Rules & Procedure

of the

PRESBYTERIAN CHURCH

of

SOUTH AUSTRALIA

including

Regulations

and

Standing Orders

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The General Assembly of the Presbyterian Church of South Australia Inc.
Rules & Procedure

of

of the

PRESBYTERIAN CHURCH

of

SOUTH AUSTRALIA

Enacted
May 2005 minute 31.

Amended
BB 2006 Minute 33 Ballot Committee Regulations,
Minute 50 Church and Nation Committee Regulations,
Minute 64 Guidelines for Keeping Minutes on a Computer,
Minute 69 Study Leave Regulations, and
Minute 115 PCA Ministries Constitution, Acceptance and Oversight of Candidates for the
Ministry Regulations, Theological and Christian Education Committee Regulations.
BB 2007 Minute 121 Presbyterial Visitation Regulations and Standing Orders,
Minute 164, PCA Ministries. Regulations.
BB 2008 Minute 30 Alternate Elders, Seat on Presbytery, Training in the Eldership, Lay Preacher,
Leave Regulations.
BB 2009 minute 29 “Disciplinary Action” Rules 1.2, 3.5.4, 4.5.3, 4.6.13, 4.6.15, 4.9.2, 4.10, 4.13.13,
5.5.5, 5.6.2, 5.6.4, 8.1.16, and 31 Acceptance and Oversight of Candidates for the Ministry.
BB 2010 Minute 35, 43 56 Rule 4.3.2.4 ‘naming of churches’
BB 2011 Minute 33 Alter Leave Regulation 8.6.1.4 Delete PCA Workers Regulation 9.1.13
BB 2011 Minute 45 Rule 4.1.13 Commission of Presbytery

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1. The Church

1.1. The church: The Presbyterian Church of South Australia is part of the universal church, is a constituent part of the Presbyterian Church of Australia, and is in historical continuity with the Church of Scotland reformed in 1560. It was founded in 1865 by the union of certain Presbyteries and synods at that time organised within the state, 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. Standards: The standards of the Church are those which apply arising from the establishment of The Presbyterian Church of Australia in 1901:

1.2.1. Supreme standard: The supreme standard of the church is the Word of God contained in the Scriptures of the Old and New Testaments, and which this Church regards as the only rule of faith and practice.

1.2.2. Subordinate (or secondary) standard: The subordinate standard of the church shall be the Westminster Confession of Faith, as amended by the General Assembly of Australia, and read in the light of the Declaratory Statement contained in the Basis of Union.

1.3. Powers, duties and jurisdiction: As a constituent part of the Presbyterian Church of Australia, the Presbyterian Church of South Australia 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 South Australia 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. The Presbyterian Church of South Australia's powers which are modified to a greater or lesser degree by those of the Presbyterian Church of Australia are: the doctrine, worship and discipline of the church, world mission, the training of students for the ministry, the reception of ministers from other churches, welfare of youth, and home missions.

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.

The powers of the Church in South Australia are defined in relation to matters of property in the cases to which the Act applies by the Presbyterian Church of South Australia Act, 1899, of the Parliament of the then Province now State of South Australia and the Presbyterian Trusts Act 1971 of the Parliament of the State of South Australia.

1.4. Government and courts: In accordance with the Presbyterian form of government set out in the Second Book of Discipline and the Form of Presbyterial 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 and the General Assembly.

1.5. The congregation and people of the church: In accordance with the law and practice of the church, the people are organised in congregations within parishes, mission stations or mission fields as arranged in each case by the presbytery of the bounds. Every congregation is placed under the supervision of a session (Rules 2.1.1 and 3.1.2).

1.6. 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).
1.7. Law of the church: The law of the church is the will of Christ for it. This law finds partial expression and formulation from time to time in:

1.7.1. formal standards: (Rule 1.2);
1.7.2. legislative enactments:
1.7.3. declarations, directions and resolutions of church courts: and
1.7.4. un-prescribed but approved customary arrangements, practices and procedure.

1.8. Constitutions binding on the church: The following explicit formulations of church law are binding on the Presbyterian Church of South Australia:

1.8.1. 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 South Australia;

1.8.2. Constitution of the Presbyterian Church of South Australia: 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 South Australia.

1.9. Procedure for amending rules: All paragraphs of Chapters 1 to 6 are declared to be “Rules” of the church and may be referred to as such. They may only be amended, repealed or added to under the “Barrier Act” (Rule 7.15) procedure as provided in the relevant rules of Chapter 5 “The General Assembly” (Rules 5.4.1 – 5.4.14).

1.10. Title and logo

1.10.1. Official Title: The official title of the church in South Australia is the “Presbyterian Church of South Australia”.

1.10.2. Crest and Logo: Any of the following crests or logos may be used by the Presbyterian Church of South Australia Assembly, presbyteries, sessions and churches;

1.10.2.1. The burning bush enclosed within a circle, with the words "PRESBYTERIAN CHURCH OF SOUTH AUSTRALIA” around the inside of the circle and the words "NEC TAMEN CONSUMEBATUR” (meaning: and yet it was not being destroyed) inscribed under the burning bush for example;

1.10.2.2. The General Assembly of Australia crest, with St Andrew’s, Southern, Roman Crosses, Thistle, Rose and Shamrock and Burning Bush surrounded by a banner with the words "NEC TAMEN CONSUMEBATUR”, and outside that a further banner with the words “PRESBYTERIAN CHURCH OF AUSTRALIA” available from the Website of the Presbyterian Church of Australia, for example;

1.10.2.3. The General Assembly of Australia logo (as adopted by the GAA July 2001, and as subsequently modified or replaced) and available from the Website of the Presbyterian Church of Australia, for example;

End of Chapter 1
2. The Congregation

2.1. Constitution and membership

2.1.1. Congregation: A congregation is a company of people including children in a locality, organised within a parish or mission station for Christian worship, instruction, fellowship and work, by the authority of the presbytery of the bounds, and under the supervision of a session.

2.1.2. Local congregation: When two or more separate congregations are included in a parish or mission station each is termed a local congregation.

2.1.3. Parish and mission station: A parish is normally defined as the geographical area designated by the presbytery as the responsibility of a particular charge. A mission station is normally defined as the geographical area designated by the presbytery as belonging to a particular progressive mission station or home mission station.

2.1.4. Declaration of status: A parish shall have the status of either a charge or an appointment parish as declared by the presbytery. A mission station shall have the status of either a progressive mission station or a home mission station.

2.1.5. Charge: A charge is a sphere of pastoral duty consisting of a parish to which a minister is called by the congregation and duly inducted by the presbytery. The minister has life tenure unless found by the presbytery to be at fault in accordance with the rules of the church. (For associate colleague or colleague and successor see Rule 4.10.19).

2.1.6. Self-sustaining and aid-receiving charges: A charge is:

2.1.6.1. self-sustaining when it is able to meet the requirements laid down for the settlement of a minister by call and induction without a grant from the funds of the General Assembly; or

2.1.6.2. aid-receiving when any such grant is required and allowed.

2.1.7. Appointment parish: An appointment parish is a sphere of pastoral duty from whose congregation the right of call has been temporarily withheld. To this parish the presbytery appoints an ordained minister without charge for a specified period of time, that is, not inducted with life tenure. The rights of an appointment parish are, in all other respects, those of a charge.

2.1.8. Progressive mission station: A progressive mission station is a sphere of pastoral duty consisting of a mission station to which a minister without charge, a licentiate or an exit student is appointed in the expectation that during his appointment the station will develop sufficiently to attain the status of a charge.

2.1.9. Home mission station: A home mission station is a sphere of pastoral duty consisting of a mission station whose congregation has no immediate prospect of attaining the status of a charge. Normally, the pastoral duties are provided by a home missionary appointed by the home mission committee with the concurrence of the presbytery. Such duties are carried out under the supervision of the presbytery.

2.1.10. Formation of new congregation: A presbytery, either through dealing with a petition from a session, or from any group of interested people, or acting under its own authority, may proceed to alter such parish bounds as are under its jurisdiction and declare the formation of a new congregation.

In taking such action the presbytery ensures that the rights and privileges of any existing congregation, together with the rights and privileges of any inducted minister are not infringed. Presbytery acts consistently with Rules 4.8.1 – 4.8.9.

2.1.11. Supervision by session: Every aspect of the life (both spiritual and material) of every parish and mission station is under the supervision of a session.

2.1.12. Material affairs: The material affairs of every congregation are cared for by a board of management. Where there are two or more local congregations in a parish or mission station their joint affairs are cared for by a federal board of management.

2.1.13. Communicant membership: Admission to communicant membership of a congregation of the Presbyterian Church of South Australia is solely the right of the session. Admission into communicant membership only takes place when session:

2.1.13.1. receives a transfer certificate from the session of another congregation within the Presbyterian Church of Australia; or

2.1.13.2. is satisfied that the person seeking communicant membership has been duly baptised, has made a credible profession of faith in the Lord Jesus Christ, and lives a life consistent with that profession.
Persons admitted into communicant membership of a congregation are admitted into the privileges of sharing in the Lord’s Supper and of wider fellowship with other believers throughout the Presbyterian Church of Australia (For transfer see Rule 3.7.9).

2.1.14. Rights of communicant members: Communicant members, unless under a process of discipline by the session, have the right to:
2.1.14.1. have their names included on the Roll of Communicants;
2.1.14.2. access to the Lord’s Table;
2.1.14.3. vote and take full part in the business of any meeting of the congregation (if 18 years of age or over);
2.1.14.4. baptism for their children;
2.1.14.5. add their name to a call; and
2.1.14.6. in proper circumstances, approach the appropriate courts of the church by petition (Rules 6.7.1 – 6.7.10).

2.1.15. Adherents: An adherent to a congregation is a person who is not less than 18 years of age, associates regularly with the congregation in worship, who professes adherence to the principles of the Presbyterian Church and, as he or she is able, contributes to its support, and whose name appears on the roll of adherents by decision of the session following request from the person (Rule 3.7.2).

2.1.16. Purpose of adherents: The roll of adherents is made available by sessions for those who want to contribute to the work of the church of the Lord Jesus Christ through a local Presbyterian congregation, but who want for the time being to identify with the church in a less formal way than that of communicant membership.

2.1.17. Rights and expectations of adherents: Adherents, unless under a process of discipline by the session, have the right to:
2.1.17.1. vote and take full part in the business of any meeting of the congregation (if 18 years of age or over);
2.1.17.2. sign their concurrence in a call;
2.1.17.3. in proper circumstances, approach the appropriate courts of the church by petition (Rules 6.7.1 – 6.7.10).

2.1.18. Duties of communicant members and adherents: It is the duty of communicant members and adherents to:
2.1.18.1. give faithful attendance to public worship;
2.1.18.2. give their ministers due respect, encouragement and obedience in the Lord;
2.1.18.3. submit to the session as over them in the Lord;
2.1.18.4. maintain an earnest desire to live a Christian life consistent with their profession of faith;
2.1.18.5. take a lively interest in the welfare of the wider work of the Presbyterian Church of South Australia; and
2.1.18.6. contribute heartily, both financially and in other ways, as the Lord shall enable them, for the maintenance of the Christian ministry and the furtherance of the gospel at home and abroad.

2.2. Congregational meetings
2.2.1. Convening: Congregational meetings are convened only on the authority of the session or a superior court. Public notice, stating the nature and purpose of the meeting, is made at the time of public worship at least seven days before the date of the meeting, unless some other period of notice is elsewhere specifically provided.

This means that the earliest a meeting may be held is on the Sunday following that on which the announcement was made.

2.2.2. Chairman: The minister normally presides at congregational meetings, unless for adequate reason he appoints a deputy, or unless the presbytery or a superior court appoints one of its own members for that purpose.

If there is more than one minister of a parish, the senior minister shall preside or they may decide to preside alternately or by some other arrangement.

2.2.3. Secretary: The session clerk usually performs the duties of secretary of congregational meetings. (Rule 3.1.8).

2.2.4. Minutes: The minutes of congregational meetings are recorded by the session clerk or by someone acting on his behalf with the authority of the session. A separate congregational minute
book is kept for each local congregation as well as for the congregation of the whole parish or mission field. Such minutes remain in the custody of the session clerk but are available for reference to the secretary and the treasurer of the board of management concerned for the purposes of their office. Extracts concerning matters which are the responsibility of the board are supplied to it by the session clerk if the session so decides.

2.2.5. **Annual general meeting:** The congregation of every parish or mission station holds an annual general meeting convened on the authority of the session. This meeting is for consideration:

2.2.5.1. of the annual report of the board of management, which is received and then considered for adoption;

2.2.5.2. of the financial statement submitted by the board of management, which is received and then considered for adoption only after it has been audited and certified to be correct;

2.2.5.3. of the appointment of auditors for the coming year;

2.2.5.4. as to whether there needs to be a change in the number of managers elected to the board.

2.2.5.5. Copies of the annual report of the board of management, which may be circulated before and then presented and received at the annual general meeting, are then forwarded to the presbytery. Copies of the audited financial statements are also forwarded to the Finance and Administration Committee of the Assembly.

A written review by the session of the life and work of the congregation (Rule 3.8.4) may be presented to this meeting for the information of the congregation. Reports of congregational organisations, together with their relevant financial statements, may also be presented in whole or in part as the session sees fit (Rule 3.8.4). Neither these congregational reports nor the session’s own review are received or adopted by this meeting, nor are they otherwise formally dealt with, unless the session has resolved to seek the mind of the congregation in any of these matters and indicated that resolution in the notice of the meeting. Any complaints or recommendations concerning the report or financial statement of a congregational organisation are referred to the session for consideration.

2.2.6. **More than one local congregation:** Where there are two or more local congregations in a parish or mission station having separate boards of management, each of these also holds an annual meeting to deal with matters outlined in Rules 2.2.5.1 – 2.2.5.4, and to hear and discuss such other of the matters referred to in that Rule as the session may authorise.

2.2.7. **Appointment of auditors:** The congregation of every parish or mission station, and every local congregation, appoints annually an auditor or auditors according to the Regulations 8.3 "Auditors and Congregational Accounts".

No elder or manager may serve as auditor of the accounts of the board of management of which he is a member, but a member of a federal board of management may serve as auditor of a local congregation other than his own.

Any vacancy occurring in the office of the auditor before the next annual general meeting of the congregation shall be filled by the session and any person appointed to fill the vacancy shall hold office until the annual general meeting of the congregation.

2.2.8. **Dissatisfaction with decisions:** Any communicant member or adherent of a congregation who is dissatisfied with a decision or resolution of a congregational meeting may petition the presbytery to review the matter, provided that person voted against the resolution or decision and entered dissent at that time.

The secretary of the meeting shall provide that person with relevant extract minutes upon request. At least ten days before the meeting of the presbytery, to which the petition is to be presented, one copy of the petition must be sent by personal delivery or by registered mail to the minister or session clerk and a second copy to the clerk of the presbytery.

2.2.9. **May not meet:** No congregational meeting may be held during a sitting of the Presbytery of the bounds or of a superior court unless that court has given permission. (Rule 5.3.7).

2.3. **Real property**

2.3.1. **Property holders:** The real and personal property along with the Certificates of Title (if not subject to a mortgage) of a congregation shall be held by either

2.3.1.1.a body incorporated under the Associations Incorporation Act, 1956 as amended, or any proceeding similar Acts, or

2.3.1.2. the General Assembly of the Presbyterian Church of South Australia Incorporated, or

2.3.1.3. The Presbyterian Trusts Corporation incorporated by Act of Parliament.
2.3.2. **Care of property:** The congregation’s board of management is responsible for caring for all congregational property, for maintaining the place of worship and other church buildings in good condition and repair, subject to the law of the church and the jurisdiction and directions of its courts and raises funds needed for the purpose. (Rules 2.5.1, 2.5.38 – 2.5.42).

2.3.3. **Access to buildings:** The minister has the right, with the authority of the presbytery, to the keys of the church and other church buildings, but not to the exclusion of the session, or board of management, who have a similar right which may be exercised through officers appointed for the purpose.

2.3.4. **Use of buildings:** The church and other church buildings of the charge are at the disposal of the minister for the purposes of his office, and he may grant the use of them for any other purposes of a religious character; however, except in cases of emergency he first consults with the session.

The session determines to what other uses these buildings may be put when not required for religious purposes (Rule 3.8.9). The session or the minister, as the case may be, confers with the board of management before granting the use of the buildings when any substantial financial outlay or secular interest of the congregation is involved.

2.3.5. **Erection and alteration of buildings:** Before a congregation proceeds to erect, demolish or remove any building, or to make structural alterations or additions to an existing building, it first obtains the approval of the presbytery and of any other prescribed authority (Rule 4.13.8 – 4.13.10).

2.3.6. **Sale, lease, purchase or mortgage of property:** Before a congregation proceeds to sell, lease, purchase or mortgage any property, it obtains the approval of the presbytery, the Assembly law agent and any other prescribed authority (Rules 2.5.41, 4.13.8 – 4.13.10).

2.4. **Congregational organisations**

2.4.1. **Organisation defined:** A congregational organisation is any club, society or group of persons recognised by the session for the purpose of carrying out some specified activity within the life of the congregation.

2.4.2. **Formation and dissolution:** A congregational organisation is formed only with the approval of the session and may neither commence nor continue its activities without such approval. This approval may be withdrawn at any time.

Any proposed constitution of a congregational organisation is submitted to the session and it becomes operative, and may be amended, only with the approval of the session, or by direction of the presbytery of the bounds.

2.4.3. **Office-bearers and members:** The office bearers of every congregational organisation and at least two thirds of its membership must have a genuine connection with the congregation apart from their participation in the activity of that particular organisation, and the session is the sole judge of that connection.

2.4.4. **Activities:** The activities of every congregational organisation are under the direct supervision of the session and session shall ensure that there shall be:

- 2.4.4.1. no gambling in any form of lottery, raffle, guessing competition or game of chance for purposes of raising money;
- 2.4.4.2. no alcoholic liquor consumed as a beverage within the church, church halls or institutions (excluding manses) belonging to the church;
- 2.4.4.3. no other activity which, in the opinion of session, might hinder the effective Christian witness of the church or is inconsistent with Christian conduct.

Every congregational organisation submits to an annual meeting of its members a report on its activities and provides a copy for the session.

2.4.5. **Property:** All property (including finances) of every congregational organisation is part of the property of the congregation but is administered by the particular organisation in terms of its constitution and the law of the church.

In the event of the organisation being dissolved or becoming defunct, all its property comes under the care of the board of management of the congregation, which holds it in trust and administers it until the session, after consultation with the congregation, gives such directions for the disposal of the property as it sees fit in the circumstances.
2.4.6. **Finances and accounts:** Every congregational organisation is required:

2.4.6.1. if it holds money in its own name or raises money regularly, to use a separate account in a recognised financial institution in the name of the organisation, and to ensure that no monies raised by or for the organisation are paid into any other account;

2.4.6.2. to elect up to three signatories to operate the account/s with any one given approval to sign cheques, the signatories are usually secretary, treasurer and one other member. The signatories to every account shall be reviewed annually;

2.4.6.3. to keep regular accounts of income and expenditure;

2.4.6.4. to obtain the permission of the board of management before raising money by any special effort or appeal in the congregation;

2.4.6.5. to submit annually to the session a financial statement audited by a person as selected according to the regulation regarding “Auditors and Congregational Accounts”.

2.4.7. **Meetings:** Every congregational organisation keeps minutes of all business meetings. By virtue of his office the minister is chairman of all congregational organisations and has the right to preside at any meeting of such organisations. The minister must be duly notified of all meetings. Should the minister not wish to exercise his right to preside, he may appoint a deputy, failing which either the senior officer of the organisation present presides or the meeting appoints its own chairman.

2.5. **Board of management**

2.5.1. **Duty:** 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, it is the duty of the board of management to administer the financial affairs of the congregation and to care for and maintain the congregational property in good order and repair.

2.5.2. **Membership:** The board of management of a congregation consists of its minister or ministers, those elders who are both members of that congregation and of its session, together with managers to a number determined by the congregation but not less than three. In special circumstances, and for a limited time, the congregation may delegate to the session its right to determine the number of managers.

2.5.3. **Managers:** Managers are persons who have been elected, in accordance with the rules for the election of managers (Rule 2.5.7), to the board of management of a congregation from and by its communicant members and adherents.

2.5.4. **Local board:** A local congregation (Rule 2.1.2) is entitled to establish its own board of management. It does so:

2.5.4.1. by resolution to that effect made at a duly convened congregational meeting; or

2.5.4.2. in consequence of a direction from the session or a superior court.

2.5.5. **Federal board:** Within a parish or mission station containing two or more local congregations, relevant matters of common concern are dealt with by a federal board of management. This consists either of:

2.5.5.1. the boards of the local congregations meeting jointly; or

2.5.5.2. representative managers appointed by the boards to a number determined by the session of the parish or mission station. The number of representatives appointed is always proportional to the number of communicant members and adult adherents in each congregation. The elders of the session of the parish or mission field are members of its federal board of management.

2.5.6. **Term of office of managers:** Managers are elected for a term of two years. One half of their number retire annually in rotation but are eligible for re-election. 

2.5.7. **Election of managers:** The election of managers is conducted by the session (Rule 3.3.4, 3.3.5, 3.8.5 – 3.8.7).

2.5.8. **Resignations and vacancies of managers:** Resignations of managers are made to and dealt with by the session. Any vacancy occurring between elections may be filled at a meeting of the board of management at which a quorum of the session is present. A manager appointed in this way holds office for the remainder of the term for which their predecessor in office was elected.

2.5.9. **Seat forfeited:** Managers who are absent from three consecutive regular meetings without leave granted or apology accepted may be declared by the session to have forfeited their seat. Should a manager’s name be removed from the roll of communicant members or the roll of
adherents, or should a manager be suspended from privileges by disciplinary process of a church court, that person ceases to be a manager.

2.5.10. Chairman: The minister has the right to preside at all meetings of the board of management, and within his own parish normally does so, but he may authorise to preside in his absence:

2.5.10.1. another minister of the church; or
2.5.10.2. a licentiate, home missionary or candidate for the ministry of the church who is assisting or supplying for him; or
2.5.10.3. an elder of his session or a member of the board of management concerned.

When acting as interim moderator of a vacant charge, the minister has the right to preside at the meetings of all the boards of management within the charge, but in his absence he may authorise any of the above-mentioned persons to preside. The same arrangements apply when acting as moderator of a mission station.

