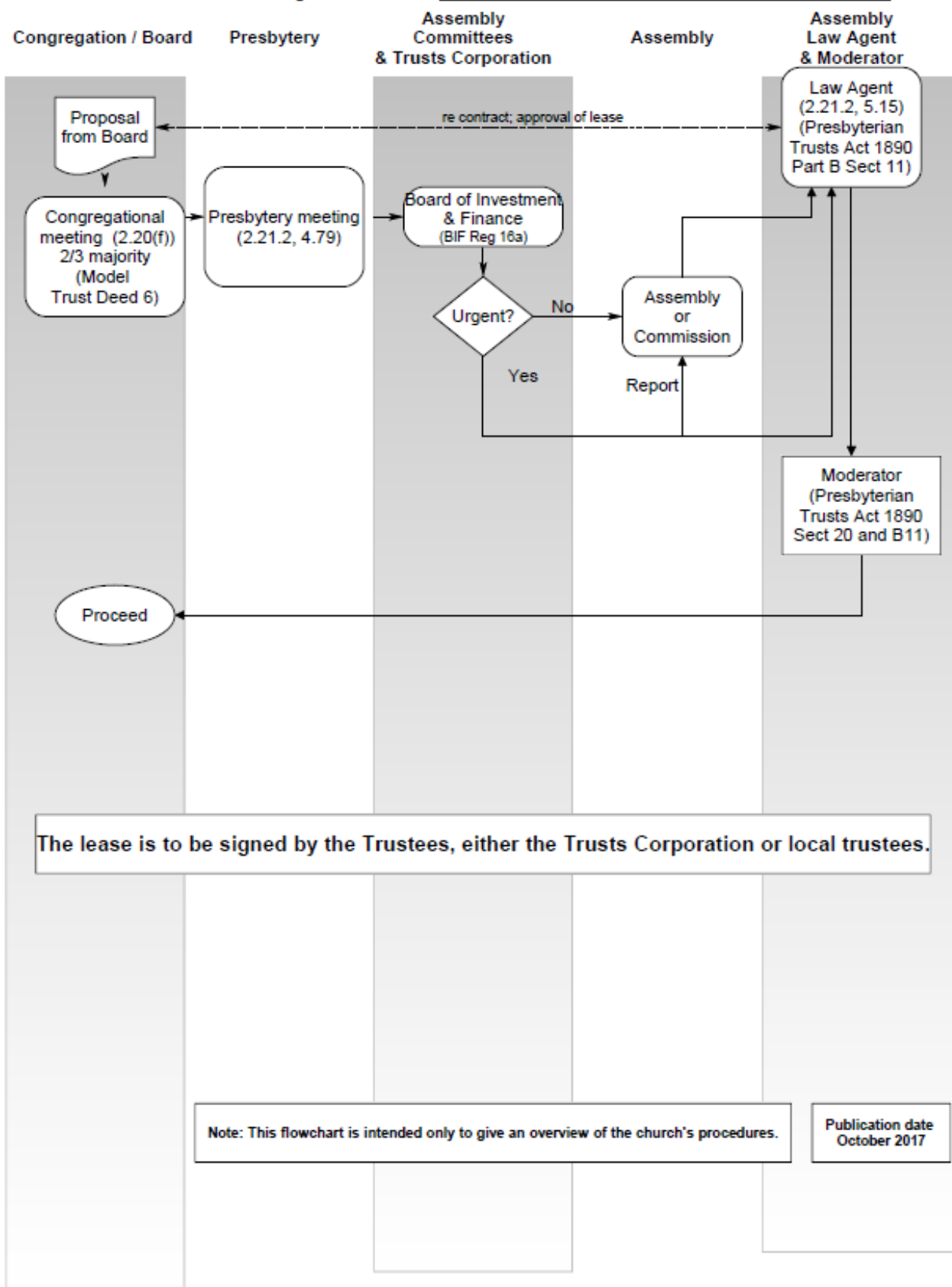
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1. Erect, extend or alter buildings
2. Lease of church property to a third party
3. Removal or demolition of any building
4. Sale of property
5. Purchase of property
6. Application for candidacy