In the absence of the minister or of his authorised deputy, or in the event of his failure to appoint one, the board may appoint one of its own members as chairman.

2.5.11. Chairman’s vote: The chairman of the board of management has a casting vote only.

2.5.12. Office-bearers: The board of management elects annually from its own members its secretary and treasurer.

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

The secretary receives and submits to the board for inclusion in its minutes extracts of minutes relating to the duties or membership of the board that are forwarded for that purpose from the session or a congregational meeting.

2.5.14. Treasurer: The treasurer receives, distributes and accounts for all monies under the care of the board as it directs, and produces for inspection when required all books of accounts together with all relevant vouchers.

2.5.15. How convened: The minister (or his duly authorised deputy), as chairman, may convene, cancel or alter the date of meetings of the board of management. When the date of a meeting previously fixed is altered, care is taken that this does not lead to undue postponement of the meeting.

2.5.16. Regular meetings: The board of management meets on a fixed day at regular intervals. Unless the board is excused by the presbytery for special reasons, it must meet at least once each quarter.

2.5.17. Special meetings: In addition to its regular meetings the minister (or his duly authorised deputy) convenes a special meeting of the board of management:

2.5.17.1. whenever he is of opinion that special circumstances exist; or
2.5.17.2. promptly upon receipt of a written request for a special meeting signed by at least a quorum of the members of the board.

2.5.18. Notice of meetings: Notice of meetings of the board of management, whether regular or special, is given either by public notice at the time of public worship or by written or verbal notice to each member of the board in sufficient time before the meeting.

2.5.19. May not meet: The board of management may not meet during the sitting of the session or of a superior court unless with the permission of that court. (Rule 5.3.7).

2.5.20. Quorum: A quorum shall be one quarter, but not less than three, of the total membership of the board of management (including elders) but excluding the chairman.

2.5.21. Procedure: The meetings of the board of management 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, allowing members to speak more than once to the same question.

The chairman will apply to the proceedings of the meeting those formal rules of debate contained in the standing orders of the General Assembly which are applicable:

2.5.21.1. in circumstances of dispute and after he has announced his intention to do so;
2.5.21.2. when the board itself makes a decision to do so on any particular occasion.

2.5.22. Meets in private: Ordinarily the board of management meets in private and no matter declared by the board to be confidential is to be divulged by a member without its authority or consent.
2.5.23. Minutes: The minutes of the board of management are entered in its minute book. At every meeting the confirmation of the minutes of the previous meeting, which should contain the names of those members who were present, is ordinarily the first business after the opening. When confirmed, the minutes are signed and dated by the chairman and secretary.

2.5.24. Rescission of motion: A resolution of the board of management may be rescinded only after giving a notice of motion to that effect at a previous meeting of the board.

2.5.25. Petition against decision: A member who has voted against a resolution of the board of management, and at the time entered his dissent, may bring the matter under review by means of a petition to the presbytery. The procedure is the same as for a petition against a decision of a congregational meeting (Rule 2.2.8).

2.5.26. Responsible to congregation: Subject to the provisions of Rule 2.5.1 and the remaining Rules of this chapter the board of management is directly responsible to and obeys all competent directions of the congregation in the discharge of its duty.

2.5.27. Gathers and distributes funds: The board gathers the monetary contributions of the congregation, takes charge of them and of any other monies received by or for the use of the congregation, and distributes them for the purposes for which they were contributed.

2.5.28. Records of account: The board keeps proper and adequate records of account and other necessary financial records, and, in so doing, obeys the directions contained in the “Auditors and Congregational Accounts” regulations.

2.5.29. Financial accounts: The board ensures that all monies received for or on behalf of the congregation and all payments made pass through accounts in a recognised financial institution held in the name of the congregation and not through other accounts.

2.5.30. Special collections: The Board carries out the directions of the courts of the church in regard to collections ordered by them, and determines what other special collections or subscriptions may be made from the Congregation for its own organisations or for other bodies; it also ensures that no money shall be raised by any organisation or individual for any purpose connected with the Congregation without the sanction of the Board of Management or a Congregational meeting.

2.5.31. Signatories to accounts: The board elects up to three signatories to operate the account/s with any one (1) to sign cheques, the signatories are usually secretary, treasurer and one other member. The signatories to every account shall be reviewed annually. Where the church is an incorporated body the Public Officer shall be one of the signatories.

2.5.32. No cash payments: All money received by the treasurer of the board of management for whatever purpose shall be banked promptly without deduction of any kind, and all payments shall be made by cheque or by electronic funds transfer.

2.5.33. Record of Sunday offerings: A book shall be kept to record church offerings and be certified each Sunday by the manager on duty and one other person.

2.5.34. Annual financial statement and report: Annually the board prepares a statement of accounts in the form recommended by the General Assembly. This statement is audited and then, along with a report on the congregational property and the board’s activities during the preceding year, submitted to the annual general meeting of the congregation.

2.5.35. Regular and required payments: The remuneration of the minister or ministers is the first charge on the ordinary revenue of the congregation and the board ensures that it is paid at least monthly. It also ensures that all regular Assembly rates, presbytery rates, superannuation contributions, budget collections and other payments due from the congregation are promptly remitted to the proper authority.

2.5.36. Inability to pay remuneration: If the board of management finds that it is unable to pay the minister the remuneration recognised by the Maintenance of the Ministry Committee as due to him, it must immediately report the circumstances to the presbytery. A Minister who neglects to have such circumstances reported to the presbytery forthwith forfeits his right to claim accumulated arrears for a period in excess of six months.

2.5.37. Remuneration of congregational officers: While the session is responsible for the appointment of congregational officers such as choir-director, organist or other musicians, or church officer, the board is responsible for fixing the remuneration (if any) and arranging the payment of these people (Rule 3.8.8).

2.5.38. Property committee: The board of management appoints a property committee which makes an inspection of all the congregational property before and after winter each year and reports to the board on its condition.
2.5.39. Architectural advice: The advice of the General Assembly’s Architectural Committee is sought by the board when any serious defect in any of the buildings is reported, when a new building is to be erected or purchased, or when substantial structural alterations are to be made to an existing building. This requirement may be waived in particular circumstances and by specific presbytery approval when expert local advice is readily available.

2.5.40. Repairs, alterations or additions: Before making repairs, alterations or additions to the buildings of the congregation or erecting a new building in any one year to a value in excess of one-tenth of the congregational revenue for the preceding year the board obtains the approval of the congregation at a meeting called for the purpose, taking care that any procedure or conditions as to voting or other matters required in this connection by any Act of Parliament or deed of trust are strictly observed.

2.5.41. Incurring debt, sale, lease or purchase of property: Before incurring any debt or acting on behalf of the congregation relative to Rules 2.5.39 and 2.5.40, the board first obtains the approval of the congregation at a meeting called for that purpose and then before proceeding further obtains the approval of the presbytery.

The three signatories approved for financial accounts shall be the signatories to any financial contract between the board and any other party.

2.5.42. Rent of buildings: The board of management fixes and collects the charges for the use of congregational buildings for purposes approved by the session (Rule 2.3.4).

End of Chapter 2
3. **The Session**

3.1. **Membership, jurisdiction and powers**

3.1.1. **Definition:** A session is a court of the church, established by the presbytery of the bounds, and ordinarily consisting of the minister of a charge and two or more elders.

3.1.2. **Jurisdiction:** Subject to the law of the church and the jurisdiction and lawful directions of its superior courts, the session has jurisdiction and powers of government, discipline and oversight extending to every aspect of the life of the congregations constituting its parish or mission station (Rules 2.1.1, 2.4.1 – 2.4.7, 3.8.2, 3.8.3).

3.1.3. **Function:** The function of the session is to:
- oversee and promote the spiritual interest of the congregation both in worship and discipline;
- supervise the Sunday Schools and all organisations connected with the congregation;
- appoint and direct choir leaders, organists and to exercise a general control over the musical arrangements;
- fix the time for conducting worship and dispensing Sacraments;
- admit to membership;
- exercise discipline on erring members and to restore to membership after discipline has been exercised;
- receive and grant certificates of membership;
- call meetings of the congregation;
- examine and judge on the qualifications of persons elected to the eldership and board of management;
- ordain and induct elders;
- appoint special collections for congregational purposes, with the concurrence of the board of management;
- receive and judge on petitions from communicants or adherents of the congregation;
- transmit all papers which have to be forwarded through the session; and
- appoint representatives to superior courts.

3.1.4. **Powers:** The powers of the session are not limited to the provisions of these rules. While watching over all the interests of the congregation and parish or mission station over which it is set by the Presbytery of the bounds, session may exercise its powers in such a way as it considers best to protect or promote the welfare of the church or of the congregation.

3.1.5. **Dissatisfaction with decision:** Unless otherwise expressly provided, appeal or complaint (as the circumstances require) or, if appeal or complaint is obstructed, petition lies to the Presbytery of the Bounds against any decision of the Session.

3.1.6. **Elders:** Elders are communicant members of the church who have been elected to a session by the communicant members of a congregation. They are ordained to the eldership and inducted into the exercise of their office in the session upon giving assent to the set questions and signing the formula (Rule 7.9.3).

3.1.7. **Moderator:** The minister of a charge is the moderator of its session (Rules 6.2.2 and 6.2.3). Where there are collegiate ministers they preside alternately, unless otherwise determined by the presbytery or agreed between them. When this happens the other may sit as an ordinary member. Where there is one (or more) associate minister(s) he (they) may sit as (an) ordinary member(s).

In the event of the moderator being unable to be present at a duly called meeting of the session at which urgent business is to be considered he may appoint one of the elders to preside, but he reports his action to the next meeting of the presbytery.

3.1.8. **Clerk:** The session appoints a clerk from among its own members, who holds office until otherwise determined by the court. He makes the declaration of ‘Faithful Duty’ (Standing Orders 8).

It is the clerk’s duty to:
- keep accurate minutes of proceedings of the session and of meetings of the congregation;
- supply properly attested extract minutes as authorised by the session or by order of a superior court;
- take care of such books, papers and records of the session as it directs;
- carry out such other duties as the session or a superior court requires.

3.1.8.5. Temporary Clerk In the absence of the clerk the session appoints a temporary clerk whose appointment must be recorded in the minutes, and he makes the declaration of ‘Faithful Duty’ (Standing Orders 8).
3.2. Meetings

3.2.1. How convened: The session meets when convened under the authority of the moderator or the order of a superior court. The time of meeting is given either by public announcement at the time of ordinary public worship or by personal notice given in sufficient time to each member. The moderator is required to convene a meeting within ten days after the receipt of a written requisition from two of its members.

3.2.2. Two or more separate sessions: Two or more congregations having a separate session are under the pastoral care of one minister they may meet jointly to consider matters affecting the general interests of the charge. Matters which affect only one of the congregations in such a charge, and which cannot be disposed of by its own separate session, shall be dealt with by the joint session. If the matter cannot be resolved the joint session may refer the matter to presbytery without comment or alteration.

3.2.3. Meet in private: All meetings of the session are held in private unless it determines otherwise for any particular reason.

3.2.4. May not meet: The session may not meet during the sitting of a superior court unless with the permission of that court. (Rule 5.3.7).

3.2.5. Quorum: The moderator and two elders constitute a quorum.

3.2.6. Moderator in the chair: It is the usual practice that a meeting of the session will be held with the moderator or interim moderator or a minister authorised by him or a superior court in the chair.

In the event of the moderator being unable to be present at a duly called meeting of the session at which urgent business is to be considered he may appoint one of his elders to preside, but he reports his action to the next meeting of the presbytery.

3.2.7. Procedure: The proceedings of the session are governed by such of the general rules of procedure for use in courts of the church (Chapter 6) as apply to the session and by such other directions, rules and regulations as the General Assembly may specifically give or prescribe. Session exercises a discretionary power of procedure in respect of any matter falling within its jurisdiction for which no specific procedure is provided in such directions, rules, or regulations. However care is taken that substantial justice is done to all persons concerned.

3.3. Election of elders

3.3.1. Number: An election of elders is conducted by the session after it has decided that new elders are needed and has fixed the number required. Before every election, the minister shall preach in each congregation in his charge the Biblical teaching on the office of eldership.

Ordination and/or Induction to the eldership is subject to the person elected in accordance with 3.3.5 and 3.3.6 having diligently completed an eldership training course which includes instruction in the eldership vows (See 3.4.3).

3.3.2. Voting and eligibility: The election is carried out by the communicants of the parish voting as a single constituency, but where there are two or more local congregations within the parish the communicants of each of these may be required by the session to elect a specified number of elders from their own communicants.

All whose names are on the communicants’ roll of the congregation and who are not less than eighteen years of age, are eligible to vote.

3.3.3. Election of elders: Male communicant members of the congregation who are not less than twenty-one years of age may be nominated for election as elders. Also, a minister without charge from whom a presbyterial certificate has not been withheld may be elected to the session of the congregation to which he belongs.

A list of those eligible for election is displayed at the church or otherwise made available to communicant members of the parish.

3.3.4. Ballot: For the choice of new elders or managers an election by ballot must always be held, notice of which is given at least four Sundays prior to the date fixed for voting to cease. Elections of elders or managers must be held separately.
The session proceeds as follows:
3.3.4.1. session appoints an electoral officer,
3.3.4.2. having fixed the date for voting, session causes notice of the election to be made at least
four Sundays prior to that date.
3.3.4.3. voters are instructed that they may nominate any number of eligible persons up to but not
exceeding the number to be elected.
3.3.4.4. session then invites members to submit signed nominations during a specified period of not
less than two Sundays. The nominees must indicate on that form their willingness to stand for
election.
3.3.4.5. session also, if it sees fit, may nominate persons for election.
3.3.4.6. session proceeds directly to an election after receiving nominations.
3.3.4.7. thereafter the electoral officer prepares and issues ballot papers containing;
   3.3.4.7.1. a list of the nominees arranged in alphabetical order, and
   3.3.4.7.2. such other instructions as may be deemed necessary,
3.3.4.8. these ballot papers will be available from the electoral officer who will check the names of
   voters off the members roll. This process will be conducted on two consecutive Sundays. These ballot
   papers shall be issued by the electoral officer, the vote shall be cast immediately and the ballot paper
   shall then immediately be placed in a secure ballot box.
3.3.5. Counting of votes and judgment: After the close of voting in the election the session
counts the votes cast for each person, and in deciding which of these are 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:
3.3.5.1. is qualified by godly character and appropriate gifts of leadership;
3.3.5.2. has a firm grasp of Gospel truth and a working knowledge of the Scriptures;
3.3.5.3. has an understanding of and commitment to the principles of Presbyterian government;
3.3.5.4. has received the number of votes session considers sufficient, but no person who has
   received votes less than one third of the number of the persons who have voted shall be declared
   elected.
3.3.6. Declaration and announcement: After the election of new elders the session:
3.3.6.1. by formal motion declares elected those with whom it is satisfied, up to a number not
   exceeding the number required;
3.3.6.2. makes public announcement of the names of the elders-elect arranged in alphabetical order;
3.3.6.3. proceeds to arrange for their ordination and induction or induction only.

3.4. Ordination and induction of elders
3.4.1. Edict to be issued: Following an election the session issues in the prescribed form (Rule
7.2) an edict for the ordination and induction or induction only of the elders-elect. This edict is to be
read publicly at the time of public worship at least one week prior to the day appointed for the
services of ordination and induction or induction only.
3.4.2. Objections: On the day appointed, the session convenes. If no objections are offered in the
terms of the edict, the session proceeds to the ordination and induction or induction only of the
elders-elect.
   Any person offering objections is required to justify them. After inquiry the session may decide not to
   proceed with the service until it has made further investigation. If any relevant and serious objection
   is sustained by the session against one or more of those already declared as elders-elect, it may
   revoke that declaration.
3.4.3. Service of ordination and induction: The service of ordination and induction or of
induction only includes:
   3.4.3.1. a narration of the steps leading up to this occasion;
   3.4.3.2. answering by the congregation and the elders-elect of the questions prescribed by the
      General Assembly of the Presbyterian Church of Australia;
   3.4.3.3. signing of the prescribed formula by the newly inducted elders;
   3.4.3.4. ordination by prayer of those of the elders-elect not previously ordained and the induction of
      all the elders-elect;
   3.4.3.5. giving of the right hand of fellowship by the members of session present;
   3.4.3.6. a word of encouragement and instruction by the moderator to them and to the congregation.
At the conclusion of the service the session resumes, the names of the newly inducted elders are by formal motion added to the roll of the session, and the meeting, after the transaction of any other necessary business, is closed with prayer.

The names of the new elders and the date of induction are then reported to the presbytery.

### 3.5. Jurisdiction over elders

#### 3.5.1. Term of status and office

An elder is elected and ordained to the eldership for life and holds his status as an elder until the session having jurisdiction over him accepts his resignation or he is deposed from office or otherwise loses that status.

An elder remains a member of the session which inducts him to the exercise of the duties of the eldership until:

- he ceases to be a communicant member of that congregation; or
- the session accepts his resignation from it; or
- he is deposed or otherwise loses his status as an elder; or
- he is removed from office by the session or a superior court; or
- he is judicially deprived of his office.

#### 3.5.2. Elder emeritus

A session may designate as an elder emeritus an elder who is or who has been a member of that session for at least fifteen years, who has given meritorious service and who is no longer able to carry out the responsibility of the eldership.

An elder emeritus shall be granted the privilege of remaining a member of the session, participating in discussion but with no voting rights.

#### 3.5.3. Elder joining from another congregation

When an elder leaves a congregation with a certificate of communicant membership, he remains an elder. If he joins another congregation, he becomes a member of the session of that congregation only by election to that session by the communicants of the congregation and by subsequent induction to office in that court.

#### 3.5.4. Discipline and removal from roll

An elder is (as any other communicant member of the congregation) under the jurisdiction of the Session. The Session may remove the name of any elder from the roll of the Session if that elder can no longer perform his duties as an elder. The Session must give at least ten clear days’ notice to all members of the court stating the time and place of meeting and the action proposed. At this meeting the Session may decide that as a consequence of:

- prolonged or frequent absence from divine worship or from meetings of the Session without leave given or proper and sufficient cause shown; or
- physical or mental infirmity,

his usefulness as a member of the Session has been so seriously impaired as to make his continued membership inadvisable, and remove his name from the roll of Session.

### 3.6. Public worship

#### 3.6.1. Responsibility of presbytery

The presbytery is directly responsible to the church for the conduct of all services of worship (Rules 4.7.1 and 4.7.2). The minister and all other parties concerned are required to obey and abide by decisions of the presbytery in such matters until they have been disallowed or changed by a superior court having jurisdiction.

#### 3.6.2. Minister the executive of presbytery

The minister, in the conduct of all services of worship, acts under the immediate direction and control of the presbytery, of which for these purposes he is the executive, and to which alone he is responsible. All those appointed or invited to lead the music, the singing of praise or any other aspect of the worship service, together with any other church officers, are under the direction of the minister in the conduct of public worship (Rule 3.8.8).

#### 3.6.3. Access to pulpit

The exclusive right of access to the pulpits of churches within his charge belongs to the minister of the parish and to him alone. It is the right of the minister to determine who shall preach or conduct public worship within his charge. In these matters he is subject only to the superior courts of the church.

Should the minister allow a person who is not an ordained minister, licentiate or theological student of the Presbyterian Church to preach or conduct public worship within his parish, the minister is personally responsible to the presbytery for the way in which this person discharges these duties.

#### 3.6.4. Provision for worship

The session fixes the occasions and times for regular public worship and for such special services of public worship as it considers necessary. Session determines, after consulting the congregation, what books of praise shall be used in the public worship of the
congregation, and ensures that a sufficient supply of the authorised books of praise and of other necessary church music is available for the congregation, organist, other musicians and choir. The session also sees that all other things necessary for the conduct of public worship are available for the use of the minister, consulting the congregation or the board of management when any substantial financial outlay is involved. Action under this Rule requires the concurrence of the minister of the congregation.

3.6.5. **Baptism**: (See Constitution, Procedure and Practice of the Presbyterian Church of Australia Chapter 4)

The session arranges, normally following the minister’s interview and baptismal preparation with the applicant(s), and with the minister’s recommendation, for the sacrament of baptism to be administered to:

3.6.5.1. the children of parents one or both of whom are communicant members or baptised persons who make such profession of their faith as would entitle them to be become communicant members;
3.6.5.2. adults, upon profession of their faith in Christ and obedience to Him.

The sacrament ordinarily is administered during public worship, but in exceptional circumstances and for sufficient reason it may be administered other than at public worship.

The session encourages believing parents to have their children baptised without unnecessary delay.

A certificate of baptism is given by the minister after the administration of the sacrament, and the names of those baptised are promptly reported to the session and entered in the baptismal register.

3.6.6. **The Lord’s Supper**: The session appoints the time and place, and makes suitable provision, for the public observance of the sacrament of the Lord’s Supper. It also arranges, normally through the minister, for the sacrament to be administered privately, when necessary, for sick or aged communicant members. In such circumstances the minister should be accompanied by at least one elder.

Public invitation to participate in the Lord’s Supper is ordinarily given by the minister, in a form approved by the session, to:

3.6.6.1. communicant members of the congregation;
3.6.6.2. visiting communicant members of other Presbyterian congregations;
3.6.6.3. visiting members of other branches of the Christian church.

The minister encourages all present to examine themselves before the Lord as to whether they should accept the invitation to participate in the Lord’s Supper.

3.7. **Supervision of membership**

3.7.1. **Roll of communicant members**: The session keeps a roll of communicant members in the form prescribed by the General Assembly (Rule 7.3.1). Session adds to this roll the names of those persons whom from time to time it receives as communicant members:

3.7.1.1. by profession of faith (Rule 3.7.7); or
3.7.1.2. on receipt of satisfactory certificates of transfer (Rule 3.7.9); or
3.7.1.3. by special resolution of the session for this purpose.

It removes from this roll the names of those persons who cease to be communicant members of the congregation:

3.7.1.4. through death; or
3.7.1.5. by issue of certificate of transfer; or
3.7.1.6. by special resolution of the session for this purpose.

For definitions regarding communicant members, (Rules 2.1.13, 2.1.14 and 2.1.18).

3.7.2. **Roll of adherents**: The session keeps a roll of adherents in the form prescribed by the General Assembly (Rule 7.3.2). Session adds to this roll the names of those persons who, having applied for membership, it considers fulfil the requirements of adherents after carefully explaining to them the requirements of Rules 2.1.15, 2.1.16, 2.1.17, 2.1.18 and obtaining their assent. The names of those who cease to comply with these requirements are removed from the roll of adherents.

3.7.3. **Roll of families and supplementary roll**: The session, in the exercise of its pastoral duty, compiles and keeps a complete roll of families and individuals connected with the congregation. Before the translation of the minister, the session brings this roll up to date and directs the session clerk to forward a certification that this has been done to the clerk of the presbytery of the bounds.

A supplementary roll may be kept of persons who desire to include their names on a session roll but who by reason of distance or infirmity cannot fulfil the ordinary obligations of a communicant
3.7.4. **Name on one roll only**: No person is entitled to have his or her name on the roll of communicant members, on the roll of adherents or on the roll of families of more than one congregation at the same time; nor may he or she be enrolled at the same time as a communicant member in one congregation and an adherent of another. Further, a person cannot become a communicant member of a congregation while maintaining membership of another denomination.

3.7.5. **Baptismal register**: The session keeps a register of baptisms in the form prescribed by the General Assembly (Rule 7.3.3) and adds to it the names of all persons baptised within the parish or mission station under the jurisdiction of the session.

3.7.6. **Marriage register**: The marriage register is a record of the parish and shall remain in the parish. The session shall be responsible for its safe keeping along with other parish records.

3.7.7. **Admission to communicant membership**: Admission into the visible church of Christ is by the sacrament of baptism received in infancy or in later life, but baptised persons are admitted into the privileges and responsibilities of communicant membership only when, having signified their desire to become communicant members, they make profession of their faith and are admitted by the session to the sacrament of the Lord’s Supper.

In the case of those desiring admission to communicant membership it is the duty of the session, therefore, following explanation of Rules 2.1.13, 2.1.14 and 2.1.18 to the applicants, to satisfy itself as to their:

3.7.7.1. baptism;
3.7.7.2. profession of faith in Christ;
3.7.7.3. 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
3.7.7.4. life being consistent with their profession.

3.7.8. **Revision of rolls**: The session revises the rolls of communicant members and adherents annually. In doing this it may remove from the roll of communicant members the names of those persons who have shown their lack of interest by infrequent attendance at public worship, having little or no involvement in the witness and work of the church, or by continued absence from the Lord’s Supper, provided that the session, if practicable, first gives these persons notice of its intention and then gives them an opportunity to be heard in the matter.

Names once removed from the roll of communicants or of adherents may be restored only by a special resolution of the session for this purpose.

The session, at the meeting when the rolls are revised, shall record in the minutes the fact that such revision has been made.

3.7.9. **Transfer certificate**: The session issues a transfer certificate to any communicant member of the congregation not under process of discipline who applies to leave the congregation with a view to joining another. The session takes care to prevent the name of any communicant member being on the roll of more than one congregation at the same time.

3.7.10. **Letter of introduction**: When an adherent of a congregation applies to leave the congregation to reside in another district with the declared intention of maintaining a church connection, the session issues a letter of introduction and advises the minister or session of the congregation indicated of the fact of such removal.

The same procedure may also be followed for a person who is neither a communicant member nor an adherent, but who is a regular attendee at worship and supporter of the church’s witness.

3.7.11. **Power of discipline**: The session has, and as necessary exercises, the power of discipline over members of the congregation in accordance with the law of the church.

Any name removed from the roll of communicants or the roll of adherents in the exercise of discipline is restored only by a special resolution of the session for this purpose.

3.7.12. **Elders’ districts**: The session ordinarily assigns to each elder an area within its bounds, provides him with a list of the families and individuals within that district whose names are on the roll of families, and charges him with their oversight under the direction and control of the session.

It is his duty to cultivate acquaintance with the communicant members and adherents resident in his district and according to his ability it is the duty of the elder to attend to the religious and moral interests of the people over whom he is placed, visiting the sick, arousing the careless, instructing the
young, encouraging inquirers, edifying and comforting believers and generally promoting the welfare of the congregation.

3.8. **General oversight of congregational affairs**

3.8.1. **Sunday school and youth work:** The session has the oversight of the Christian education of the young of the congregation. In the exercise of this duty it;

3.8.1.1. encourages religious training in the home;
3.8.1.2. establishes and supervises Sunday schools, appoints superintendents of Sunday schools, it may also directly appoint Sunday school teachers. However where it does not wish to do this it authorises the Sunday school superintendent on its behalf to do so. It approves the material that is to be taught;
3.8.1.3. appoints Bible class leaders and provides Bible classes;
3.8.1.4. appoints youth group leaders and other similar groups; and
3.8.1.5. calls for regular reports from all the youth organisations of the congregation and makes provision for the training and suitable equipment of those who take part in the Christian education of the young.

3.8.2. **Organisations:** The session has the supervision of all organisations and associations of communicant members and adherents and others in connection with the congregation. No organisation or association can be recognised as connected with the congregation without first receiving the approval of the session in writing and conforming to Rules 2.4.1 – 2.4.7.

3.8.3. **Finances and activities:** The session sees that the activities of all congregational organisations and the collection and disposal of their funds are consistent with the Rules and standards of the church.

3.8.4. **Congregational meetings:** The session convenes the annual general meeting of the congregation and any other congregational meetings as it judges necessary on the request or advice of the minister or the board of management or for other sufficient reason (Rule 2.2.1). The session normally prepares a written review of the life and work of the congregation, including the Sunday school, for presentation to the annual meeting of the congregation. It may also approve for presentation to that meeting either in whole or in part the reports and financial statements submitted to it by the congregational organisations (Rule 2.4.4).

3.8.5. **Board of management and election of managers:** The session sees that the rules governing the board of management are carried out and conducts the annual election of managers as required. At this election all communicant members of the congregation who are not less than eighteen years of age and all adult adherents of the congregation are eligible to vote and to be elected. Such elections are held separately from any election of elders that may be contemplated, at a time determined by the session.

3.8.6. **Procedure for board elections:** Except in special cases (Rule 2.5.8) the session proceeds as stated in Rule 3.3.4.

3.8.7. **Assessing nominations and votes:** An election is always held for board members, except as allowed in Rule 2.5.8, and the responsibility of appointing or not appointing rests with the session. After the close of voting in an election the session counts the votes cast for each person and ranks them in order of the voters’ preference. In deciding which of them, up to the number required, are to be declared elected it first satisfies itself that each of the persons indicated by this choice has received a number of votes which it considers sufficient and is judged suitable to hold office. The session declares elected those with whom it is so satisfied up to the number first agreed upon, and then publicly announces or displays their names in alphabetical order.

3.8.8. **Congregational officers:** The session appoints the musicians, and other congregational officers and employees of the congregation, consulting with the board of management if any financial arrangements are involved. It has authority to deal with the resignation of any of these officers or to remove them if dissatisfied with their character, conduct, qualifications or efficiency. The minister has the right to be satisfied in these respects with those officers who are under his direction in the conduct of public worship (Rule 3.6.2).

3.8.9. **Use of church buildings:** Subject always to the direction of superior courts and to the requirements of the minister in the discharge of his office, the session decides to what uses other than public worship the congregational buildings may be put, and in doing so it takes care that the proper work of the congregation is not impaired and that the law and standards of the church are not
compromised. It refers any financial arrangements involved to the board of management (Rule 2.5.42).

**3.8.10. Petitions:** The session deals in accordance with the law of the church with competent petitions addressed to it as the court of first instance (Rules 6.7.1 – 6.7.10).

**3.9. Relations with other courts of the church**

**3.9.1. Responsibility to presbytery:** The session in all its proceedings is directly responsible to the presbytery of the bounds and submits to the presbytery annually the following:
- 3.9.1.1. the session minute book;
- 3.9.1.2. rolls of communicant members and adherents;
- 3.9.1.3. register of baptisms and baptismal certificate book;
- 3.9.1.4. book of transfer certificates;
- 3.9.1.5. board of management and congregational minute books; and
- 3.9.1.6. any other documents, reports or statistics that the presbytery may require.

Any of these documents should be produced whenever the presbytery directs.

**3.9.2. Matters of doubt:** It is the duty of the session to seek the advice of the presbytery in matters of doubt and to report any irregularities in connection with procedure for which it is responsible.

**3.9.3. Representative elders commissioned:** The session of every parish is represented in the superior courts by an elder duly commissioned by the session for that purpose. In a similar way the session of every home mission station is represented in the presbytery and General Assembly.

The session, on the appointment of a representative elder either to the presbytery or to the General Assembly, directs the session clerk to forward a commission in the prescribed form (Rule 7.4) to the clerk of presbytery.

When the representative elder of a session is unable to attend any particular meeting of the presbytery, the session may commission another elder from among its members for that meeting and notifies the presbytery in writing accordingly.

It is desirable for a Session to commission an alternate elder to the Presbytery with second elder acting only when the first elder is unable to do so.

**3.9.4. Term of appointment:** The term of appointment of every representative elder is specified in his commission and may be for any term not exceeding one year from the date that the presbytery last called for the commissions of all representative elders.

The session may reappoint a representative elder, but a fresh commission is required by the presbytery on the expiry of the previous appointment and on the date specified for the annual presentations of commissions.

**3.9.5. Separate commission to Assembly:** The session of a charge or appointment parish ordinarily commissions one representative elder to be its representative in both presbytery and General Assembly, but separate appointments may be made and in this case the commissions are drawn up in appropriately amended form.

**3.9.6. Replacement:** The session appoints and commissions with as little delay as possible a representative elder to replace one who is unable to attend, or has been removed from office, or who for any other reason becomes ineligible to act.

**3.9.7. Transmission of papers:** The session transmits to the presbytery, with or without comment, appeals which are presented to it for transmission to its superior courts. In so doing it sees that these documents are in proper form and respectfully expressed.

**3.9.8. Dissent:** Any member of a session may enter his dissent to any part of its procedure which he conceives to be contrary to the Word of God, the Constitution Rules and Procedure of the Church, the received order of the church or the interests of Christ’s cause. Such dissent must be given in as soon as the judgment dissented from is pronounced and shall be recorded. Reasons for dissent may be given then or at any later time within ten days thereafter. The session is not bound to enter the reasons for dissent in its records but may keep them separately among its papers.

**3.9.9. Complaints against the minister:** The session does not receive or discuss complaints against the minister, moderator or interim moderator who is responsible to the presbytery for the discharge of all the duties of his office. If personal endeavours on the footing of friendship fail to put matters right members of the session or others wishing to make such a complaint may do so by presenting a petition to the presbytery.
3.9.10. **Jurisdiction of co-ordinate courts**: The session has no authority to intervene in the affairs of another session. However the session may bring to the notice of the presbytery which has jurisdiction over another session a complaint of any alleged irregularity or interference by that session and request that suitable action be taken.

3.9.11. **Assessors**: The presbytery of the bounds, either at the request of the session or on its own initiative, may appoint assessors to strengthen a session which it considers to be below strength or to assist it with the conduct of any case pending or proceeding before it. The provisions of Rule 6.12.1 apply to these appointments.

**End of Chapter 3**
4. The Presbytery

4.1. Constitution and officials

4.1.1. Definition: A presbytery is the court of the church immediately superior to the sessions within its bounds.

4.1.2. Formation: A presbytery is formed by the General Assembly which:

4.1.2.1. assigns it a name;
4.1.2.2. fixes its bounds;
4.1.2.3. appoints a time and place for its first meeting;
4.1.2.4. instructs a particular minister from within its bounds to convene, constitute, and preside over its first meeting.

When commissions of the representative elders present have been sustained, and the roll of members has been fixed, the presbytery elects its moderator.

4.1.3. Membership and roll: A presbytery consists of:

4.1.3.1. inducted ministers of all charges within its bounds;
4.1.3.2. professors of theology appointed by the General Assembly whose appointment is within the bounds of presbytery;
4.1.3.3. other ministers/home missionaries;
4.1.3.3.1. any minister of an appointment parish or home mission station who is in full standing with the Presbyterian Church of Australia and whose appointment is for a term of not less than one(1) year; and
4.1.3.3.2. ministers of the Presbyterian Church of Australia who have been appointed by the Presbytery as assistants to duly inducted ministers in the Presbytery for a term of one(1) year or more; and
4.1.3.3.3. any home missionary, who is authorised to celebrate the sacraments and is an elder of the Presbyterian Church of Australia and is serving full time in a appointment parish or home mission station for a term of not less than one(1) year;
4.1.3.4. ministers emeriti who have retained their seats in the presbytery or have been received by transfer from another presbytery;
4.1.3.5. ministers and ordained A.P.W.M. missionaries who have been granted a seat in the presbytery by rule, regulation, or resolution of the General Assembly or have been received by transfer from another presbytery;
4.1.3.6. any full-time chaplain to the Australian Defence Force who was a member of the presbytery at the time that notification of his appointment was received, until he ceases to hold such appointment or his membership is transferred to another presbytery;
4.1.3.7. any full-time chaplain to the Australian Defence Force who, not being a member of another presbytery, is serving within its bounds;
4.1.3.8. a representative elder from each charge, appointment parish and home mission station within the bounds in favour of whom a written commission has been sustained by the presbytery;
4.1.3.9. any of the following persons who are ministers or elders and resident within the bounds:
4.1.3.10. secretary and treasurer of the church;
4.1.3.11. Procurator;
4.1.3.12. Law agent;
4.1.3.13. principals of public schools which are the property of the church;
4.1.3.14. convenors of all standing committees and chairmen of all boards and councils of the Assembly;
4.1.3.15. clerk of the General Assembly;
4.1.3.16. all people who the Assembly or Commission of Assembly may from time to time grant a seat in presbytery, these appointments to be made annually on the request of a presbytery. (Appointments made by the Commission of Assembly shall have effect only until the next ordinary meeting of the General Assembly.)

All such ministers, home missionaries or elders and only they, are members of the Presbytery. Their names are placed on and constitute its members roll;

4.1.4. Minister emeritus: The General Assembly may on the recommendation of any presbytery declare a minister emeritus who has ceased to be in the active service of the church and assign him a seat in a Presbytery.

4.1.5. Parity elder: The presbytery shall appoint elders from sessions within its bounds to membership in the presbytery to give parity of membership with ministerial members. The
appointment shall be made annually following the receiving of elder’s commissions and after the presbytery roll has been prepared. No session shall have more than two elders as members of presbytery at any one time, except in cases where an elder holds an Assembly office, and has been granted a seat in the courts of the church by resolution, rule, or regulation of the Assembly.

4.1.6. Transfer of membership: At no time may a minister or an elder be a member of more than one presbytery except when appointed by Assembly as an assessor to another presbytery. Accordingly before enrolling a minister or an elder the clerk of the presbytery ensures that, if his name is still on the roll of another presbytery, that presbytery is informed of the proposed transfer in order that it may be regulated and the rolls of the presbyteries concerned adjusted.

If a minister or an elder appears to qualify for membership of more than one presbytery, the presbytery of which he is already a member decides whether or not his membership shall be transferred.

4.1.7. Associated members: Except when a judicial case is before the court, the presbytery may associate with itself any member of another presbytery who is present at any particular meeting allowing him to take part in the proceedings of that meeting, but not to preside, vote, or move or second a motion.

A presbytery may extend privileges equivalent to those of associate members to:

4.1.7.1. assistant ministers serving within its bounds in appointments of not less than one year’s duration; and

4.1.7.2. deaconesses serving within its bounds under appointment by, or with the approval of the Missions Committee, whose names appear on a roll of deaconesses to be kept by the presbytery.

4.1.8. Moderator: The presbytery elects from its members a moderator who holds office for such time as the presbytery may determine, normally twelve (12) months.

In the absence of the moderator, or in the event of his leaving the chair to address the court, the member among those present who was most recently moderator of the presbytery takes the chair, or, if there is no ex-moderator, the court appoints one of its members to take the chair but, if the moderator enters at any stage of the proceedings, he takes the chair and the fact of his having done so is recorded in the minutes.

If the moderator should die or otherwise cease to be a member of the presbytery during his term of office, the previous moderator will immediately assume his duties until the next ordinary meeting of the presbytery. If the previous moderator cannot assume such responsibility, the rights and duties in connection with the calling of urgent meetings are the responsibility of the clerk until a new moderator is appointed.

An acting moderator enters into all the rights and duties of the moderator (Rules 6.2.2 and 6.2.3) though in signing any document he must add to his signature “Acting Moderator”.

4.1.9. Clerk: The presbytery appoints a clerk who is usually, but not necessarily, a member of the presbytery and who holds office at the will of the court.

The clerk of presbytery makes the declaration of ‘Faithful Duty’ (Standing Orders 8) on taking up his office. The presbytery decides what remuneration he shall receive from its funds.

In his absence another is appointed to act as acting clerk and he also makes the declaration of ‘Faithful Duty’. (Standing Orders 8)

4.1.10. Treasurer: The presbytery appoints a treasurer to gather, take charge of, disburse and account for all the funds held by the presbytery as it may direct.

4.1.11. Other officials: The presbytery appoints such other officials as it considers necessary to facilitate its work.

4.1.12. Presbytery fund: The presbytery establishes a fund to meet its expenses, and for this purpose has the power to fix a rate charged on each parish and mission station calculated usually in proportion to the amount of stipend paid. Offerings made at services appointed by the presbytery may also be applied by it to this fund.

4.1.13. Commissions: The presbytery may appoint a commission of its own members for a specified purpose and with powers and membership defined by the presbytery at the time of appointment. The quorum of the commission shall be three(3) members, of whom one(1) must be a minister and one(1) a representative elder.

Such a commission does not have the power to ordain ministers, dissolve a pastoral tie or pronounce a sentence in a judicial case. So far as is possible a commission follows any procedure prescribed for the presbytery in a similar case. Appeal against a decision of a commission is made to the General Assembly and in the same manner as against the presbytery itself.
4.1.14. Committees: The presbytery may appoint committees for particular purposes to facilitate its work. These committees do not meet when the presbytery is sitting unless the presbytery gives specific permission.

4.2. Meetings and procedure
4.2.1. Quorum: A quorum of the presbytery shall be three members, of whom two must be ministers.

4.2.2. Ordinary meetings: The presbytery meets for ordinary business to transact whatever business that may arise and the meetings are held by:
4.2.2.1. adjournment from the previous ordinary meeting;
4.2.2.2. special appointment of a superior court; or
4.2.2.3. the constitutional revival of the presbytery in terms of Rule 4.2.8 after its powers and functions have lapsed.

Ordinary meetings are usually held within the bounds of the presbytery at set times and places and must be held at least once every quarter.

At each ordinary meeting the time and place of the next ordinary meeting is fixed, announced and minuted. No further notice is legally necessary, but it is usual for the clerk to send members a written reminder including notice of the business which it is proposed to consider.

When it appears to the moderator of the presbytery that the day appointed for its next meeting will be unsuitable, he may, with the consent of the clerk and another member, alter the date and instruct the clerk to give notice to members of such alteration. At least seven days' notice must be given of such alteration, and the moderator submits to the presbytery written reasons for his action. These reasons are recorded in the minutes.

4.2.3. Special purpose meetings: Besides its ordinary meetings a presbytery may meet for a special purpose.

A special purpose meeting 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. A special purpose meeting takes up only the business announced and minuted, and only that part of the minutes of the previous ordinary meeting which is relevant to the special purpose meeting is read at this latter meeting.

The legal position and the practice regarding notice of a special purpose meeting are the same as for an ordinary meeting.

4.2.4. Urgent meetings: An urgent meeting is one which is called to attend to business that has emerged since the previous ordinary meeting and is judged to require urgent action. The moderator has authority to call an urgent meeting of the presbytery.

The meeting is called by the moderator:
4.2.4.1. on his own responsibility; or
4.2.4.2. if he sees cause, when requested to do so for reasons stated by at least a quorum of the members on the roll of the presbytery.

4.2.5. Notification for urgent meeting: An urgent meeting of the presbytery is convened following notification issued by the moderator, or by the clerk with his authority and bearing the words "by order of the moderator", to every member of the presbytery at least seven days before the time fixed for the meeting. This notice must specify the business for which the meeting is convened and only that business may be attended to at that meeting. The full wording of the notice is included in the minutes of the meeting.

At an urgent meeting, before the business specified is taken up, the presbytery approves or disapproves the action of the moderator in calling the meeting. In the event of the presbytery disapproving, the moderator or any other member of the court may bring the whole circumstances of the case to the next ordinary meeting of the presbytery.

If the moderator declines to call an urgent meeting after a request has been properly served on him the members requesting the urgent meeting may bring the matter before the next ordinary meeting of the presbytery.

4.2.6. Adjourned meetings: A special purpose meeting or an urgent meeting may be adjourned to meet again before but not on or after the date of the next ordinary meeting of the presbytery for the purpose of completing the specified business and for that purpose alone. When the adjournment is for a period longer than one day the clerk sends notice of the adjournment to all absent members.
4.2.7. Meetings beyond bounds: A presbytery cannot meet beyond its own bounds without the permission or direction of the General Assembly.

4.2.8. Next meeting date not set or no quorum: When a presbytery at the close of its ordinary meeting neglects to fix the date of its next ordinary meeting, or if there should not be a quorum present on the day and at the time appointed the presbytery does not lapse but it is competent for the moderator or the clerk with the concurrence of the moderator to convene another meeting by notice addressed to all members of the court. These notices shall be issued at least seven days before the meeting, and in the record of the meeting the circumstances in which it has been convened are definitely mentioned and also reported by the clerk to the next meeting of the General Assembly.

4.2.9. Death of a minister: On the occasion of the death of a minister, the members of the presbytery present at the funeral may meet after it and make necessary arrangements for the supply of the pulpit and for other urgent matters. These are to be reported to the next ordinary meeting of the presbytery.

4.2.10. Open court: The presbytery is an open court. It may sit in private when it judges this to be necessary or expedient, and it must do so when required by the law of the church or by instruction of a superior court.