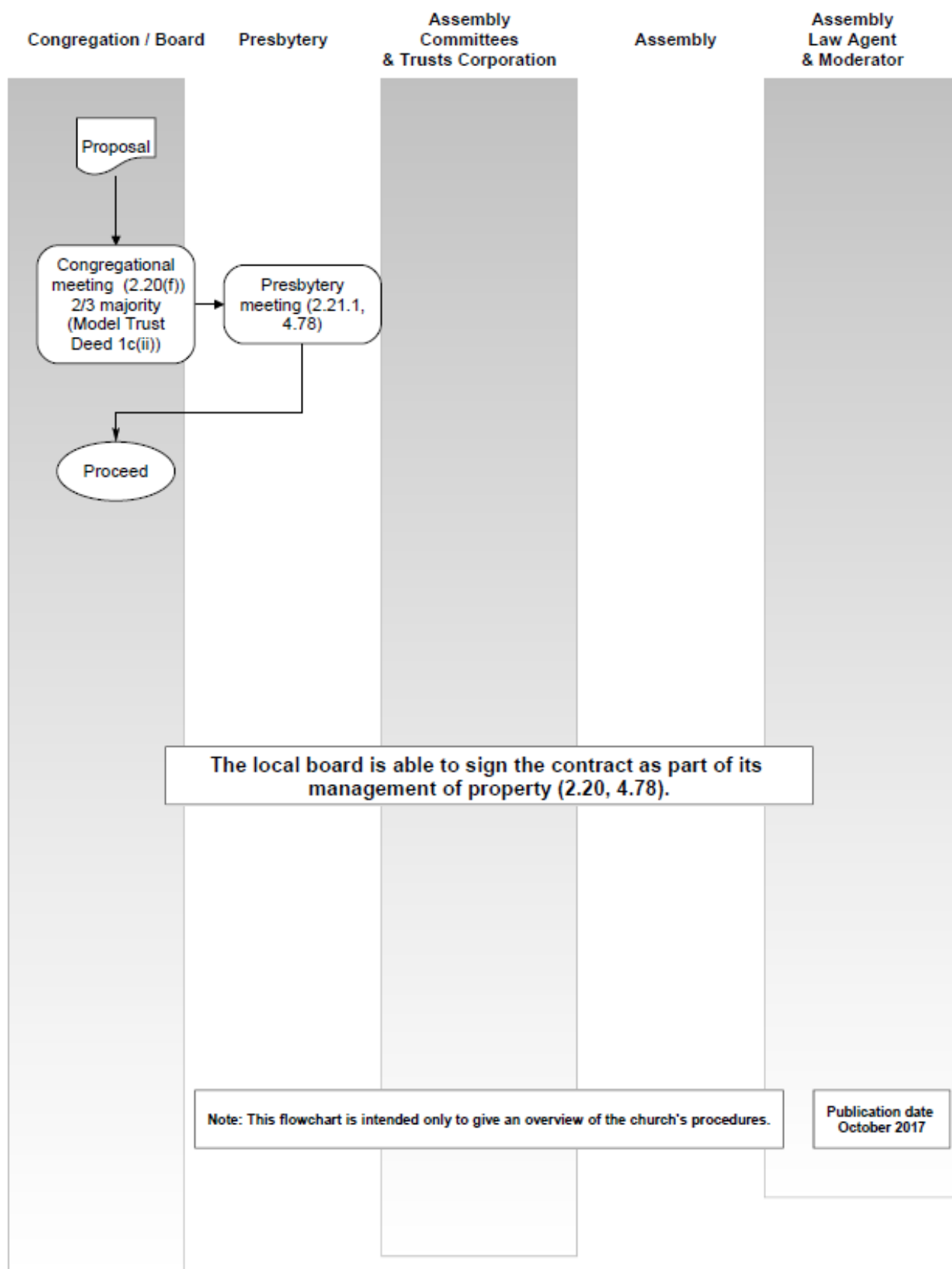
### Flowchart of church procedures - Erect, Extend or Alter Buildings