4.2.11. Order of business: Normally the order of business of a presbytery meeting is:

4.2.11.1. constitution by prayer;
4.2.11.2. recording of members present;
4.2.11.3. apologies for absence;
4.2.11.4. presentation of elders’ commissions;
4.2.11.5. adjustment of the roll;
4.2.11.6. association of eligible persons, and welcomes;
4.2.11.7. confirmation of minutes of previous meeting(s);
4.2.11.8. attention to any reasons for dissent from decisions recorded in the minutes of the previous meeting;
4.2.11.9. other business arising from the minutes;
4.2.11.10. correspondence out and in;
4.2.11.11. reports;
4.2.11.12. other business;
4.2.11.13. tabling of notices of motion for a future meeting;
4.2.11.14. At this stage the presbytery decides in what order the other business before it shall be taken up, including any fixed orders of the day. Notices of motion may also be handed in immediately before the close of the meeting.
4.2.11.15. set the date, time and place of the next meeting;
4.2.11.16. adjournment with prayer and the benediction.

4.2.12. In conference: To permit greater freedom in the discussion of important questions and to ripen opinion for subsequent decision, or to influence public opinion and action, the presbytery may meet in conference. The conference may appoint the moderator or any other of its members to preside. Only the decision to meet in conference and the fact of having done so, and not any resolutions framed or decisions adopted at such a conference, may be recorded in the minutes of the presbytery.

4.2.13. Committee of whole: For the consideration of a matter involving a variety of details, or for other reasons, the 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. Resolutions framed or decisions made in committee are reported to the presbytery when it resumes. They are usually adopted by the presbytery without further discussion, but the right of members to dissent, or to appeal, against the decision made by the presbytery on the report is in no way impaired.

4.2.14. Procedure and rules of debate: The procedure of the presbytery is governed by those parts of the following which are applicable to the presbytery:

4.2.14.1. the general rules for church courts;
4.2.14.2. the procedure and rules of debate contained in the standing orders of the General Assembly;
4.2.14.3. other relevant sections of this chapter.

The presbytery exercises a discretionary power of procedure in respect of any matter falling within its jurisdiction for which no specific procedure is provided above or in any resolution or direction of the General Assembly. Care is taken that substantial justice is done to all interests concerned.
4.2.15. Announcement of decisions: Decisions of the presbytery are communicated to the persons they concern either verbally to parties present or by means of extract minutes.

4.3. Jurisdiction, powers and duties in general

4.3.1. Jurisdiction: The presbytery has jurisdiction over:
- all the territory within the bounds assigned to it by the General Assembly;
- all the congregations and their members located within its bounds (Rules 2.1.13-2.1.18);
- its own members;
- all ministers without charge and all licentiates living or working within its bounds who are not subject to the jurisdiction of some other presbytery;
- such persons, congregations, and institutions outside its bounds as the General Assembly commits to its jurisdiction.
- colleges, hospitals and other church institutions within its bounds.

The jurisdiction of the presbytery does not exclude that of sessions in their prescribed area of oversight.

4.3.2. Powers and duties in general: The powers and duties of the presbytery include:
- supervision of the preaching of the Word of God, the administration of the sacraments and the various duties of the ministry discharged in the congregations within its bounds;
- receiving and deciding on all questions, references, complaints, appeals and petitions from sessions and from members of the church;
- approving or recognising preaching places or congregations;
- both naming and authorizing the erection of new churches, manses, school rooms and also considering the site and plans for the same;
- provision being made, in conjunction with the Missions Committee, for the supply of vacant pulpits;
- ordination of licentiates to the office of the ministry;
- induction of ministers into their pastoral charges or severing the pastoral tie;
- oversight of schools belonging to its congregations;
- conducting presbyterial visitation of congregations within its bounds;
- considering all matters relating to the condition of the congregations within its bounds with the power of reviewing any of their proceedings;
- examination of students of divinity and licensing of probationers;
- examination, recognition and maintenance of a roll of Lay Preachers in accordance with Regulations for Lay Preachers;
- setting missionaries apart for work at home and abroad;
- judging complaints against ministers or preachers, enquiring into reports affecting their character and exercising discipline;
- considering overtures and remits sent down by the Assembly and sending up references, petitions and overtures to the Assembly;
- and generally the Presbytery has power over its own members, licentiates, students, home missionaries, sessions and congregations, and over all matters which the Assembly may from time to time commit to its supervision and it is required to observe that all Assembly instructions are obeyed.

A Presbytery has no legislative but only executive or administrative powers or functions.

4.3.3. Rules not exhaustive: The following sections and rules in this chapter are to be held as giving only partial and not exhaustive legislative expression and formulation to that part of the law of the church as summarised in Rule 4.3.2 above concerning the presbytery's powers and duties in general.

The presbytery, in the lawful exercise of its proper powers and the discharge of its duties, is required to watch over all the interests of the church within the territory over which it has jurisdiction, and to intervene whenever it judges appropriate to protect or promote those interests. The presbytery does this where there is no express provision made by a superior court.

4.3.4. Appeal against decisions: Any appeal against any decision of the presbytery, except where otherwise provided, is made to the General Assembly.

If the appeal is obstructed by the presbytery, or not available, the matter may be pursued by petition to the General Assembly.
4.4. Candidates for the ministry

4.4.1. Candidates for the ministry: The presbytery has the responsibility of ascertaining on all grounds whether an applicant is a suitable person to become a candidate for the ministry. The presbytery accepts him as a candidate and it is satisfied;

4.4.1.1. that he is a communicant member of the church; and
4.4.1.2. that he is recommended by the minister and session of the congregation to which he belongs; and
4.4.1.3. after consultation and with the concurrence of the Theological Education Committee.

4.4.1.4. The College Committee of the General Assembly of Australia, after receiving from the Theological and Christian Education Committee notification of an applicant’s acceptance as a candidate for the ministry, has the right to:

4.4.1.5. determine his academic status;
4.4.1.6. admit him to the course of training;
4.4.1.7. assign him an appropriate grading in that course.

Presbytery and the state Theological and Christian Education Committee shall act according to regulations set out for the admission and oversight of candidates for the Ministry.

4.4.2. Oversight of candidates: At all stages of their training it is the duty of the presbytery to concern itself with the welfare and progress of those who are preparing for the ministry. A student for the ministry remains under the supervision of the presbytery which originally recommended him unless and until it transfers him to the supervision of another Presbytery. Until he is licensed he remains under the jurisdiction of the session on whose roll of communicants his name appears. In the event of a student proving himself unsatisfactory at the Theological College stage of his course, proceedings which may involve personal consultation between the presbytery and the College Committee may be instituted either by the presbytery or the College Committee with a view to his presbytery terminating his candidature. His candidature can be terminated only by the presbytery having jurisdiction over him.

4.4.3. Jurisdiction between presbyteries and General Assemblies: 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.

While the State Assembly Theological and Christian Education Committee or Theological College Committee at which he candidate is undertaking studies may act as the agent of the College Committee of the General Assembly of Australia for purposes within the authority of that committee in all other respects it remains a committee or board of the State Assembly appointing it and subject to the laws of that State.

4.4.4. Trials for licence: The presbytery may appoint trials for licence for a candidate within its jurisdiction who:

4.4.4.1. makes a formal request of presbytery;
4.4.4.2. is in his exit year;
4.4.4.3. has notification from the Theological College Faculty that its requirements have been satisfied up to that time;
4.4.4.4. is a communicant member of the church.

The presbytery then appoints 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.

4.4.5. Subjects of examination: Normally the exit certificate is accepted as sufficient proof of scholarship, but the presbytery may examine the candidate before granting a licence.

If an examination is held then the examination shall include:

4.4.5.1. oral examination in theology with particular reference to the Westminster Confession of Faith read in the light of the Declaratory Statement;
4.4.5.2. conduct of public worship and preaching of a sermon on a prescribed text.

The examination may also include other prescribed tasks, including:

4.4.5.3. an exegesis paper on a prescribed passage of Scripture;
4.4.5.4. an essay on a doctrine of theology;
4.4.5.5. on the understanding that (4.4.5.3) and (4.4.5.4) above may require the production of papers not previously written for or updated from class work.
4.4.6. Report of examiners: The examiners shall report to the presbytery in writing. The presbytery, having heard from the examiners, hears from the candidate and has the opportunity to question him on any relevant matter.

4.4.7. Removal to another presbytery during trials: If a candidate at any stage of his trials needs to move residence outside the bounds of his presbytery, the presbytery, if satisfied with the reasons for his move, transfers him to the jurisdiction of the presbytery within whose bounds he intends to reside. When transferring the candidate the presbytery certifies the subjects of trial that have been prescribed, if any, the parts that have been performed, and whether satisfactorily completed or not. The presbytery receiving the candidate shall not review those parts of the trials already performed to the satisfaction of the former presbytery, but proceeds with the remainder of the trials as if the candidate had first appeared before it.

4.4.8. Act of licensing: After the candidate has completed his trials to the satisfaction of the presbytery, a motion is made to proceed to his licensing. When this motion is carried, the procedure of licensing is as follows:

4.4.8.1. the moderator puts to the candidate the questions prescribed by the Constitution, Procedure and Practice of the Presbyterian Church of Australia, Chapter 6, these having been answered satisfactorily;

4.4.8.2. the moderator engages in prayer, at the conclusion of which he makes the following declaration:

4.4.8.3. "In the name of Jesus Christ, the only King and Head of the church, and by the warrant and appointment of this presbytery, I now license you to preach the Gospel of the Lord Jesus Christ";

4.4.8.4. the licentiate is invited to sign the Formula prescribed in the Constitution Procedure and Practice of the Presbyterian Church of Australia;

4.4.8.5. the moderator exhorts him to be faithful in carrying out the work of the Gospel with which he has been entrusted;

4.4.8.6. the members of the presbytery give him the right hand of fellowship;

4.4.8.7. the presbytery passes a motion granting his licence;

4.4.8.8. the clerk issues to the licentiate an attested extract minute of his licence in the form prescribed (Rule 7.5).

4.5. Status of ministers and licentiates

4.5.1. Determination of status: 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.

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

4.5.2.1. ordination at the hands of a presbytery of the church; or

4.5.2.2. 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 may recognise as a minister of the Presbyterian Church of Australia only those persons who have been admitted to that status and who still retain it.

4.5.3. Loss of status of minister: The Presbytery declares that a minister has lost the status of a minister of the Presbyterian Church of Australia if and when he 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 of the Presbyterian Church of Australia.

4.5.4. Work outside the church: A minister shall notify the presbytery of the invitation to him before accepting an appointment outside the Presbyterian Church of Australia (i.e. a position under the oversight of another denomination or an inter-church body). Should the presbytery while giving consideration to the needs of the Presbyterian Church consider the office to which the minister is invited is worthy of the ministry and relevant to it, it may second the minister to that body for a specified period not exceeding five years in the first instance. At the end of that term the period may be extended up to a further five years, after a similar approach to the Presbytery from the body concerned. Any further extension shall be with the approval of the General Assembly.

If a minister is seconded to work under the supervision of another denomination, he shall be recognised as a minister without charge, issued with certificates and remain under the jurisdiction of the presbytery.

If the body to whom a Minister is seconded is one on which the Presbyterian Church has representatives appointed by the Assembly or the General Assembly of the Presbyterian Church of
Australia or any committee thereof and the Presbytery is of the opinion that membership in the Presbytery is desirable in the interests of the Church, it may petition the Assembly or the Commission of Assembly to grant the Minister concerned a seat in the Presbytery for the period of his appointment under the Provisions of Rule 4.1.3.5.

4.5.5. Resignation of minister: If a minister desires to resign from the ministry of the Presbyterian Church of Australia, the matter is dealt with in the same way as if he was resigning from his charge, so far as applicable.

4.5.6. Certificates: The presbytery has authority in the appropriate circumstances to grant certificates of status, presbyterial certificates, certificates of licence, and letters of commendation in the prescribed form to persons within its jurisdiction. The purpose of these is as follows:

4.5.6.1. a certificate of status (Rule 7.6.1) certifies both that the person named has been properly admitted to the status of a minister of the Presbyterian Church of Australia and retains that status at the time of the issuing of the certificate;

4.5.6.2. a presbyterial certificate (Rule 7.6.1) certifies to the character and conduct of a minister or licentiate;

4.5.6.3. a certificate of licence (Rule 7.5) (which takes the form of an extract minute of licensing) certifies that the person named has been licensed by the presbytery to preach the Gospel of the Lord Jesus Christ;

4.5.6.4. a letter of commendation (Rule 7.6.2) certifies that the status of the person named is satisfactory and the person is commended to another court or authority of the Presbyterian Church of Australia or of some other Church or Churches in cases for which there is no relevant certificate, or in the case of a temporary absence on leave.

4.5.7. Certificate of status: The presbytery shall grant, unless it see cause to withhold it, a certificate of status to a minister under its jurisdiction who resigns his charge or who is about to be transferred to the jurisdiction of another presbytery, except in the case of a translation or an appointment by the General Assembly to an Assembly office, where no such certificate is required, provided that the minister has been received into the Presbyterian Church according to its Rules.

4.5.8. Presbyterial certificate: The presbytery may grant a presbyterial certificate to every minister who resigns his charge and to every minister and licentiate about to be transferred to the jurisdiction of another presbytery, except in the case of a translation or an appointment by the General Assembly to an Assembly office, where no such certificate is required, provided that the minister has been received into the Presbyterian Church according to its Rules.

A certificate is withheld if the presbytery has cause or when the person concerned is under discipline or such process is pending the presbytery must withhold the certificate.

4.5.9. Certificate of licence: The presbytery, immediately following the licensing of a student, grants to him a certificate of licence in the form of an extract minute (Rule 4.4.8).

4.5.10. Letter of commendation: The presbytery may grant a letter of commendation to:

4.5.10.1. a minister or licentiate who has been granted leave of absence;

4.5.10.2. an elder proposing to visit another church in some other state or country;

4.5.10.3. a candidate for the ministry who is about to be transferred to the supervision of another presbytery;

4.5.10.4. a home missionary or deaconess who is about to be transferred to service in another presbytery.

4.5.11. Presbyterial certificate not produced: A minister or licentiate is not permitted to exercise the functions of ministry;

4.5.11.1. until a satisfactory Presbyterial Certificate is produced and approved; or

4.5.11.2. after an extension granted he is still unable to produce a satisfactory certificate; or

4.5.11.3. if a Presbyterial Certificate is withheld.

4.5.12. Reapplication if certificate withheld: A minister or licentiate from whom a presbyterial certificate has been withheld may reapply to the same presbytery after the expiry of at least twelve months from the date it was withheld. The presbytery may, if satisfied, grant the certificate, or do so after a period of probation and supervision.

4.5.13. Disqualification from membership: On resigning his charge, a minister not holding a presbyterial certificate does not retain his seat in the presbytery as a minister emeritus nor is he eligible to become a member of a session as an elder.
4.6. **Oversight of ministers and licentiates**

4.6.1. **Licentiates under jurisdiction:** A licentiate is subject to the jurisdiction and oversight of the presbytery within whose bounds he resides. He remains under the jurisdiction of the presbytery which licensed him unless he takes up residence within the bounds of another presbytery. He must, within two months of taking up residence, notify the other presbytery and produce:

4.6.1.1. an extract minute of his licensing; and

4.6.1.2. a presbyterial certificate in the form prescribed for licentiates (Rule 4.5.9 and 4.5.10).

4.6.2. **Ministerial members of presbytery:** A minister is a ministerial member and is subject to the jurisdiction of the presbytery of which he is a member wherever he may reside. If he takes up residence within the bounds of another presbytery, he is required within two months to advise the clerk of the other presbytery.

Normally a ministerial member of a presbytery without charge, who takes up permanent or temporary residence within the bounds of another presbytery, is not required to produce a certificate of status or a presbyterial certificate. However, certificates are required:

4.6.2.1. if he wishes to effect the permanent transfer of his ministerial membership (Rule 4.6.3); or

4.6.2.2. if his taking up residence in the other presbytery is for the purpose of doing ministerial work within its bounds.

4.6.3. **Ministerial members without charge; permanent transfer:** A minister without charge may, on taking up permanent residence within the bounds of another presbytery, be transferred to the membership of the other presbytery upon production within two months (or within a period of time approved by the presbytery) of:

4.6.3.1. a certificate of status;

4.6.3.2. a presbyterial certificate; and

4.6.3.3. a letter from the former presbytery agreeing to such transfer.

The transfer takes effect from the date of approval of such certificates and the clerk then notifies the former presbytery of such transfer.

4.6.4. **Minister emeritus without charge:** If a minister emeritus who retains his seat as a ministerial member of the presbytery accepts appointment for not less than six months as a minister without charge to a parish in another presbytery, he becomes a ministerial member of that presbytery from the date and during the term of his appointment.

Notice of this appointment must be given by the clerk to the minister’s former presbytery, in which his membership ceases for the time being.

Unless at the completion of his term he again receives a similar appointment without charge in another presbytery (to which he is similarly transferred and his former presbytery notified) the clerk notifies his former presbytery and his membership reverts to it.

If a minister emeritus who has retained his seat as a ministerial member of presbytery subsequently desires to resign the same, he presents a petition to the presbytery requesting to be allowed to do so.

4.6.5. **Assembly appointments:** When a minister holding a pastoral charge or Assembly office is appointed by the General Assembly to an Assembly office, in virtue of which he is granted, or has ex-officio, a seat in presbytery, such appointment is regarded as the equivalent of translation and no certificate of status or presbyterial certificate is required.

4.6.6. **Ministers who are not members of presbytery:** A minister who is not a ministerial member of any presbytery (and is therefore without charge) is under the jurisdiction of the presbytery within whose bounds he resides. Within two months (or such extension of time as the presbytery may reasonably allow) of taking up residence within the bounds of a presbytery, he is required to present to it a certificate of status and a presbyterial certificate issued by a competent court not more than three months previously.

4.6.7. **Ministers who are not ministerial members; certificates when call received:** A minister who is not a ministerial member of any presbytery, if he accepts a call from a congregation in another presbytery, is required to apply to the presbytery within whose bounds he resides for a certificate of status and a presbyterial certificate. He must present these certificates to the other presbytery prior to its inducting him to a charge. The presbytery is not permitted to induct him until such certificates have been produced and approved.

4.6.8. **Ministers who are not ministerial members; appointment without charge:** When a minister of the Presbyterian Church of Australia who has held a pastoral charge and has not lost his
status is appointed to a parish as minister without charge (but not as an assistant to the minister) is enrolled as a ministerial member of the presbytery within whose bounds he works:

4.6.8.1. if the appointment is for twelve months or more; and
4.6.8.2. from the date of approval of a certificate of status and a presbyterial certificate from the presbytery within which he has been residing.

He remains a ministerial member of presbytery until the completion of the term of his appointment.

**4.6.9. Minister emeritus eligible to be member of session:** A minister emeritus who holds a presbyterial certificate is eligible for election to membership of the session of the congregation of which he is a member. He is elected and inducted to office in the same manner as other elders.

**4.6.10. Residence and jurisdiction relative to G.A.A. Code of Discipline:** When a minister who is not a ministerial member of any presbytery (Rule 4.6.6) or a licentiate (Rule 4.6.1) takes up residence within the bounds of a presbytery other than that within which he has been residing, he is considered, for the purpose of determining jurisdiction under the Code of Discipline of the Constitution, Procedure and Practice of the Presbyterian Church of Australia, to have been transferred to the jurisdiction of the presbytery within whose bounds he has gone to reside, as from the date of his taking up residence.

**4.6.11. Complaints against ministers:** The presbytery is the court of first instance in respect of all matters relative to the life, character and professional conduct of its ministers and licentiates. The presbytery receives and deals appropriately, either by administrative action or by formal judicial process of discipline, with all complaints, charges or allegations of any kind that come to its notice by regular process and are directed against ministers or licentiates within its jurisdiction.

**4.6.12. General oversight by presbytery:** It is the duty of the presbytery to be active in the oversight of all ministers and licentiates residing or working within its bounds, whether they are under its jurisdiction or not. It takes notice of any false teaching or inappropriate conduct of any such minister or licentiate as comes by regular process to its notice and deals with it, as the case requires, by administrative or other action. Until a presbytery is satisfied, it may prohibit the minister or licentiate concerned from exercising within its bounds any or all of the functions of the ministry. Should he be subject to the jurisdiction of some other presbytery, the facts of the case may be communicated to that court with a request that it take appropriate action.

**4.6.13. Discipline of ministers and licentiates:** In exercising its oversight of ministers and licentiates the Presbytery makes use of discipline in dealing with those subject to its jurisdiction. This power is exercised in accordance with the Code of Discipline of the Presbyterian Church of Australia.

The Presbytery, in the administration of this rule, is required to exercise special care to comply with all the relevant provisions in Chapter 6 (General rules for church courts).

**4.6.14. Leave of absence:** The minister of a charge is not permitted to be absent from his pulpit or from the pastoral care of his congregation for more than two months without obtaining the 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.

In the case of a minister without charge or other pastoral responsibility, he is required to obtain the leave of his presbytery for absence from the bounds for a period in excess of six months.

**4.6.15. Contumacy of ministers:** Presbytery may proceed against a minister who:

4.6.15.1. leaves his charge for more than two months without permission of the Presbytery; or
4.6.15.2. disowns or defies the authority, or deliberately disobeys a lawful order, of the Presbytery; or
4.6.15.3. is repeatedly absent without leave or sufficient reason from Presbytery meetings of which he is a member;

with a charge of contumacy but only in accordance with the Code of Discipline of the Presbyterian Church of Australia.

**4.6.16. Mental or medical impairment in a minister:** When it is has been established to the satisfaction of the presbytery, in the course of any judicial process affecting the status of a minister, or by members of his session or of his congregation and on the certificate of two registered medical practitioners, that a minister is mentally or medically incapable of performing the duties of his office, the presbytery relieves him of the exercise of them and takes steps to provide for the administration of all services and pastoral oversight.
The presbytery appoints an interim moderator, and it may, if it is deemed necessary, allocate a portion of the minister's stipend, not exceeding one half, towards the expense of supplying services mentioned above.

In the event of the minister being certified by two registered medical practitioners as mentally or medically capable of resuming his duties, the presbytery reinstates him in the full exercise of the duties of his office and discharges the interim moderator.

In the event of the minister not being mentally or medically capable at the expiration of one year, the presbytery dissolves the pastoral tie, declares the charge vacant and takes the usual steps for filling the vacancy.

4.6.17. Celebrants of marriage: It is the duty of the presbytery to deal as the General Assembly provides in the relative regulations with all applications for the registration of persons as celebrants of marriage under the relevant Acts of Parliament.

4.7. Public worship
4.7.1. Regulation of worship and other services: The 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 (Rule 3.6.1).

In exercising this responsibility, presbytery takes notice of any case drawn to its attention that appears to be a practice inconsistent with the accepted standards of worship as practised in the church or which is a needless cause of division in the congregation.

After careful inquiry the presbytery may direct that such practices cease.

4.7.2. Effect of appeal against decision on worship: In the case of an appeal against a decision of the presbytery relative to public worship or other religious services, the process may be set aside unless the presbytery proceeds to the execution of judgment. All parties concerned are required to obey and abide by the original decision of presbytery until the appeal is finally disposed of (Rule 3.6.1).

4.8. Formation and status of congregations
4.8.1. Boundaries and status fixed: The presbytery divides the whole area within its bounds into parishes and mission stations and gives to each parish the status of either a charge or an appointment parish, and to each mission station the status of either a progressive mission station or a home mission station.

4.8.2. Session appointed: The presbytery places every congregation within its bounds under the control and supervision of a session. To this end it may:
4.8.2.1. approve the formation of a session by the election of elders from among the communicant members of a parish or mission station;
4.8.2.2. appoint for a parish or mission station an interim session composed of ministerial members of the presbytery or of members of sessions within the bounds, with a ministerial member of the presbytery as moderator;
4.8.2.3. strengthen an existing session by the appointment of assessors who are ministerial members of the presbytery, or members of other sessions within the bounds, who during the term of their appointment have the full rights and privileges of session members;
4.8.2.4. place the congregation under the control and supervision of a neighbouring session;
4.8.2.5. authorise the continuance for such a period as it deems fit of a session in a home mission station which has been reduced from the status of a charge or an appointment parish.

4.8.3. Status of charge: The presbytery declares an area to be a parish with the status of a charge when it is satisfied that:
4.8.3.1. the area requires the settlement of a minister; and
4.8.3.2. there is a sufficient number of responsible communicants adequately organised to exercise the right and responsibility of issuing a call; and
4.8.3.3. the financial requirements for a settlement can and will be met by the congregation concerned; or, if in the judgment of the presbytery that is unlikely, sufficient financial aid will be made available for this purpose from the funds of the General Assembly; or
4.8.3.4. where it is satisfied that it is expedient for the congregation that the presbytery does so.

4.8.4. Charge reduced to an appointment parish: When the circumstances of a charge change to such an extent that it can no longer retain that status, and the presbytery judges the change to be
of a temporary nature only, the presbytery may decide to withhold from the congregation the right of call for the time being. It then declares the status of the parish to be that of an appointment parish, and proceeds to the appointment of a minister for a period not exceeding three years in the first instance.

**4.8.5. Appointment parish reduced in status:** If the presbytery judges that an appointment parish after three years has shown no such improvement in its circumstances as would justify restoration of the right of call, the parish falls from its status and the presbytery declares it to be a mission station with the status of a home mission station, unless it unites it with some other appointment parish or charge (Rule 4.8.9).

**4.8.6. Charge reduced to home mission station:** If adverse changes in the circumstances of a charge or appointment parish occur of such a nature that it can no longer retain its status as a charge or appointment parish, and if the presbytery judges that these are likely to be of a lasting character, the presbytery declares the charge or appointment parish to be a home mission station. However the presbytery may unite such a parish with some other charge or appointment parish.

**4.8.7. Progressive mission station:** The presbytery declares an area to be a mission station with the status of a progressive mission station when it is satisfied that:

- the mission station requires the settlement of a minister, licentiate or exit student; and
- there is a reasonable likelihood of the mission field attaining the status of a charge within one year from the appointment of a minister, licentiate or exit student; and
- the financial requirements for the appointment can and will be met by the congregation concerned alone; or, if in the judgment of the presbytery that is not possible, sufficient financial aid will be made available for that purpose from the funds of the General Assembly.

In the event of the progressive mission station failing to attain to the status of a charge during the period of one year referred to in (4.8.7.2) of this rule, it falls from the status of a progressive mission station and may not again be declared to be such until there is further evidence of its likelihood of attaining the status of a charge.

**4.8.8. Mission fields:** The presbytery declares all areas within its bounds which do not have the status of a charge, an appointment parish or a progressive mission station to be mission fields with the status of home mission stations.

**4.8.9. Union, readjustment or dissolution of congregations:** The presbytery, when it sees sufficient cause, takes the steps necessary to effect the union, readjustment or dissolution of congregations within its bounds, and makes such changes in the bounds and status of parishes and mission stations as it judges necessary. In every such case it first seeks the mind of the ministers, sessions and congregations concerned and endeavours to obtain their agreement to the proposed decision. The absence of such agreement is no barrier to the further action of the presbytery when it judges such action to be necessary for the good of the church. However the presbytery must have the concurrence of the ministers of any settled charge involved in the proposed change.

In effecting the union, readjustment or dissolution of a congregation the presbytery takes care that no property is needlessly alienated from the church.

At all times the presbytery encourages and assists mission stations and appointment parishes to rise to the status of a charge.

**4.9. Supervision of vacant charges**

**4.9.1. Oversight of vacancies:** The presbytery takes special oversight of a congregation within its bounds which is vacant.

**4.9.2. Declaration of vacancy:** The Presbytery declares a vacancy to exist in a charge from the date of:

- the death of a minister; or
- the dissolution of the pastoral tie between minister and congregation:
  - on the acceptance of the resignation of the minister in accordance with rule 4.9.3; or
  - on the minister’s translation and induction to another charge; or
  - in consequence of the action or instructions of a superior court; or
  - in consequence of lawful action taken by the presbytery as provided in rules or regulations of the General Assembly; or
  - in the exercise of its power of dealing with congregations in an unsatisfactory state (Rule 4.15.3) or
4.9.2.2.6. if the minister is deposed or suspended from his office for more than three months or indefinitely after formal judicial process as provided in the Code of Discipline of the General Assembly of Australia; or

4.9.2.3. approval given by the Presbytery:
  4.9.2.3.1. to an application for the calling of an associate minister, a colleague, or a colleague and successor, to the minister of the charge; or
  4.9.2.3.2. for the raising of an appointment parish, a progressive mission station or a home mission station to the status of a charge.

4.9.3. Dissolving the pastoral tie: The presbytery, having decided to dissolve a pastoral tie, engages in prayer and then either names a date from which the dissolution takes effect or, in the case of translation, instructs the minister concerned to wait on the orders of the other presbytery in regard to the arrangements for his induction.

4.9.4. Resignation of charge: A minister desiring to resign his pastoral charge sends his resignation in writing to the presbytery of the bounds. The presbytery, before proceeding to deal with the resignation, cites the congregation to appear for their interests at a nominated meeting of the court.

No final announcement of the resignation may be made by a minister to his congregation. The announcement should come through the presbytery, and the presbytery accepts such a resignation only after careful inquiry into the causes which have led to it. This rule is not to be interpreted as preventing private discussion between a minister and any of his congregation.

4.9.5. Edict of vacancy: The presbytery, on declaring a vacancy to exist, issues an edict of vacancy in the prescribed form (Rule 7.7) and directs that it be read to the congregation concerned at the earliest opportunity following the commencement of the vacancy. Certification that the edict was read is returned immediately to the clerk of the presbytery.

4.9.6. Appointment of interim moderator: On declaring a vacancy to exist in a charge, the presbytery appoints one of its ministerial members as interim moderator of the session, who shall, while so acting, not be eligible for a call to the charge.

An interim moderator has the powers and, so far as he does not lawfully delegate them to other qualified persons, performs the functions of moderator. Under no circumstances may a presbytery appoint a minister connected with a vacant congregation to be its interim moderator.

4.9.7. Status and powers of interim moderator: As the representative and executive of the presbytery, the interim moderator:
  4.9.7.1. sees that public worship, sacraments and all other appropriate religious services are duly administered and discipline is maintained;
  4.9.7.2. executes, so far as he can do so consistently with his other duties, all the spiritual functions that would otherwise belong to the inducted minister;
  4.9.7.3. delegates to such persons as the law of the church allows such duties as he is not able personally to perform;
  4.9.7.4. stands in the same position as the inducted minister in regard to the use of the church and other buildings (Rules 2.3.3, 2.3.4, 3.6.1 and 3.6.2);
  4.9.7.5. takes the necessary steps for filling the vacancy in accordance with the procedure laid down by the General Assembly, except when the presbytery halts procedure as provided in Rule 4.9.10 following.
  4.9.7.6. notifies the Missions Committee of his appointment and confers with that committee from time to time as to the provision of sacraments and the supply of the vacant pulpit.

When it sees fit the presbytery also appoints two of its members with whom the interim moderator may take counsel in matters concerning the vacancy.

4.9.8. Interim moderator designate: Should the presbytery decide that the dissolution of the pastoral tie (Rule 4.9.2) shall take effect at a considerable interval after such decision is made, it may appoint one of its ministerial members as interim moderator designate. The interim moderator designate shall take initial steps to fill the pending vacancy up to, but not including, the insertion of a name in a form of call.

The interim moderator designate may, after consultation with the moderator of the session, convene and preside over such meetings of the session, the board of management, the congregation and the selection committee as in the opinion of the interim moderator designate are necessary for the
discharge of his duties. Only business connected with the filling of the pending vacancy may be dealt with at such meetings.

The interim moderator designate has the full responsibilities and powers of interim moderator only from the commencement of the vacancy.

**4.9.9. Reports on vacancies:** The presbytery calls regularly for reports on a vacancy from the interim moderator, and takes any competent action as it judges necessary to expedite the filling of the vacancy, or such other action as the circumstances require and the law of the church permits.

**4.9.10. Halting of procedure towards call:** The presbytery may at any time, for reasons which it considers sufficient, halt procedure for the filling of a vacancy and may take such further action as it judges to be in the best interests of the congregation or of the church in general.

**4.9.11. Limit in length of vacancy:** If the vacancy has not been filled within the time limit specified in the Regulations of the General Assembly, and there is still no immediate prospect of a settlement being effected, the presbytery may declare the charge to be an appointment parish for a period not exceeding twelve months and may proceed to the appointment of a minister.

Such an appointment is subject to the conditions that the presbytery may, at any time it sees fit, restore to the congregation the right of call and allow the necessary steps to be taken to fill the vacancy, or it may, at the end of the appointed minister’s term, reduce the appointment parish to a home mission station.

**4.9.12. Supply fees during vacancy:** Vacant charges receiving supply shall pay ministers, licentiates or other qualified persons for each service according to the scale of fees and expenses fixed by the General Assembly.

**4.9.13. Continuous supply in vacancy:** The presbytery, with the approval of the relevant Assembly committees when such is required, may arrange through the interim moderator for the supplying of a prolonged vacancy by some suitable person. The presbytery withdraws or disallows such continuous supply when it judges that the activity of the congregation in proceeding to a call is being lessened by this arrangement.

**4.10. Procedure in a vacancy**

**4.10.1. Interim moderator initiates action:** Interim moderator initiates action promptly upon his appointment the interim moderator shall:

4.10.1.1. notify the Home Mission Committee in order that arrangements may be made for the administration of ordinances and supply during the vacancy and the forwarding of all necessary information to the congregation;

4.10.1.2. take all steps necessary to maintain the activities of the charge;

4.10.1.3. convene and preside over a meeting of the session to revise the rolls of communicants and adherents in order that an electoral register may be compiled as provided in Rule 4.10.2 following;

4.10.1.4. unless special grounds for delay exist set in motion the procedure prescribed in the Rules following.

**4.10.2. Electoral register:** Notice shall be given by the session to the congregation of its intention to revise the rolls and make up an electoral register.

As soon as possible after such revision the session shall compile an electoral register consisting of:

4.10.2.1. all the names (less those removed in the aforesaid revision) which were on the rolls of communicants and of adherents at the date of the occurrence of the vacancy; and

4.10.2.2. the names of all persons who submit certificates of transference (whether as communicants or adherents) dated on or before the occurrence of the vacancy, provided such certificates are sustained.

The electoral register shall consist of two lists, one of the communicants, the other of the adherents, and on each the names shall be in alphabetical order and numbered consecutively. Each list shall be certified by the interim moderator and the session clerk as being the electoral register of communicants or adherents as the case may be.

Opportunity shall be given to interested parties to inspect the electoral register before it is finally adjusted. Immediately thereafter the register (or a copy thereof) shall be sent to the clerk of presbytery, who shall attest it. No name whatever shall be added to the electoral register after it has been thus attested except by the authority of the presbytery after application in writing by the session, but on written application, the session may grant a certificate of transference to any
communicant or adherent, of which transference the session clerk shall notify the interim moderator, who thereupon shall delete the name from the electoral register and initial the deletion. Only those persons whose names are on the attested electoral register may take part in or vote at any congregational meeting connected with a vacancy or subscribe to or concur in a call.

4.10.3. Payment of arrears and proposed terms of settlement: The congregation, at its first meeting in connection with the filling of the vacancy, shall arrange to pay to the former minister or his personal representatives any arrears in stipend or allowances and to the General Assembly, the presbytery, and the provident fund any arrears in rates due to them. Either at this meeting, or promptly thereafter, the congregation shall decide on proposed terms of settlement which, without delay, shall be submitted by the interim moderator to the presbytery or its appropriate committee, which shall carefully consider them in the light of all available information and either approve them and send them (on the prescribed form) to the Maintenance of the Ministry Committee of the Assembly, or refer them back to the congregation for reconsideration.

4.10.4. Terms disapproved by Maintenance of Ministry Committee: If the terms of settlement proposed, even though in excess of the minimum, are disapproved by the Maintenance of the Ministry Committee of the Assembly, the presbytery shall not sustain a call and may, after further consultation with the congregation, reduce the status of the charge to that of an appointment parish or a home mission station (Rules 4.8.4, 4.8.6).

4.10.5. Ballot requested: The vote of a congregational meeting on any motion proposing the insertion of a name in a form of call shall be taken by ballot if requested by at least one-third of the communicants present.

4.10.6. Congregation’s choice of procedure: When the requirements of Rules 4.10.3 and 4.10.4 above have been complied with and terms of settlement have been approved by the Maintenance of the Ministry Committee, and provided that Rule 4.10.17 does not apply, the interim moderator shall call upon the congregation, duly convened, to decide whether:

4.10.6.1. it is prepared to proceed to a call immediately; or
4.10.6.2. it desires, before taking any further step towards a call, to invite some particular person to lead the congregation in public worship; or
4.10.6.3. it desires to proceed at once to the appointment of a selection committee. If option 4.10.6.3 is chosen, from this point on names for a call shall be submitted to the congregation only through the selection committee.

4.10.7. Immediate call: If the congregation decides to proceed in accordance with Rule 4.10.6.1, the interim moderator shall call for nomination of one person only. This nomination must be agreed to by congregational vote. He shall then read a blank form of call (Rule 7.4) and after prayer invite the congregation by majority vote to insert in the form of call the name of the minister or licentiate nominated. If the congregation fails to insert the name of the person thus nominated, the procedure shall be as in Rule 4.10.6.2 or 4.10.6.3 above.

4.10.8. One candidate heard: If the congregation decides to proceed in accordance with Rule 4.10.6.2, and provided the person to be invited is eligible and agreeable, the interim moderator shall make the necessary arrangements for him to conduct divine public worship within the parish and promptly thereafter shall require the congregation, duly convened, to decide either for or against calling him. If the congregation decides against calling him, or if he declines the invitation to conduct divine worship and the congregation refrains from calling him, a selection committee as provided in Rule 4.10.6.3 shall be appointed, but in the latter case, the person concerned shall not be disqualified from further consideration by the congregation should the selection committee so recommend.

4.10.9. Ordinary selection committee appointed: If the congregation proceeds in accordance with Rule 4.10.6.3, it shall forthwith appoint from its communicant members a selection committee of not less than seven. This committee shall be convened and presided over by the interim moderator, who shall have a casting vote only, which however he shall not exercise to determine a name to be recommended to the congregation. As provided in Rule 4.9.7, the presbytery may appoint two of its members with whom the interim moderator may take counsel in matters concerning the vacancy. They may attend and participate in all meetings of the selection committee but they have no vote in those meetings.

4.10.10. Duties of selection committee: A selection committee, whether special or ordinary, shall:
4.10.10.1. consider the eligibility and qualifications of persons, whose names are proposed by members of the committee or who have made formal written application through the interim moderator for consideration, or, whose names have been supplied by the Home Mission Committee;

4.10.10.2. decide on one name at a time to recommend to the congregation for call. Also the committee may, if authorised by the congregation at any stage, invite to conduct divine worship in the parish any person whom is has decided to recommend; (See Rules 4.5 to 4.6.10 and 4.11.17 for eligibility);

4.10.10.3. keep minutes of its proceedings.

4.10.11. **Recommendation made to congregation:** When the selection committee is ready to make a recommendation, the interim moderator shall call a meeting of the congregation to which, after divine worship, the recommendation shall be submitted. Thereupon the meeting shall:

4.10.11.1. decide to call the person recommended; or

4.10.11.2. decide not to call him; or

4.10.11.3. request him to conduct public worship in the parish if he has not already done so or if the congregation wishes to hear him again.

4.10.12. **Recommendation accepted:** Should the congregational meeting decide to call the person recommended (Rule 4.10.11.1), the interim moderator shall at once read to the congregation a form of call (Rule 7.1) in which the name of the minister or licentiate recommended has been inserted. Thereafter the procedure set out in Rules 4.10.18ff shall then be followed.

4.10.13. **Recommendation not accepted:** Should the congregational meeting decide not to call the person recommended (Rule 4.10.11.2), the selection committee shall make to subsequent meetings of the congregation a second recommendation; and, if necessary, a third and a fourth. Each recommendation shall be dealt with as provided for as in the case of the first.

4.10.14. **Decision withheld pending visit:** Should the congregational meeting have withheld its decision pending a visit of the person recommended (Rule 4.10.11.3), promptly after such visit has been made, or upon receipt of notice declining to pay such a visit, the interim moderator shall call a meeting of the congregation which, after divine worship, shall decide for or against calling the person concerned. The procedure thereafter shall be as provided in Rules 4.10.12 or 4.10.13 as the case requires.

4.10.15. **Proposed terms less than minimum:** If the terms of settlement proposed by the congregation are less than the minimum required by the General Assembly for maintaining the status of a charge, the interim moderator shall discuss the matter of a supplementary grant with the Home Mission Committee and before taking any other action report fully to the presbytery on the condition of the charge and the views of the Home Mission Committee relative thereto.

4.10.16. **Application for home mission grant:** If after hearing the report of the interim moderator referred to in Rule 4.10.15 the presbytery is satisfied that the situation still conforms with the requirements of Rule 4.8.3, the presbytery may formally apply to the Home Mission Committee for a grant to enable the congregation to pay the “qualifying stipend” and allowances required by the Maintenance of the Ministry Committee.

4.10.17. **Special selection committee:** If a supplementary grant from the Home Mission Committee is required in order to raise the terms of settlement to the minimum, and when formal notice that such a grant has been allowed is received, the interim moderator shall take the steps necessary to set up a special selection committee consisting of not more than seven (7) persons appointed by the congregation on which the Home Mission Committee has one representative, in addition to the interim moderator who shall be the convener, and the names shall be recommended to the congregation for call only by this committee.

4.10.18. **Commissioners appointed and signing of call:** When the congregation has inserted a name in a form of call it shall appoint commissioners not exceeding three or the number of local congregations in the charge, whichever is the greater, at least one of whom shall be a member of the session. These commissioners shall take charge of the call, invite the communicants to subscribe it and adherents to sign their concurrence, and to witness such signatures. (See Rules 4.11.6 and 4.11.7)

In prosecuting the call the commissioners shall take care that only those whose names are on the attested electoral register of communicants and adherents sign it and that the signatures of communicants and adherents are on separate sheets.
4.10.19. **Call presented to presbytery:** When the call has been sufficiently subscribed the commissioners hand it to the interim moderator, who shall present it at the earliest opportunity to the presbytery at the same time making a report on proceedings connected therewith. The presbytery, in accordance with Rules 4.11ff, shall then hear two commissioners of the congregation if present and take such other relevant action as provided therein.

4.10.20. **Dissatisfaction with proceedings:** Any communicant or adherent of the congregation present at a meeting thereof 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 in the same manner as he may do in connection with any other congregational meeting (See Rule 2.2.8). The presbytery shall dispose of any such petition before dealing with the call.

4.10.21. **Disqualifications:** No minister or licentiate may himself, or through others, canvass for election or enter into negotiation with any members of the vacant congregation in order to procure a call, and should the presbytery decide that such action has been taken or encouraged by a minister or a licentiate it shall declare a call in his favour to be null and void.

No minister with a charge may, without special permission of the presbytery having jurisdiction over him, preach as a candidate in a vacancy, or accept a call unless he has held such a charge for at least three years. (Rules 4.11.1 and 4.11.17)

4.10.22. **Selection committee dissolved:** A selection committee shall be dissolved if after making four recommendations to the congregation no call results, and the interim moderator shall report the dissolution of the committee to the presbytery, which shall suspend further steps for the calling of a minister and proceed, in accordance with Rule 4.9.11, to appoint for a limited period a suitable minister other than those whose names have been recommended to the congregation.

4.11. **Procedure in a call**

4.11.1. **Sustaining a call:** When the presbytery has before it a call from the congregation of a vacant charge within its bounds, it first hears the report of the interim moderator and the statements of the commissioners appointed by the congregation to prosecute the call and then proceeds to deal with the call.

The presbytery sustains a call only when it is satisfied that:

4.11.1.1. the terms of the proposed settlement have been approved by the relevant Assembly committee or committees;

4.11.1.2. all other steps preliminary to the signing of the call have been carried out in accordance with rules and the regulations of the General Assembly;

4.11.1.3. no improper canvassing (which includes the use of undue methods or the making of private arrangements with any member or members of a congregation to procure a call) by or for a particular candidate has taken place;

4.11.1.4. the person to whom the call is addressed is eligible, or entitled to become eligible, under the rules of the General Assembly governing status (Rules 4.5.1 – 4.5.5), or the Constitution, Procedure and Practice of the Presbyterian Church of Australia governing reception of ministers from other churches, and he presents satisfactory certificates when such are required (Rules 4.5.6 – 4.5.9);

4.11.1.5. the number of signatures of communicants subscribed is not less than sixty percent (60%) of the number of communicants on the attested electoral register; and

4.11.1.6. there are no petitions from persons dissatisfied in respect of the proceedings leading to the call, or that such petitions have been competently disposed of.