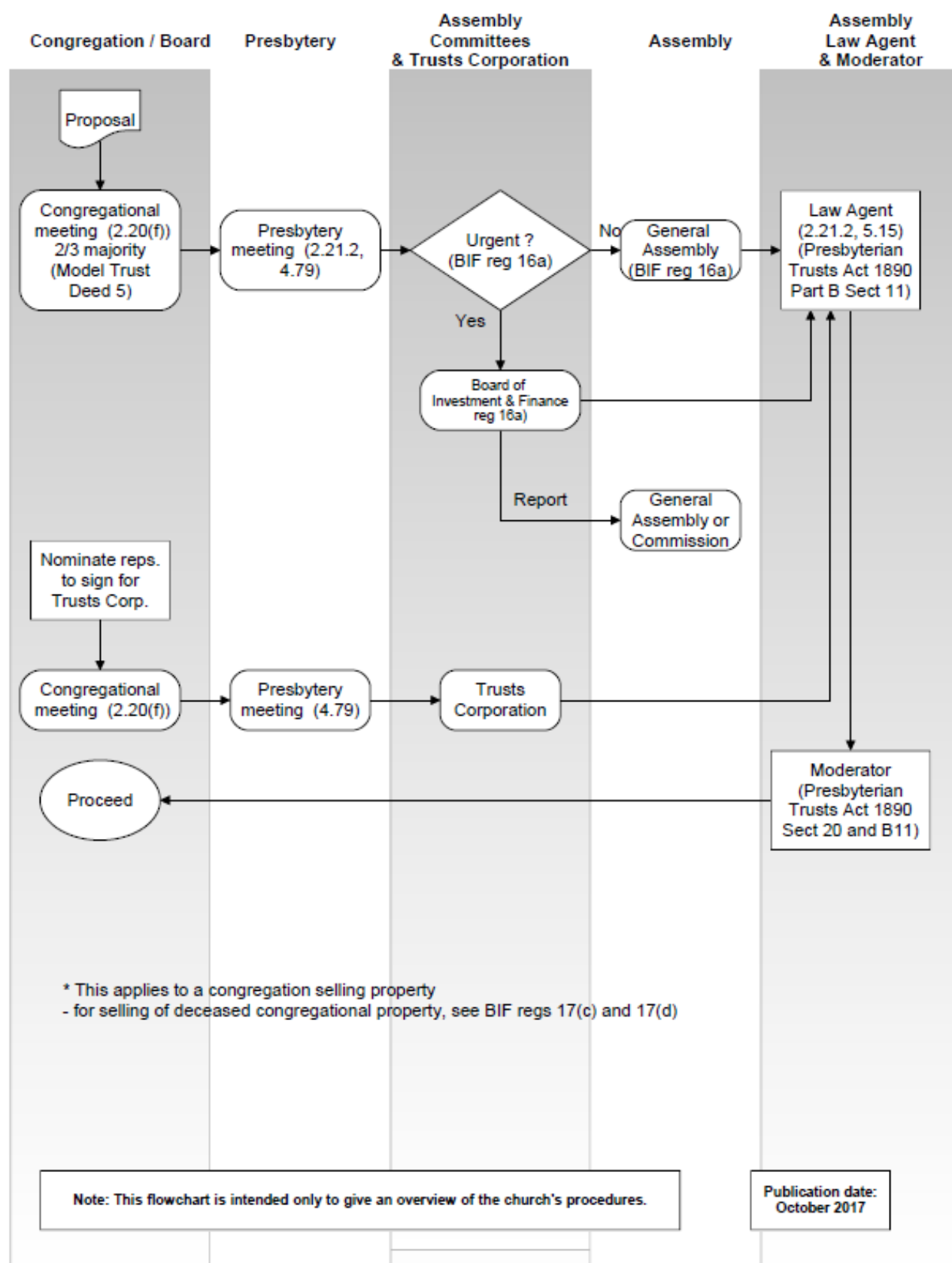


### Flowchart of church procedures - Lease of Church Property to a Third Party

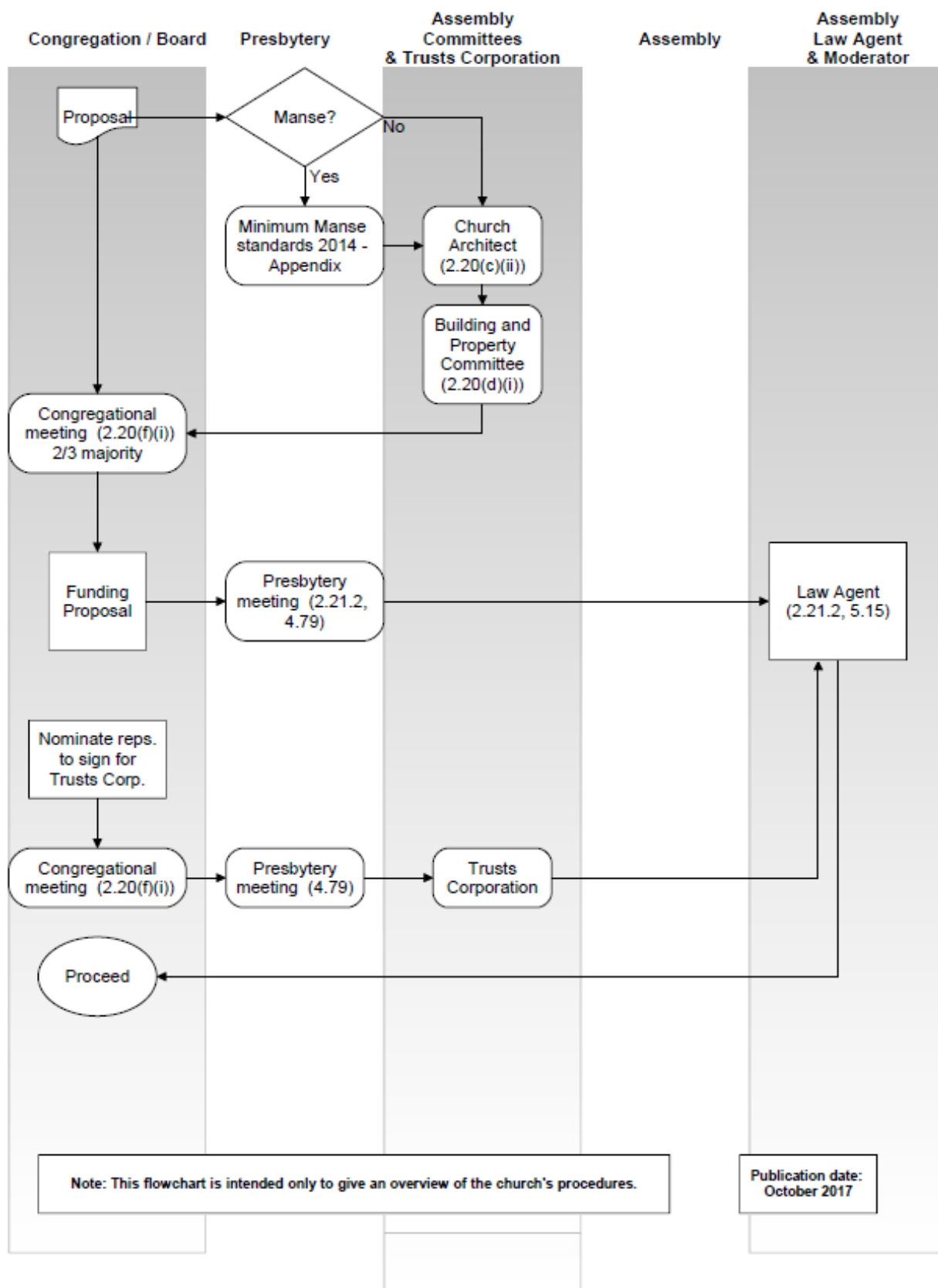


### Flowchart of church procedures - Removal or Demolition of any Building



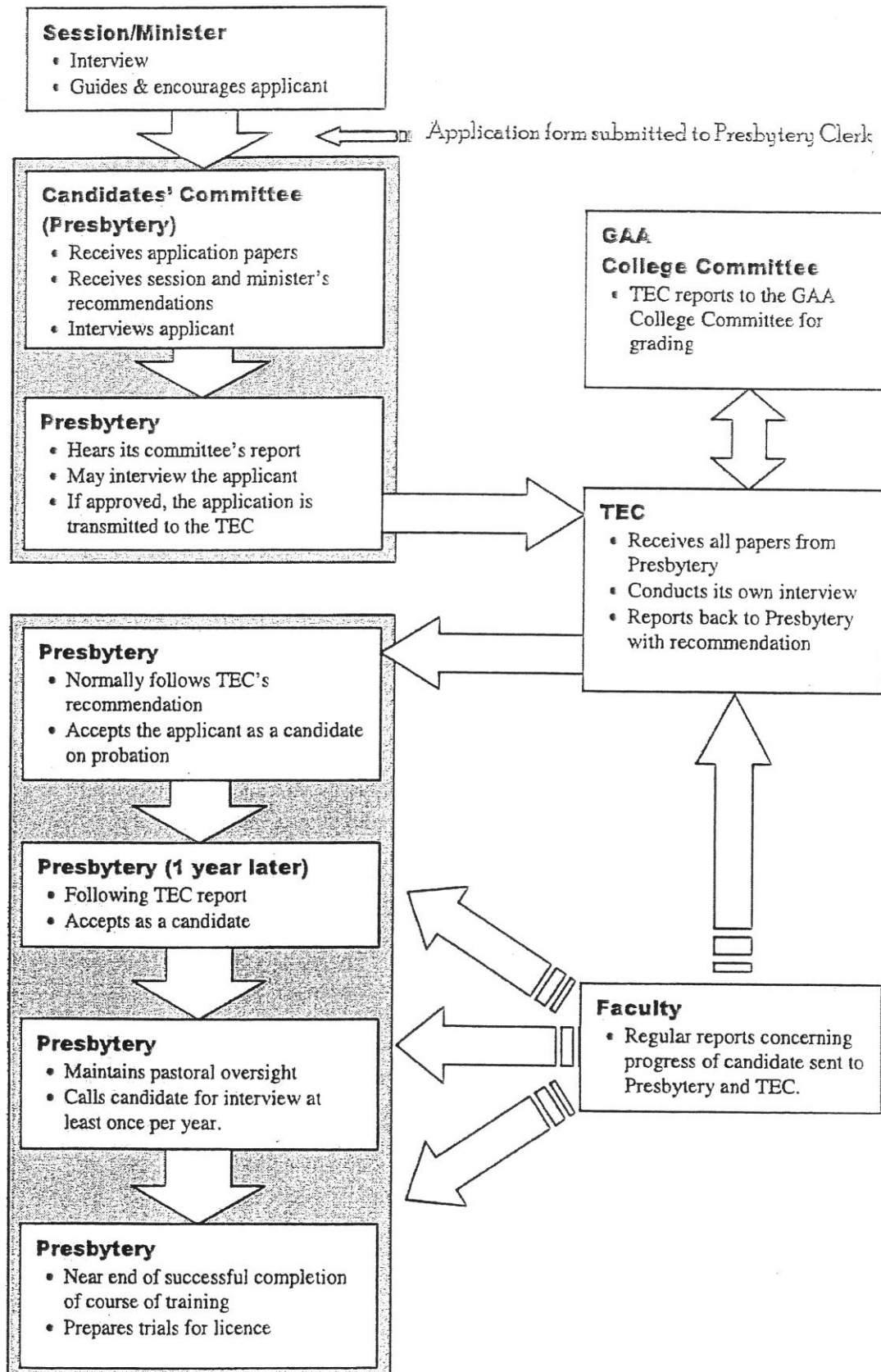
Flowchart of church procedures - Sale of Property \*

### Flowchart of church procedures - Purchase of Property





## Application for candidacy



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