4.11.2. **Call not sustained:** If the presbytery is not satisfied in respect of any or all of the matters referred to in Rule 4.11.1 it may decline to sustain the call. The congregation then takes the prescribed steps to the issuing of another call, but it may not proceed beyond the limit on the length of vacancies as provided in Rule 4.9.11. The presbytery may also leave a call without passing any judgment on it until after the holding of a meeting of the congregation which the presbytery shall at the same time direct to be called.

4.11.3. **Transmitting the call:** The presbytery, having sustained a call, call transmits it, as provided in the rules following, in the manner required by the status and location of the person called.

4.11.4. **Call to licentiate:** If the call sustained is to a licentiate who is under the jurisdiction of the same presbytery as the congregation which issued the call, and if he is present when the call is sustained, it is handed to him, or if he is absent it is sent to him, and he is required to give his reply of acceptance or non-acceptance within thirty days, failing which the call fails.
If the licentiate is under the jurisdiction of some other presbytery of the Presbyterian Church of Australia, or is not a licentiate of the church, the call is sent to him by the clerk of the presbytery which sustains it. The licentiate must with his reply submit to the presbytery a satisfactory extract of licence and a presbyterial certificate, and if he is not a licentiate of the Presbyterian Church of Australia the presbytery must take care to see that he has fulfilled all the necessary requirements of the Reception of Ministers committee of the Presbyterian Church of Australia.

If the call is accepted within the time allowed, the presbytery fixes the date for ordination and induction, orders the edict to be issued and read to the congregation, and arranges the ordination service.

4.11.5. Call to a minister without charge: If the call sustained is to a minister without charge, the procedure is the same as for a licentiate, except that the minister is required to submit a satisfactory certificate of status (in place of an extract of licence) and a presbyterial certificate and, if he is not a minister of the Presbyterian Church of Australia, to have fulfilled all necessary requirements of the Reception of Ministers Committee of the Presbyterian Church of Australia.

4.11.6. Call to minister with charge in the same presbytery: If the call sustained is to a minister with a charge in the same presbytery, he is cited when present or, if absent, by letter from the clerk to attend a later meeting of the presbytery at which the call will be further considered and is supplied with the terms of settlement and the relevant extract minute. The clerk of his session is also notified of the call.

At the meeting when the call is sustained the presbytery:

4.11.6.1. appoints one its ministers to preach in the parish and
4.11.6.2. cites the congregation of the minister called to be present for their interests at the meeting appointed, with notice that if they do not appear they will be held as consenting to his translation, and
4.11.6.3. arranges for a duly convened congregational meeting at which the decision of the people is taken and, if desired, two commissioners are appointed to attend the presbytery meeting.

4.11.7. Call to a minister with charge in another presbytery: If the call sustained is to a minister with a charge in another presbytery of the Church, the presbytery sustaining it appoints one or more of its members to act with the commissioners of the vacant congregation to prosecute the call, and the call and the approved terms of settlement are sent, with an extract of the relevant minute, to the clerk of the other presbytery who promptly:

4.11.7.1. informs the minister called; and
4.11.7.2. informs the clerk of his session of the fact of the call; and
4.11.7.3. informs the minister of the terms of settlement and cites him to appear at the next convenient meeting of the presbytery (ordinary or urgent); and
4.11.7.4. appoints one of the presbytery’s ministers to preach in the parish; and
4.11.7.5. cites the congregation and
4.11.7.6. arranges for a congregational meeting and
4.11.7.7. the appointing of commissioners, if desired, as provided in Rule 4.11.7 preceding.

4.11.8. Call to minister with charge in another country: If a Congregation resolve to call the Minister of a Presbyterian Church in another country, who still retains his charge there, the call, on being sustained, together with all necessary documents, is forwarded to the Clerk of the Presbytery of which he is a member, and any Minister or acting Elder, who is known or believed to be able to attend the meeting of the Presbytery at which the call is to be disposed of, may be appointed to act as a representative of the Presbytery and of the Congregation from which the call proceeds. But a Minister thus called, unless he belong to one of the Presbyterian Churches of Great Britain, Ireland, New Zealand, Holland or Hungary, is not eligible for induction unless and until he has satisfied all the requirements of the rules of the General Assembly of Australia relative to the reception of Ministers from other Churches.

4.11.9. Licentiate ordained and inducted: When the presbytery has sustained a call to a licentiate as provided in Rule 4.11.4 preceding, it orders the edict of ordination and induction (Rule 7.8) to be read to the congregation at least eight days prior to the date fixed for the service of ordination and induction.

The presbytery meeting at the fixed time and place, and having been duly constituted, the edict of ordination and induction is called for and returned, with certification that it has been duly served. Objections, in terms of the edict, are then called for by the presbytery, and if no objections are
of the other presbytery (not the vacant congregation); 4.11.12.2.

The reply of those prosecuting the call may be made by one of such presbytery representatives; 4.11.12.1.

The procedure for the translation of a minister from a charge in another presbytery is the same as that prescribed in Rule 4.11.11 with the following exceptions;

4.11.12.1. as provided in Rule 4.11.7, one or more members of the presbytery which sustained the call are appointed to act with the commissioners of the vacant congregation in prosecuting the call, and one of these presbytery representatives and one commissioner of the vacant congregation (in place of two commissioners of the Congregation) are heard first when parties are called, and the reply of those prosecuting the call may be made by one of such presbytery representatives;

4.11.12.2. any appeal against a refusal of the presbytery to put the call into the minister’s hand is taken by the other presbytery (not the vacant congregation);
4.11.12.3. an extract minute of the proceedings is sent to the presbytery prosecuting the call, whatever the outcome; and
4.11.12.4. when translation is agreed to, the minister under call is instructed to wait on the orders of the other presbytery in respect of arrangements for his induction, of which, when it takes place, the clerk of presbytery promptly advises the clerk of the minister’s former presbytery so that he may record the date of translation.

4.11.13. Substitute presbytery representatives and commissioners: When the translation is sought of a minister of the Presbyterian Church of Australia with a charge in another state, or at so great a distance that it is inconvenient for members the presbytery having charge of the call, or for the commissioners of the congregation, to attend the meeting at which the question of translation is to be decided, members of the presbytery of which the minister called is a member, or any other minister of the Presbyterian Church of Australia, may be appointed to act in their stead.

4.11.14. Minister from another country commissioned and induced: A congregation desirous of obtaining a minister from a Presbyterian Church in another country, in resolving to appoint commissioners for this purpose, reports its resolution and the terms thereof to the presbytery of the bounds, which either adds to or otherwise alters the membership and the powers of the commission as may seem to it most expedient. If the minister who has received the invitation of the commission resign his charge and come to the state, his settlement is proceeded with (by induction) as if he were already a minister of the Church without charge, provided that the rules of the General Assembly of Australia relative to the reception of Ministers are complied with.

4.11.15. Induction to special office, ordination of missionaries, professors etc.: At the induction of a minister to an Assembly office, the ordination of an A.P.W.M. missionary, or the ordination and induction or the induction only of a theological professor, the form of questions to be used is that prescribed by the Constitution, Procedure and Practice of the Presbyterian Church of Australia in the relevant part of its rules.

4.11.16. Ordination of missionaries: Missionaries recognised under A.P.W.M. may be ordained before they proceed to their sphere of labour whether these are ministerial, medical or educational. This is usually done by request and authority of the General Assembly, or of the General Assembly of Australia, or at the request of the appropriate Assembly committee. Before proceeding, the presbytery may inquire and satisfy itself regarding the nature of the appointment, the sphere of action that the missionary proposes to enter, and the provision planned for the due support of the missionary. The service of an edict is dispensed with, but public notice of the intention of the presbytery is given to enable any objection to the life or doctrine of the person concerned to be brought forward and substantiated.

In the case of ministerial missionaries the service and act of ordination are the same as in ordinary cases.

4.11.17. Translation before three years: The Presbytery shall not approve of the translation of a minister from a charge which he has held for less than three years unless there are very special circumstances, and it reports the reason for any such translation which it has approved to the next General Assembly.

4.11.18. Associate minister: An associate minister is one who is called by the congregation, is ordained and induced, or induced by the presbytery, has a seat on the presbytery by virtue of his induction. He works in association with and under the direction of the minister of the charge, who shall be regarded as the senior.

4.11.19. Associate, colleague or colleague and successor: When the Presbytery receives an application from a minister of a charge within its Bounds for an associate minister, a colleague, or a colleague and successor, the presbytery enquires into the whole circumstances and ascertains the mind of the congregation. The presbytery may approve such an application only when it is satisfied that:

4.11.19.1. the provision of an associate, a colleague or colleague and successor is desirable;
4.11.19.2. all financial requirements can be met both as to the terms of settlement and the superannuation fund;
4.11.19.3. the congregation is agreeable and, in the case of a colleague and successor, that the congregation has been informed that he will have the right to succeed to the office of sole minister of that charge.
When it approves such an application, the presbytery appoints an interim moderator to preside at all necessary meetings pertaining to the calling of associate minister, a colleague, or a colleague and successor, issues an edict of vacancy, and proceeds thereafter as in the case of an ordinary vacancy.

4.11.20. **Ordination and induction apart from pastoral settlement:** The presbytery carries out such ordinations and inductions not arising out of a call to a pastoral office as the General Assembly may from time to time authorise, but in no case may a person be inducted to a pastoral charge without the issuing, sustaining and accepting of a call from the congregation, and the issue of an edict of induction by the presbytery of the bounds.

4.12. **Appointment of assistants and others**

4.12.1. **Pastoral support:** When it sees cause the presbytery seeks to provide adequate pastoral support in a parish or mission station within its bounds by the appointment (whether full or part time) of a minister, licentiate, candidate for the ministry, home missionary or another suitably qualified person and hold the necessary certificates and licence. It either initiates or approves this action in accordance with the procedure and on terms appropriate to the particular circumstances. In every case the presbytery takes care that a person so appointed is eligible and in possession of any necessary certificates.

4.12.2. **Appointment of assistant:** In the case of the appointment of an assistant to the minister of the charge the first steps are ordinarily taken by the minister acting with the concurrence of the session. The appointment is made by the minister with the approval of the session. If the appointment is for twelve months or more the financial arrangements must be approved by the congregation. The appointment is then reported to and approved by the presbytery. If the appointment of an assistant is for a term of less than twelve months, approval by the board of management of the financial arrangements is sufficient. In every case of the proposed appointment as assistant of a person other than an ordained minister of the church the approval of the relevant Assembly committee is first obtained. An assistant works under the direction of the minister, is not inducted to office, and does not have a seat in the presbytery unless qualified under the provision of Rule 4.1.3.

4.12.3. **Ordination of assistant:** The presbytery of the bounds may proceed to the ordination, but not induction, of a licentiate who is appointed as assistant to the minister of a charge within its bounds if:

4.12.3.1. he produces the certificates required and they are judged to be satisfactory; and
4.12.3.2. upon request and recommendation of the session the presbytery considers this to be necessary in the interests of the parish or of the Church generally; and
4.12.3.3. his appointment is for not less than twelve months; and
4.12.3.4. the Missions Committee, where its permission is required, concurs.

4.12.4. **Ordained assistant may accept call:** A minister who as a licentiate has been ordained upon taking up an appointment as an assistant is free to accept a call after completion of a period of twelve months or more.

4.12.5. **Chaplains in church schools:** The appointment of a minister or a licentiate as a full-time chaplain in a church school is made only on the following conditions:

4.12.5.1. the appointment be made by the school council on the recommendation of the Principal;
4.12.5.2. if the chaplain is a licentiate he is ordained to the office of the ministry, but not inducted;
4.12.5.3. he is granted ex-officio a seat in presbytery and the General Assembly;
4.12.5.4. he is required to join an approved superannuation fund, the school is then responsible for the assessment usually paid by a congregation.

4.12.6. **Appointment to appointment parish:** The presbytery supervises the selection of a suitable minister for appointment to an appointment parish within its bounds, and appoints him when it is satisfied as to his suitability and willingness to undertake the work on the terms and conditions fixed.

4.12.7. **Appointments to mission stations:** The presbytery applies for and records all appointments of ministers, licentiates or exit students to progressive mission stations, and all appointments to home mission stations, within its bounds.
4.13. Oversight of church institutions

4.13.1. Responsibility of presbytery: The presbytery has oversight of any church institution within its bounds, which includes schools and colleges owned or given official recognition by the church and any other institution unless specifically exempted by the General Assembly. This oversight is exercised only in respect of:

4.13.1.1. arrangement and conduct of worship;
4.13.1.2. religious and moral teaching;
4.13.1.3. 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 (Rules 4.3.1 and 4.3.2).

In exercising this oversight presbytery takes notice only of these matters.

4.13.2. Information supplied to presbytery: The governing authority or committee of management of any church institution, except the Theological College, keeps the presbytery of the bounds fully informed of the arrangements made within the institution for the:

4.13.2.1. holding of services within the institution or the attendance at public worship of those residing in them;
4.13.2.2. giving of religious instruction;
4.13.2.3. preparation and admission of persons for communicant membership of the church;
4.13.2.4. operation of the church’s youth or other appropriate organisations;
4.13.2.5. and submits to the presbytery annually a report in respect of these matters.

In the event of any substantial change in the arrangements previously reported becoming necessary, the governing authority or committee of management promptly informs the presbytery and it also furnishes the presbytery with such information relating to the matters of Rules 4.13.1.1 – 4.13.1.3 as the presbytery may require from time to time.

4.13.3. Visitation of institutions and reference to Assembly: In the exercise of its oversight the presbytery may make a regular or special visitation to any church institution within its bounds after giving reasonable notice to the governing body or committee of management and to the head of the institution.

Any governing body, committee of management, or responsible head of an institution who decides not to carry out any recommendation or directions made by the presbytery in respect of any of the matters referred to in Rule 4.12.1 does so at their own risk, and is required to report the matter to the next General Assembly.

Should the presbytery not be satisfied with the action taken by the institution in response to its lawful directions or recommendations, it may bring the matter to the notice of the General Assembly by petition.

4.13.4. Chaplains to church institutions: Only ministers judged by the presbytery of the bounds to have full standing in the Presbyterian Church of Australia may be appointed as chaplains of institutions of the church. Such chaplains are appointed by the governing authority or committee of management only with the prior knowledge of the presbytery of the bounds, to whom the intention to appoint must be officially notified. In the case of the proposed appointment of the minister of a charge as part-time chaplain the consent of the presbytery of which he is a member is necessary.

4.13.5. Installation of chaplains, officials, special services: The presbytery of the bounds, in consultation with the governing body or committee of management concerned, appoints, if it sees fit, and conducts any service which the governing body or committee of management desires to hold in connection with the admission to office of a chaplain, headmaster/principal, superintendent or other official. The same provision applies to services marking a jubilee, centenary, or other special occasion of interest to the church generally.

4.13.6. Jurisdiction of presbytery unimpaired: Nothing contained in the above rules of this section relating to oversight of church institutions in any way qualifies or impairs the powers of the presbytery in respect of persons connected with such institutions who are also the subjects of its jurisdiction in terms of Rules 4.3.1 – 4.3.4.

4.14. Oversight of congregations

4.14.1. General responsibility of presbytery: In addition to its responsibility for the particular matters referred to in the preceding rules of this chapter, the presbytery has a general responsibility and duty relative to the well-being of the church and its work, and of the congregations, and all congregational property, organisations and activities, within its jurisdiction.
To this end it exercises a general oversight of congregational affairs and of the interests of the church within its bounds. The presbytery, in the exercise of such general oversight, uses its power of original action to deal with the matters referred to in the following rules of this section and with such matters falling within its responsibility as, from time, may require its attention and action.

4.14.2. **People without church connections:** The presbytery has a responsibility towards all people living within its bounds who are not connected with the Christian church and takes such steps as it determines necessary and practicable, including street witness, house-to-house visitation and other forms of evangelism, under the direction of sessions, to make the Gospel known to them.

4.14.3. **Sparsely populated areas:** In sparsely populated areas within its bounds, or where the number of Presbyterian people is too few to form an organised congregation, it is the duty of the presbytery to arrange for periodical patrols or to take such other actions as will make the Gospel, worship services and other provisions of the Christian faith available to them.

4.14.4. **New housing development, areas of rapid growth:** Special attention needs to be given to areas within the bounds of the presbytery where new housing development and rapid growth, accompanied by increasing population, is apparent.

It is the duty of the presbytery, by the establishment of new charges or home mission stations, or by the rearrangement of existing ones or by other suitable means (subject to the provisions of Rule 4.8.9), to see that adequate provision is made for the expansion of the Gospel and for all spiritual needs of such areas.

4.14.5. **Oversight of mission fields:** The presbytery exercises special supervision of mission fields within its bounds, appoints one of its ministerial members as moderator of each progressive or home mission station, and requires from each moderator regular reports as to the progress of the work. All home missionaries, students, licentiates or ministers engaged in home mission work within the bounds of the presbytery are under its oversight in respect of such work.

4.14.6. **Sunday school, children’s ministry and youth work:** The presbytery has a responsibility to see that Sunday schools, children’s ministry, Bible classes, and other forms of youth activities approved by the General Assembly are established within its bounds wherever this is needed and practicable, even in advance of the establishment of an organised congregation.

Children’s ministry and youth work may be established in advance of organised congregations.

It is also the duty of the presbytery to ensure, as far as it can, that the work of Sunday schools, children’s ministry and youth organisations is efficiently carried on and that facilities for the training of teachers and leaders are made available.

4.14.7. **Local trustees of congregational property:** The presbytery performs the duties and exercises the discretions specified in the regulations enacted by the General Assembly relating to such congregational property as is not vested in the Presbyterian Church of South Australia Trusts Corporation, Incorporated and not held under any Act of Parliament or deed of trust containing any specific provision for the appointment and removal of trustees.

4.14.8. **Supervision of property and buildings:** It is the duty of the presbytery to:

- consider all applications from congregations within its bounds for permission to erect, extend, alter, remove or demolish congregational buildings;
- assure itself, before it gives approval and permission, that all the requirements of the General Assembly in such cases have been met, and that the proposed action is warranted by the circumstances of the congregation and is in its best interests;
- use its authority to see that no such action is taken unless and until such approval and permission are given.

4.14.9. **Permission to sell, mortgage, lease, purchase, etc.:** It is the duty of the presbytery to consider carefully and, if it approves, to forward to the relevant General Assembly committee all applications from congregations within its bounds for permission to sell, mortgage, exchange, lease or purchase congregational property or for permission to take out loans. In considering such applications, the presbytery takes account of all the circumstances and of the best interests of the church in general as well as of the particular congregation.

4.14.10. **Supervision of existing property:** It is the duty of the presbytery to see that all congregational property within its bounds is preserved by those who have the care of it from needless deterioration, and at all times to use its authority to protect the property of the church from misuse.

4.14.11. **Information called for:** The presbytery may at any time it sees fit call for specific information concerning their affairs from sessions and boards of management within its jurisdiction.
4.14.12. Inability to pay stipend: The presbytery, on receiving notification from a congregation information that it can no longer fulfil the terms of settlement promised to its minister at his induction, takes the steps which are thought most expedient, which may include:
4.14.12.1. encouraging the congregation to increase its financial support;
4.14.12.2. recommending to the Maintenance of the Ministry committee of the General Assembly that, if its regulations permit, it allow a reduction of the set terms;
4.14.12.3. recommending and assisting in the removal of the minister to another sphere of labour;
4.14.12.4. dissolving the pastoral tie, if it sees fit to do so, and with the concurrence of the minister.

It must, on finding that the terms of settlement are not being fulfilled, dissolve the pastoral tie not later than six months after receiving such information, unless in the meantime it has granted the prayer of a petition from the minister to be allowed to retain his charge.

4.14.13 Power of discipline: The Presbytery has, and uses as occasion requires, a general power of discipline in dealing with the persons subject to its jurisdiction.

4.14.14 Assessors: At the request of a session, or even in the absence of a request, the presbytery may at any time it determines appoint an assessor or assessors, either from its own membership or from elders who are members of other sessions within its bounds, to strengthen a session or to assist it with the conduct of any case pending or proceeding before it. To such appointments the provisions of Rule 6.12.1 apply.

4.14.15. Levy on congregations: The presbytery may exercise powers of levy over the finance of its constituent congregations for the better carrying out of any of its duties.

4.14.16. Dissolution of congregation: The presbytery refrains from making an executive declaration of the final dissolution of a congregation until its intention has been reported to the General Assembly, approved and a period of not less than twelve months has elapsed since the last regularly authorised Presbyterian Church service of such congregation was held by a minister or elder or home missionary of the Presbyterian Church of South Australia.

4.15. General powers of review
4.15.1. Presbyterial visitation: The presbytery visits every charge, parish and mission station within its bounds, as far as possible in rotation, at least once in every five years. The purpose of this visitation is for the presbytery to acquaint itself with the state of affairs within the charge parish or mission station, 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 counsel and encouragement as may be suitable to the circumstances. The presbytery makes other visitations as may be necessary from time to time, and also visits the mission stations within its bounds. In carrying out a presbyterial visitation the presbytery is guided by the regulation Presbyterial Visitation of the General Assembly.

4.15.2. Examination of records: The presbytery calls annually, and at such other times as it sees fit, for the minute books, rolls, registers, and other specified records as it may require, of each congregation, board of management and session within its bounds. The presbytery examines them by appointing a committee for the purpose. Upon receiving the report of the committee, the presbytery adopts one or more of the following courses of action:
4.15.2.1. confirms that the records are found to be satisfactory; and
4.15.2.2. records its judgment as to the correctness and accuracy with which each record is kept; or
4.15.2.3. gives any needful directions for future guidance or improvements; or
4.15.2.4. censures 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, after summoning the parties concerned to its bar and hearing them concerning the matter. It also takes such further action as may still be practicable to remedy any injustice which may have been involved in the matter or procedure of which it has disapproved.

4.15.3. Congregation in an unsatisfactory state:
4.15.3.1. If it appears to the presbytery from:
4.15.3.1.1. a petition presented by office-bearers, communicants or adherents; or
4.15.3.1.2. statements made by the minister of the congregation; or
4.15.3.1.3. a presbyterial visitation report; or
4.15.3.1.4. a remit from a superior court; or
4.15.3.1.5. the examination of congregational records; or
4.15.3.1.6. reports which the presbytery deems to be such as to require investigation;
4.15.3.1.7. that an unsatisfactory state of affairs may exist in any congregation within its bounds, it is the duty of the presbytery in the exercise of its administrative functions to proceed as set out in the following clauses of this rule.

4.15.3.2. The presbytery:
4.15.3.2.1. by means of private and brotherly conference with the persons concerned, conducted by the court as a whole or by one or more of its members appointed for the purpose, shall first seek to make remedy; and
4.15.3.2.2. failing a remedy by this means, shall investigate the situation by making a special visitation and shall endeavour to remedy by counsel and advice anything which may seem to be unsatisfactory.

When the presbytery, after counsel and admonition, has failed to remedy the state of affairs, it:
4.15.3.2.3. resolves that it finds the state of the congregation to be seriously unsatisfactory;
4.15.3.2.4. records in its minutes a statement of the facts brought under its notice, and of the steps taken by the presbytery, and of the results so far.

4.15.3.3. The presbytery then proceeds in accordance with 4.15.3.4 or 4.15.3.5 as the case may be.

4.15.3.4. Unsatisfactory state possibly due to a minister
4.15.3.4.1. If the presbytery is of the opinion that there are apparent grounds for thinking that the unsatisfactory state of affairs may be due wholly or partly to defects or errors personal to the minister, it embodies those grounds in its statement, and provides a certified copy of the statement to the minister with notice of the time when it is to be further considered.
4.15.3.4.2. At a subsequent meeting the presbytery hears any statement the minister may make, receiving and recording any relevant matter, verbal or written, which he may tender to be recorded on his behalf. It may also receive and record verbal or written statements by persons who are or have been communicants or adherents of the congregation, bearing on the question how far the unsatisfactory state of affairs is to be traced to the minister. If the presbytery concludes that the purposes of the ministry are not being served, and that the unsatisfactory state of affairs is likely to continue and is due wholly or partly to defects or errors personal to the minister, it records its judgment upon these matters, together with the grounds upon which it has arrived at such judgment. In no case is a presbytery to countenance measures tending to sacrifice a reputable Christian minister to the unreasonable feelings of his session or a party in the congregation.
4.15.3.4.3. The presbytery may then exercise the power of dissolving the pastoral tie and declaring the charge vacant. It may also, at its discretion, recommend and assist in the removal of the minister to another sphere of labour, and to facilitate this may, if it sees fit, defer the immediate dissolution of the pastoral tie or the decision to dissolve it. The presbytery takes care that the congregation does not suffer harm by any such delay.
4.15.3.4.4. The procedure and final judgment of the presbytery is subject to appeal to the General Assembly; but, when the presbytery has taken the steps authorised in Rule 4.15.3.3 above, it proceeds in face of all appeals until it has disposed of all questions arising out of Rule 4.15.3.4.

4.15.3.5. Unsatisfactory state possibly due to other members of the congregation
4.15.3.5.1. If the presbytery is of the opinion that there are apparent grounds for thinking that the unsatisfactory state of affairs may be due wholly or partly to defects or errors personal to any office bearer, communicant or adherent of the congregation, it embodies those grounds in its statement, and provides a certified copy of the statement to all parties concerned and cites them to attend a later meeting of the presbytery at which the case is to be further considered.
4.15.3.5.2. At a subsequent meeting the presbytery hears any statement the parties may make, receiving and recording any relevant matter, verbal or written, which they may tender to be recorded on their behalf. It may also receive and record verbal or written statements by persons who are or have been communicants or adherents of the congregation, bearing on the question...
how far the unsatisfactory state of affairs is to be traced to those parties. If the presbytery concludes that the purposes of the ministry are not being served, and that the unsatisfactory state of affairs is likely to continue and is due wholly or partly to defects or errors personal to those parties, it records its judgment upon these matters, together with the grounds upon which it has arrived at such judgment.

4.15.3.5.3. The presbytery may then remove or suspend from office, or order transfer certificates to be given to, or suspend from church membership, or remove from the roll of communicants or adherents such office-bearer, communicant or adherent as the justice of the case and the interests of the congregation may require.

4.15.3.5.4. The procedure and final judgment of the presbytery is subject to petition or appeal to the General Assembly; but, when the presbytery has taken the steps authorised in Rule 4.15.3.3 above, it proceeds in face of all petitions and appeals until it has disposed of all questions arising out of Rule 4.15.3.5.

4.15.3.5.5. No case shall be dealt with under these rules which:

4.15.3.5.6. involves the moral character or doctrinal views of any minister, office-bearer, communicant or adherent of the church (Constitution, Procedure and Practice of the Presbyterian Church of Australia Chapter 8 Code of Discipline); or

4.15.3.5.7. is a case of the medical or mental impairment of a minister (Rule 4.6.16).

4.15.4. Responsibility for General Assembly levies: The presbytery has a special responsibility to the General Assembly in relation to the annual budget and assessment for the enterprises of the Assembly. It has responsibility to see 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 should inquire into cases of failure and, by conference, encouragement, advice and other competent means, seek to eliminate such cases.

4.15.5. Appeals against sessions: The presbytery takes up and deals with all appeals competently taken against the decisions of the sessions and congregational meetings within its bounds (Rule 6.11).

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

4.15.6.1. to ask the presbytery to review the decision of a session in the exceptional cases provided for in Rule 6.7.4;

4.15.6.2. to ask the presbytery to review some decision of a congregational meeting (Rule 2.2.8) or of a board of management (Rule 2.5.25);

4.15.6.3. 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 (Rule 4.15.3);

4.15.6.4. by a session, or any person having an interest in the matter, when that which is being sought can only be accomplished by or originated in the presbytery. Such matters include the establishment of a preaching station, the sanctioning of a charge, the creation of a session, or permission to erect a church or manse. However such matters are more usually dealt with by formal application and direct motion in the presbytery.

The presbytery deals with petitions in the manner provided in Rule 6.7.

4.15.7. References from Sessions: The presbytery takes up and deals with, all references competently submitted to it by the sessions within its bounds (Section 6.8).

4.16. Powers and duties relative to superior courts

4.16.1. Petitions to Assembly: The presbytery may petition the General Assembly, or the General Assembly of Australia as the case may be, in relation to any matter within the competency of the court to which the petition is addressed, if the matter is one which could not have come up to that court by reference, appeal or overture.

4.16.2. Appeals against presbytery: Appeals to the General Assembly, or to the General Assembly of Australia as the case may be, may be taken against any decision or judgment of the presbytery, unless in any particular matter it is expressly provided that the decision of the presbytery is final. Appeals are dealt with according to the procedure prescribed in Section 6.11.

4.16.3. References to Assembly: The presbytery may transmit a reference to the General Assembly, or to the General Assembly of Australia in matters in which it is supreme, following the procedure prescribed in Rules 6.8.1 – 6.8.8.
4.16.4. Overtures to Assembly: The presbytery may overture the General Assembly to take legislative or executive action in relation to any matter with which that court may competently deal. In respect of matters with which only the General Assembly of Australia may competently deal, a presbytery may overture the South Australian General Assembly to overture the General Assembly of Australia, and it may either:

4.16.4.1. indicate the precise form it desires the proposed overture to take; or
4.16.4.2. propose that the South Australian General Assembly formulate the terms of a suitable overture, see Rules 6.6.1 – 6.6.8.

4.16.5. Petition to change name or bounds: If the presbytery desires to change its name or its bounds it proceeds by petition to the General Assembly. It provides a copy of the petition at least thirty days before the Assembly meets to any other presbytery which would be affected.

4.16.6. Transfer of congregations: If the presbytery desires that one of its congregations should be transferred to another presbytery, or that a congregation within the bounds of another presbytery be transferred within its own bounds, it petitions the General Assembly, and at least thirty days before the meeting of Assembly supplies a copy of the petition to the other presbytery affected.

4.16.7. No interference with another presbytery: A presbytery has no right or power to interfere with or review the procedure of another presbytery. A presbytery aggrieved by such interference may make representations to the other presbytery, and if this proves ineffectual it seeks a remedy by means of a petition to the General Assembly a copy of which shall be given to the presbytery challenged.

4.16.8. Leave to meet during Assembly: The presbytery requires leave to meet while the General Assembly, the Commission of Assembly or the General Assembly of Australia is sitting. If the presbytery receives leave or instruction to meet, notice is required to be given to all members. (Rule 5.3.7)

4.16.9. Returns to remits: It is the right and also the duty of the presbytery to take its part in the legislation of the church by approving or disapproving remits from superior courts (Rules 5.4.1 – 5.4.9). The presbytery is responsible for seeing that any remit which a superior court has ordered to be sent to sessions is duly communicated to them and that they are diligent in making their returns to the presbytery through whose clerk their decisions are in turn reported to the superior court.

4.16.10. Records examination by Assembly: The presbytery is responsible to the General Assembly for the correctness and accuracy of the permanent record of its proceedings and is required to submit its minute book to each General Assembly for examination and approval.

4.16.11. Trustees of property, loans, etc.: The presbytery is responsible to the General Assembly:

4.16.11.1. for the proper discharge of such duties in relation to trustees of congregational and other property as the Assembly has assigned or from time to time may assign to it by rule, regulation or resolution;
4.16.11.2. for forwarding to the appropriate Assembly committees such applications as it approves from congregations for permission to erect, extend, alter, remove or demolish, or to sell, mortgage, exchange or lease congregational property, or for grants or loans;
for its diligence in making effective use of its authority to preserve church property within its bounds from needless deterioration or misuse.

4.16.12. General Assembly enterprises: The Presbytery has a special responsibility to the General Assembly for the enterprises of the Assembly, and is required to be diligent in seeing that all instructions of the Assembly are faithfully put into effect.

4.16.13. Commissioners to the General Assembly of Australia: In terms of Article 3 of the Articles of Agreement dated 24 July 1901, before each meeting of the General Assembly of Australia the presbytery is required to elect as its representatives one minister and one elder for every five sanctioned charges or portion thereof within its bounds.

4.16.14. Responsibility for execution of law: The presbytery has a general responsibility to its superior courts for seeing that the law of the church and all lawful directions received from time to time from superior courts are obeyed within its bounds.

End of Chapter 4
5. The General Assembly

5.1. Constitution and Officials

5.1.1. Defined: The General Assembly of the Presbyterian Church of South Australia (called the "General Assembly" or the "Assembly" in these rules) is the supreme court of the Presbyterian Church of South Australia. This supremacy is qualified by the matters raised in Rule 5.2.2.

5.1.2. No permanent existence: The General Assembly unlike the inferior courts 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 Assembly dissolves itself.

5.1.3. Membership: The General Assembly consists of:

5.1.3.1. all ministers and home missionaries whose names are on the membership rolls of the presbyteries under the provision of Rules 4.1.3.1 to 4.1.3.7 within the jurisdiction of the Assembly and which have been submitted to and approved by the Assembly;

5.1.3.2. one representative elder for each charge and home mission station within the presbyteries referred to in Rule 5.1.3.1 above whose commission has been sustained by the appropriate presbytery;

5.1.3.3. ministers or elders who have a seat in a presbytery under the provisions of Rule 4.1.3.9.

If in an emergency a representative elder is unable to fulfill his commission immediately before the opening of Assembly the session may appoint another from that session in his stead and notify in writing the clerk of presbytery and the clerk of Assembly.

5.1.4. Associate members: The General Assembly may associate with itself for any specific sitting, or for all the sittings of that Assembly:

5.1.4.1. a minister or a member of a session of another Presbyterian or reformed church who is present;

5.1.4.2. 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.

5.1.5. Privileges of associate members: Associate membership is a courtesy extended by the Assembly. Associate members are entitled to speak, but not to preside, vote, move or second a motion, nor to remain in the Assembly when it meets in private.

The General Assembly may extend privileges equivalent to those of associate members to:

5.1.5.1. assistant ministers serving within its bounds in appointments of not less than one year’s duration; and

5.1.5.2. deaconesses serving within its bounds under appointments by, or with the approval of the Missions Committee and whose names appear on a presbytery Roll of Deaconess.

5.1.6. Moderator and moderator-elect: The moderator is elected by the General Assembly at its annual session preceding that at which he is to assume office, and he is chosen from among the members of the General Assembly then in session. He assumes the office at the next annual session and is moderator for twelve months thereafter or until his appointed successor takes up office. Until assuming office the person elected is referred to as the moderator-elect.

An election for the moderator is held during the second sitting of the Assembly. The Board to Nominate the Moderator (Regulations 9.2) shall bring a nomination for the office to the Assembly. Before the election takes place the moderator shall call for further nominations. If none are forthcoming the nominee of the board shall be declared elected. If there are further nominations, an election, by secret ballot, shall be conducted to determine the moderator-elect.

At the commencement of the annual session of the Assembly, the moderator of the previous Assembly conducts worship and in the Name of the Lord Jesus Christ the King and Head of the Church, constitutes the Assembly. The moderator-elect is introduced to the moderator by one of his brethren, and the retiring moderator thereafter inducts him to his office.

If the moderator-elect is, for any reason whatsoever, unable to assume the office of moderator, the Ordinary Commission of Assembly will elect a new moderator-elect.

5.1.7. Continued function:

The moderator:

5.1.7.1. for convenience in the performance of certain ecclesiastical actions which are or may be necessary or desirable prior to the convening of the next General Assembly; and
5.1.7.2. to facilitate the discharge of certain functions assigned to the “Moderator” in civil legislation and in rules and regulations pursuant thereto, is deemed to continue to hold his office and retains the title “Moderator” (despite the dissolution of the Assembly) until he has constituted the next General Assembly and presided at the induction of his successor.

**5.1.8. Absence of moderator during Assembly:** In the temporary absence of the moderator from the chair during the meeting of the General Assembly, 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.

**5.1.9. Vacancy in the office of moderator:** In the event of the office of moderator becoming vacant by death or otherwise, 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 until the next General Assembly elects a successor.

**5.1.10. Illness of moderator or absence from bounds:** When the moderator is unable to discharge the duties of his office through illness or absence from the bounds of the General Assembly these duties are carried out by his most recent predecessor in office who is available and who is willing to act. He may be requested to do so by the moderator or, if that is not possible, by the clerk. He is known as the “Acting Moderator”. He is considered to be the moderator for all purposes and may so describe himself in legal documents.

**5.1.11. Clerks:** The General Assembly appoints one or more clerks who are usually, but not necessarily, members of the court and they hold office at the will of the court. The General Assembly determines the specific duties of its clerks and fixes their remuneration. They make the declaration of ‘Faithful Duty’ (Standing Order 8) on taking up office.

**5.1.12. Treasurer:** The General Assembly appoints a treasurer who carries out his duties subject to the control and direction of the Finance and Administration Committee which the General Assembly appoints with specified responsibilities in respect of the collecting, taking charge of, investing, disbursing and accounting for all Assembly funds in accordance with the Assembly’s rules, regulations and directions. The treasurer has control of the church office.

**5.1.13. Seal holders:** The Assembly appoints seal-holders and public officers from time to time as required by the Associations Incorporation Act 1956 or any statutory modification or re-enactment thereof.

**5.1.14. Procurator and law agent:** The General Assembly appoints a procurator and law agent whose duties are:

- 5.1.14.1. the same for South Australia as those set out in Chapter 11 Constitution, Procedure and Practice of the Presbyterian Church of Australia;
- 5.1.14.2. to advise courts, Assembly committees, ministers, trustees and officials of the church in matters of civil law as these affect the church and its interests.

He discharges his duties in accordance with the relevant rules and regulations of the church and of the directions of the General Assembly.

**5.1.15. Other officials:** The General Assembly appoints whatever other officials it needs and fixes their duties and remuneration.

**5.1.16. Committees, boards and councils:** The General Assembly appoints from time to time whatever standing committees, other committees, boards and councils it needs to do its work. On setting up a committee the General Assembly names it, sets out its membership, purpose and duties, and gives it other necessary directions, usually in the form of regulations. All committees are required to conduct their business in accordance with:

- 5.1.16.1. the directions and regulations under which they were set up;
- 5.1.16.2. the rules of the church;
- 5.1.16.3. general regulations relating to committees that the General Assembly enacts from time to time.

They report on their proceedings to each General Assembly.

**5.1.17. Special commissions:** The General Assembly appoints from its own members the special commissions it needs to deal with particular judicial or administrative matters which arise and sets out their membership, powers, duties and quorum. All commissions set up in this manner are limited by the terms of the resolution which appointed them and must in every way act strictly within those terms.
A special commission usually reports to the next General Assembly. This Assembly may set aside or reverse any of its actings or decisions if they are found to contravene either the laws of the church or the powers given to the special commission in its appointment.

The General Assembly may instruct the special commission to report to the ordinary Commission of Assembly, and authorise it to deal with all matters arising from the report. However the ordinary Commission of Assembly has no power to deal with any matters arising from the report of the special commission unless these powers have been explicitly given by the General Assembly that appointed the special commission.

5.1.18. Representation of parties before commissions or committees of enquiry: When a commission or committee is appointed to inquire into any complaint against the actions of any committee, office bearer or employee of the church, the person or persons making the complaint, and any committee or person against whom the complaint is made, shall be entitled to be represented at the inquiry by a member of the church unless the Assembly, at the time of appointing such commission or committee, otherwise directs.

5.1.19. Ordinary Commission of the General Assembly: Each General Assembly, at its final sitting, appoints the ordinary Commission of the General Assembly (which may also be referred to as the "Commission of Assembly") by passing the following resolution:

5.1.19.1. "That the Assembly:

5.1.19.2. Appoint a Commission of the General Assembly consisting of the members of this Assembly, with a quorum the same as for the General Assembly.

5.1.19.3. 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.

5.1.19.4. Empower this Commission of Assembly to consider and determine all matters that have emerged since the last meeting of the Assembly that are considered urgent and in need of executive or judicial action. In taking up these emergent matters the Commission is to consider the best interests of the church on every occasion.

5.1.19.5. Charge this Commission of Assembly in all its actings and decisions to proceed according to the rules and constitution of this church and to do nothing contrary to or to prejudice them. For all its actings and decisions, this Commission is accountable to and censurable by the next General Assembly.

5.1.19.6. 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 or to involve itself with any matter which has not been referred to it.

5.1.19.7. Direct the Commission of Assembly to submit its minutes duly confirmed, and relevant papers, to the next General Assembly through the Clerk.

5.1.19.8. Instruct the Commission to meet and convene at .................(place), on ...... (date), or at such other times and places as the Moderator of the General Assembly shall determine.”

5.1.20. Moderator entitled to preside at Commission: The moderator of the General Assembly which appointed it is entitled, though not obliged, to preside at all meetings of the Commission of Assembly. Should he be unable or unwilling to preside for the whole or part of any particular meeting, the provisions of Rule 5.1.8 apply. Should there be no ex-moderator in attendance, the Commission of Assembly shall appoint a moderator from the members present.

5.1.21. Alteration of powers of Commission: Any alteration of the powers and duties of the Commission of Assembly as set out in the Act in Rule 5.1.19 preceding is made only after overture and under the procedure of the Barrier Act, and interim authority may not be given to any such proposed alteration.

5.1.22. Decision of Commission final: So long as the Commission of Assembly acts within the powers entrusted to it and its procedure is regular, its judgments and decisions are treated as final by the next General Assembly to which its report is made as provided in the Act of appointment Rule 5.1.19.

5.1.23. Clerks of Commission: The clerks of the General Assembly act as the clerks of the ordinary Commission of Assembly.

5.1.24. Assembly expenses fund: The General Assembly has a fund, known as the Assembly Expenses Fund, derived from percentages on the revenue of various Church funds, annual rates from Congregations, and such other sources the Assembly may from time to time determine. The Assembly
Expenses Fund is administered by the Treasurer and the Finance & Administration Committee in accordance with regulations or directions of the Assembly.

5.2. Jurisdiction, powers and function

5.2.1. Jurisdiction: The General Assembly has jurisdiction coextensive with the geographical limits which for the time being constitute its bounds, together with such foreign mission fields or other territory outside the bounds as it or the General Assembly of Australia may lawfully place under the supervision of any presbytery which is subject to the General Assembly of the Presbyterian Church of South Australia.

5.2.2. Powers: The General Assembly is the supreme court of the Presbyterian Church of South Australia. 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:
5.2.2.1. all relevant civil laws; and
5.2.2.2. the surrender or qualification of supreme power in specified matters as provided in the Basis of Union and Articles of Agreement of the Deed of Union of 24 July 1901 and in subsequent lawful amendments.

The General Assembly may exercise its powers by means of the ordinary Commission of Assembly, or by special commissions or committees, as from time to time they are established for particular purposes.

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.

5.2.3. Functions: The functions of the General Assembly are legislative, executive and judicial. It exercises them by considering and dealing appropriately with:
5.2.3.1. reports from its standing and other committees, boards and councils;
5.2.3.2. matters brought before it by:
  5.2.3.2.1. overture,
  5.2.3.2.2. reference,
  5.2.3.2.3. appeal,
  5.2.3.2.4. complaint,
  5.2.3.2.5. petition, or
  5.2.3.2.6. communication (when no other course is open).

The Assembly adheres, in the exercise of its functions, to the specific provisions of Rules 5.4, 5.5 and 5.6 of this chapter which deal respectively with legislative, executive and judicial action.

5.3. Meetings and procedure

5.3.1. Ordinary meetings: The General Assembly ordinarily meets once a year. Each Assembly, before it dissolves, fixes the date and place of the next General Assembly. The place of the next Assembly, except in extraordinary circumstances shall be the church of the moderator-elect.

5.3.2. Urgent meetings: An urgent meeting of the General Assembly may be convened by the moderator, at his discretion, following request from at least seven members of Assembly and representing at least two Presbyteries. The moderator's circular convening the Assembly must be sent not less than seven days prior to the date of meeting.

Action can only be taken at such a meeting:
5.3.2.1. in relation to matters specified in the moderator’s circular;
5.3.2.2. if there is a quorum present; and
5.3.2.3. when the action of the moderator in convening the meeting has first been approved by a majority of the members present.

If a quorum is not present on the day and at the time fixed for the meeting of the Assembly, or within two hours thereafter, it is competent for the moderator, on his own responsibility, or at the request of three members of the Assembly, to convene another meeting. This meeting has to be convened by circular addressed to all members, and issued at least seven days before the meeting.

5.3.3. Quorum of assembly: A quorum for any meeting of the Assembly shall be eight members, representing at least two Presbyteries, of these members at least two must be ministers.
5.3.4. **Ordinary procedure and supreme power:** Subject to the prescription of any particular practice or procedure in the Basis of Union and the Articles of Agreement, which established the Presbyterian Church of Australia in 1901, and in subsequent lawful amendments thereto, the General Assembly in its proceedings adheres to the rules, regulations, and the resolutions of Assemblies for the time being in force and to the Standing Orders enacted to expedite and regulate the conduct of the Assembly business; but on proper occasion the General Assembly exercises its supreme power.

5.3.5. **Business Committee appointed:** The General Assembly appoints a Business Committee to arrange the order of its business, guide the Assembly on matters of procedure and perform other functions as set out in its regulations. The same committee also acts in connection with the ordinary Commission of Assembly.

5.3.6. **Committee concerning judicial matters:** As provided in Section 5.6 a special committee advises the Assembly on procedure in matters of a judicial character (Rule 5.6.5).

5.3.7. **Inferior courts may not meet during Assembly:** Congregations, boards of management, sessions and presbyteries do not normally meet during the sittings of the Assembly or of the Commission of Assembly and are unconstitutional if they meet without the express authority of the Assembly. The Assembly, or the Commission of Assembly, may grant permission to meet, but only for urgent reasons.

5.3.8. **Protestations called for:** At the last sitting of the General Assembly (or the Commission of Assembly), after all other business is concluded, protestations are called for, and a party to a case or a member of a court against which appeal or complaint has been taken but not prosecuted before the Assembly (or the Commission of Assembly) may protest that the appeal or complaint has been fallen from and the decision of the inferior court become final, and he may crave extracts. (Rule 6.11.16.)

5.3.9. **Confirmation of Minutes and Dissolution of Assembly:** When the business of the General Assembly is finished the minutes of the last sitting are read and confirmed, or remitted to a special commission with power to correct and confirm them. The moderator then announces the date and place of the next General Assembly, briefly addresses the court, and declares in the name of the Lord Jesus Christ, the King and Head of his church, that the Assembly is dissolved. After praise and prayer he closes the meeting with the benediction.

5.4. **Legislative action**

5.4.1. **Function:** In the exercise of its legislative function the General Assembly may enact, amend or repeal rules and regulations in accordance with the procedure set out in the rules that follow.

5.4.2. **Rule or regulation of church or General Assembly:** Save where the context otherwise requires, “rule of the church” and “rule of the General Assembly” may be taken as equivalent and synonymous terms, and the same applies to “regulation of the church” and “regulation of the General Assembly”. 

5.4.3. **Rule defined:** A rule is a legislative enactment that has been duly declared and enacted as such by the General Assembly under the procedure of the Barrier Act 1697 (Church of Scotland) (Rule 7.15).

5.4.4. **Regulation defined:** A regulation is a legislative enactment which has been duly declared and enacted as such by the General Assembly and does not require to be sent to presbyteries under the Barrier Act.

5.4.5. **Enactment of rules:** The General Assembly enacts, amends or repeals a rule only on a proposal by overture and only with the approval (obtained under the procedure of the Barrier Act) of an absolute majority of the presbyteries within the jurisdiction of the court.

5.4.6. **Overture remitted to presbyteries:** If the General Assembly sustains an overture proposing the enactment, amendment or repeal of a rule or rules it remits the overture to Presbyteries, under the procedure of the Barrier Act, for either:

5.4.6.1. approval or disapproval, without comment; or

5.4.6.2. approval or disapproval, while inviting comment if so desired.

(If a presbytery uses the word “approve”, with reservations so great as to affect adversely the scope of the measure proposed, it is liable to be held as disapproving the whole overture)

5.4.7. **Remit approved:** If a majority of the presbyteries has reported approval of a remit proposing the enactment, amendment or repeal of a rule or rules, the General Assembly may:

5.4.7.1. enact the proposal; or

5.4.7.2. resolve not to enact it; or

5.4.7.3. remit it to Presbyteries again in amended form; or
5.4.7.4. send it to a committee for consideration and report to the next Assembly.

5.4.8. Remit not approved: If a majority of the presbyteries has either:
5.4.8.1. reported disapproval; or
5.4.8.2. failed to approve the remit,
the proposal falls and the General Assembly passes from it. However the proposal may be sent again to the presbyteries in an amended form in the case of Rule 5.4.8.1 or in the same or amended form in the case of Rule 5.4.8.2.

When a proposal is remitted a second time to the presbyteries in the same or amended form the procedure for dealing with it is the same as for the original remit.

5.4.9. Remit to sessions: If the General Assembly seeks the wider opinion of the church when sending a remit to the presbyteries, it may direct that it be sent also to sessions.

5.4.10. Enactment of regulation: The General Assembly enacts, amends or repeals a regulation by a proposal made either in an overture or in the proposed deliverance of the Code Committee’s report, except when such a proposal is made by a committee in respect of regulations concerning only its own activities.

The General Assembly first refers the proposal for consideration and report to any committee which in the opinion of the court is directly concerned in the proposal; and it may refer the proposal for consideration by such other committees or persons as it sees fit.

The General Assembly, if it sees sufficient cause, may remit the proposed enactment, amendment or repeal of a regulation to the presbyteries for consideration and report.

5.4.11. Rules or regulations in conflict: If rules, or regulations, enacted by the General Assembly are found to be in conflict, the more recently enacted rule or regulation as the case may be prevails unless the Assembly otherwise determines in a Declaratory Act, or until amending legislation is enacted by regular process.

5.4.12. Regulation in conflict with rule: If a regulation of the General Assembly is found in conflict with a rule, the rule prevails and the regulation is incompetent to the extent of such conflict unless and until the rule is amended or repealed by regular process.

5.4.13. Declaratory Acts: Subject only to the authority of the General Assembly of Australia in those matters in which it is supreme, 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. Such a Declaratory Act may be passed without reference to the presbyteries, but it must be remitted to them under the Barrier Act if it involves a change of the rules enacted by the Assembly.

5.4.14. Interim authority: If it sees sufficient cause the General Assembly may give interim authority:
5.4.14.1. to a Declaratory Act which is being remitted to the presbyteries under the Barrier Act; or
5.4.14.2. to the enactment, amendment or repeal of a rule or regulation pending the consideration and approval of the presbyteries or the report of a committee or committees.

Such interim authority extends only until the next General Assembly. It may be renewed by that Assembly if the remit in the same or amended form is again sent down to the presbyteries, failing which the interim authority lapses.

5.5. Executive action

5.5.1. Oversight of presbyteries, commissions, committees and officials: In the exercise of its executive (or administrative) function the General Assembly takes oversight of all its inferior courts. In exercising this oversight the General Assembly:
5.5.1.1. takes care to see that the functions and duties assigned by the law of the church to the inferior courts are not interfered with;
5.5.1.2. deals with any irregularity or default of duty revealed by the review of the records of Presbyteries;
5.5.1.3. considers whether the rules of the church in relation to inferior courts are in need of amendment and, if of this opinion, proceeds by regular process;
5.5.1.4. supervises all its own commissions, committees and officials;
5.5.1.5. supervises the church schools.

The General Assembly gives such directions, counsel and advice and administers such correction to the bodies and officials referred to above whenever it considers it appropriate.
5.5.2. **Examines records:** The General Assembly each year calls for, examines and approves the records of the presbyteries within its jurisdiction and the records of all its standing committees. It may also call for specified information concerning their affairs from sessions and boards of management.

5.5.3. **Appointment of commissions, committees and officials:** For greater efficiency or to meet changing needs in the church or the community, the General Assembly from time to time:
- 5.5.3.1. appoints new committees or commissions, discharges existing ones, or varies their membership and duties;
- 5.5.3.2. appoints, re-appoints, and dismisses officials or varies the terms of their appointment (having regard to any contractual obligations involved);
- 5.5.3.3. establishes new offices and appoints persons to them and appoints such additional permanent or temporary officials as it considers necessary.

5.5.4. **Educational appointments:** The General Assembly is to take care that educational appointments be made for the good of the Church and the furtherance of the work.

5.5.5. **Discipline:** In the course of the exercise of its executive function the General Assembly may find facts which might support a charge being made against a minister or communicant member of the church.

If it should decide to take up such cases the General Assembly deals with them in accordance with Code of Discipline of the Constitution, Procedure and Practice of the Presbyterian Church of Australia.

5.5.6. **Formation of presbyteries and alteration of bounds:** The General Assembly forms presbyteries within its jurisdiction, names them, fixes their bounds, appoints a time and place for their first meeting and in each case appoints a minister from within the bounds to convene, constitute and preside over the first meeting of a presbytery until a moderator is elected (Rules 5.1.1, 5.1.2).

Only the General Assembly may alter the bounds of a presbytery or effect an amalgamation of presbyteries. It ordinarily does so either:
- 5.5.6.1. at the request of one or more presbyteries concerned; or
- 5.5.6.2. on the recommendation of a commission or committee appointed or instructed to consider the matter.

In the case of (Rule 5.5.6.2) above, the commission or committee must consult with the presbyteries concerned before making a recommendation to the Assembly.

5.5.7. **Assessments and collections:** The General Assembly makes assessments from each congregation for the raising of funds for its own needs, and it may appoint special collections to be made throughout the church for purposes which it approves or determines.

5.5.8. **Funds and other Assembly property:** Subject to the provisions of:
- 5.5.8.1. relevant trust deeds;
- 5.5.8.2. the Presbyterian Church of South Australia Act 1899, and other similar proceeding Acts, the General Assembly retains final administrative authority over all the funds gathered or held in its name and over all other property held in its name, and it issues such directions and authorisations concerning them as it sees fit from time to time.

5.5.9. **Reports, overtures and communications:** Reports, overtures, and communications, even though their subject matter may include a proposal for legislation or the findings of a commission or committee of inquiry, are dealt with by the General Assembly in the exercise of its executive or administrative function. (Rule 5.2.3.)

5.6. **Judicial action**

5.6.1. **Judging references, appeals, etc.:** As provided 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 that are presented to it in the proper form.

5.6.2. **Procedure in the case of a charge:** In all cases involving a charge against any minister, communicant or adherent of the church, the General Assembly proceeds in accordance with the Code of Discipline of the General Assembly of the Presbyterian Church of Australia.

5.6.3. **Original jurisdiction and ordinary practice in discipline:** The General Assembly has original jurisdiction in every case in which it considers the exercise of discipline is necessary, but in ordinary practice, except when contumacy is involved, it exercises its powers of discipline only in cases which come before it from presbyteries by reference, appeal or complaint.

5.6.4. **Contumacy:** Contumacy is the wilful refusal to obey a lawful order of the court.
The General Assembly may, but only in accordance with the Code of Discipline of the Presbyterian Church of Australia, deal summarily with any minister, communicant or adherent whom it considers to have acted contumaciously against its directions, order or authority and may punish the offender at its discretion.

5.6.5. Special committee to advise on judicial matters: All references, appeals and petitions are sent to the clerk of Assembly at least thirty days before the meeting of the Assembly or the Commission of Assembly.

The clerk, the Business Committee convenor and the law agent, acting as a special committee on judicial matters:

5.6.5.1. put these references, appeals and petitions in order if necessary;
5.6.5.2. may send a copy of them to the party or parties named;
5.6.5.3. reports their nature but not necessarily their contents to the Assembly or Commission of Assembly;
5.6.5.4. recommends how they may be dealt with;
5.6.5.5. place before the Assembly a suggested course of action in each case.

The Assembly may in any particular case shorten the above-mentioned period of thirty days.

5.7. Relations with the General Assembly of Australia

5.7.1. General duties: The General Assembly of the Presbyterian Church of South Australia 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 and in subsequent lawful amendments. See Constitution, Procedure and Practice of the Presbyterian Church of Australia.

5.7.2. Overtures: Overtures are made from the Presbyterian Church of South Australia to the General Assembly of Australia only by the General Assembly, but a presbytery under the jurisdiction of the Assembly may overture the Assembly to take such action.

5.7.3. References and appeals: The General Assembly transmits to the General Assembly of Australia such references as it determines and all appeals and complaints taken against its decisions in respect of matters which rightfully come under the jurisdiction of the General Assembly of Australia.

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

5.7.4.1. no other constitutional approach is open;
5.7.4.2. the interests of the Presbyterian Church of South Australia, or of some part of its work, or of some persons connected with it, are involved.

End of Chapter 5
6. General rules for church courts

6.1. Introduction

6.1.1. General rules and special provision: Sessions, presbyteries, and the General Assembly, in addition to carrying out the specific provisions contained in Chapters 3, 4 and 5, are required to observe whichever of the following general rules for church courts are applicable to their proceedings or to the subject matter before them.

6.2. Moderators and clerks

6.2.1. Every court has a moderator: Every court is presided over by a moderator who, except in the case of the session, is elected by the court from its own members. The court has the right to determine the procedure by which he is elected, provided that such procedure does not interfere with free election.

6.2.2. 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 that of a superior court.

At all meetings of the court the moderator:

6.2.2.1. presides;
6.2.2.2. sees that the meeting is properly constituted;
6.2.2.3. causes good order to be kept in the conduct of its business;
6.2.2.4. disallows motions which he judges to be in conflict with the law of the church, irrelevant, offensive or otherwise incompetent;
6.2.2.5. protects the rights of each member of the court;
6.2.2.6. rules on points of order;
6.2.2.7. announces decisions, administers censures and admonitions, conveys greetings and instructs parties at the bar;
6.2.2.8. calls upon members to state their views, cast their votes or discharge any duties which may have been assigned to them;
6.2.2.9. vacates the chair when an inferior court of which he is a member is at the bar, or except in the case of the moderator of a 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.

6.2.3. Rights of moderator: It is the right of the moderator to take precedence over the members of the court, to exercise when in the chair a casting vote but not a deliberative vote, and to take part in a debate provided that, except in a session, he vacates the chair to do so.

6.2.4. The clerk and his duties: Every court has a clerk or clerks who are usually, but not necessarily, members of the court.

The clerk:

6.2.4.1. keeps an accurate roll of the court;
6.2.4.2. receives, examines, records and reports to the court all documents, papers or communications addressed to it;
6.2.4.3. keeps accurate minutes of the proceedings of the court and, when appropriate and at his discretion, supplies properly certified extracts to those entitled to them;
6.2.4.4. takes care of the books, papers and records of the court as it directs and produces them when the court requires them;
6.2.4.5. carries out the correspondence of the court as it directs or as required by the rules, regulations or directions of a superior court;
6.2.4.6. carries out whatever other duties are necessary for the court to do its business efficiently.

The clerk of a superior court is required to vacate his table while an inferior court of which he is a member is at the bar. It is to the clerk of the inferior court that the superior court gives its orders for the submission of records for its inspection. It holds the clerk answerable for neglect in this matter. The clerk holds office at the will of the court.

6.2.5. Declaration of Faithful Duty: The clerk makes the declaration of ‘Faithful Duty’ on taking up office. In his absence an acting clerk is appointed and he also makes the same declaration. (Standing Orders 8)
6.3. Meetings
6.3.1. Who convenes: Except where the rules state otherwise a court can be convened only by its moderator or by order of a superior court. Any notice sent out by the clerk calling an urgent meeting of the court must bear the words “by order of the moderator”.

6.3.2. Attendance obligatory: Each member of a court is expected to attend its meetings. A member who appears not to 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 cited to explain why he should not be found contumacious. If the court is not satisfied with his explanation, or if he has not responded after two citations, he may be found guilty of contumacy.

6.3.3. Opened and closed with prayer: All meetings of church courts are opened and closed with prayer and the fact is recorded in the minutes of each meeting. (Standing Orders 3)

6.3.4. Teleconference: Meetings of courts, committees, boards of management and congregations, as specified in the regulations governing ‘teleconferencing’, may be held by teleconference.

6.3.5. Open court or in private: All courts other than the session are presumed to be open. A court may, in any particular matter, resolve to sit in private. In these circumstances all persons other than members or officers of the court and cited parties to a particular matter under discussion are excluded.

6.3.6. Meetings beyond bounds: A court may meet beyond its own bounds only with the permission or direction of a superior court.

6.3.7. Leave to meet: A court may meet during the sitting of its superior court only with the permission or direction of a superior court.

6.4. Records
6.4.1. Authoritative signature of moderator and clerk: When the 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, which he ought not otherwise to do.

6.4.2. Decisions: when operative: The decision of a court becomes operative from the time it was made or ordered to take effect even though the minute of that decision has not been confirmed. The decisions of the General Assembly take effect immediately on the dissolution of the Assembly unless otherwise ordered.

6.4.3. Form of minutes: Every court of the church keeps accurate minutes of its proceedings. Minutes should be a statement of fact only and always include:

6.4.3.1. the circumstances of the meetings, whether by appointment, following adjournment, urgent or special purpose, and the place, date, and time;
6.4.3.2. the fact that the meeting was constituted with prayer;
6.4.3.3. a list of those present and the names of members for whose absence apologies were received and sustained;
6.4.3.4. all decisions of the court;
6.4.3.5. notices of motion (Standing Orders 29-38);
6.4.3.6. the appointment of the next meeting if this needs to be made;
6.4.3.7. when kept loose leaf, should include a header with the name of the meeting, date and page number on each page, and each page initialled by the moderator and clerk;
6.4.3.8. the fact that the meeting was closed with prayer.

6.4.4. Framing and approval of minutes: Every court frames its minutes in common form as far as that is possible and the clerk:

6.4.4.1. takes down draft minutes, to be put in permanent form afterwards, and either read to the court at its next meeting or circulated, except in the case of meeting in private, among members of the court before the question of the confirmation of the minutes is put; or
6.4.4.2. in grave or urgent matters or in formal process of discipline or when extracts are likely to be required, immediately frames all its minutes or any particular minute as the business proceeds in order that the minutes may be confirmed at once; or
6.4.4.3. in the case of the final sitting of the General Assembly before its dissolution follows the procedure indicated in Rule 6.4.4.2 or submits the permanent minutes to a commission appointed to scrutinise and confirm them.

**6.4.5. Approval of what appears in minutes:** A court is entitled to decide what shall have a place in its minutes (subject to overruling by a superior court), and, if a motion is made which it is resolved not to record, no reference is made to it.

**6.4.6. Keeping of minutes:** Every court sees that its minutes are accurately recorded without unnecessary corrections or alterations.

The following general rules apply to the keeping of minutes:

6.4.6.1. corrections may be made on the following basis:
6.4.6.2. typographical errors need only to be initialled by the clerk;
6.4.6.3. if words need to be struck out, the number of them (or of the lines) is noted in the margin and signed by the clerk;
6.4.6.4. if words need to be inserted, they are written in the margin and signed by the clerk;
6.4.6.5. no records are deleted without the authority of the superior court;
6.4.6.6. no blank spaces that would give opportunity for unauthorised insertions are left;
6.4.6.7. headings of subjects are made in the margin;
6.4.6.8. nothing is allowed in the keeping and recording of its minutes which would permit a doubt as to the authenticity of the record.

**6.4.7. Record apart:** To keep its ordinary minutes free from the presence of undesirable matter every court keeps a record apart for use in cases where moral delinquency is alleged, whether they come before it as the court of first instance or of appeal, or in other cases where it seems desirable to safeguard the church against damages or to protect the reputation of individuals. The resolution to keep the proceedings of a case in the record apart is minuted in the record apart, not in the ordinary minutes.

The session enters the minutes of all cases of discipline which it resolves to record in a separate and permanent Minute Book of Discipline reserved for this purpose alone. The minutes are recorded as described in Rules 6.4.3 – 6.4.6 above.

The record apart is kept on separate sheets consecutively numbered, each page signed by the clerk. No entry is made in the ordinary record of the court until the case is finally disposed of.

**6.4.8. Record apart – disposing of case:** If the judgment that finally disposes of the case, by whatever court of the church pronounced, involves any degree of censure of the accused, then the court of first instance records in its ordinary minute book the first minute of the record apart, the libel or a summary of each of the charges if a libel was served, and the final judgment.

When a case has ended in entire acquittal:
6.4.8.1. except in the session, the record apart, with all papers in the case, is 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
6.4.8.2. the person whose innocence has been proved receives a certified copy of the judgment of the court.

**6.4.9. Extracts:** A court grants full extracts of the minutes relevant to any case to a party who:
6.4.9.1. is entitled to them; and
6.4.9.2. requests them.

Extracts may be applied for and granted both before and after a decision is made on a case, and these extracts are certified by the clerk as extracted from the record of the court.

A court also grants copies of any papers held or reserved in relation to the case. These are certified by the clerk.

In every case a court exercises caution in granting extracts in matters affecting private interests only, in case such extracts may be required merely for the purpose of a civil action.

A court is entitled to fix a charge for the making of extracts.

**6.5. Citation**

**6.5.1. Citation definition:** 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. At least ten days must elapse between the time of sending of the citation and the meeting to which it refers.

**6.5.2. Who is cited:** A court may issue a citation for the purpose of:
6.5.2.1. enforcing the attendance of its own members;
6.5.2.2. taking the mind of a congregation;
6.5.2.3. requesting a party to appear in his own interests in any particular case pending before it in a process of discipline;
6.5.2.4. requesting the presence of any person, court or body who is within its jurisdiction, and who may be affected by its decision, or whose evidence it desires.

6.5.3. **Method of citation:** The citation (Rule 7.10) must be issued in such a way that:
6.5.3.1. it affords reasonable grounds to the person cited that it is authentic; and
6.5.3.2. it is clear to the court that the citation has taken place.

Accordingly, if a court decides to cite a person who is present in the court it does so in the presence of the court. If he is not present it directs that he be cited by written citation in the prescribed form delivered to him by an officer or deputed member of the court either into his hands or to his usual or last known place of residence or sent to that address by registered post with delivery confirmation.
If a court decides to cite an inferior court, congregation or other body, it directs that the citation be issued by edict in the set form and read by a person appointed by the court at the regularly appointed time and place of meeting of the court or body to be cited.

6.5.4. **Proof of citation:** Proof of citation is by certificate of the officer or agent of the court who served the citation or by official receipt of postal registration and delivery.

6.5.5. **Effects of citation:** Citation 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.

Failure to appear after two citations duly served and proved in the case of a person who is within the jurisdiction of the court may be declared a contumacious act, and in all cases leaves the court free to determine the matter without further reference to the person cited except where the rules determine otherwise.

6.6. **Overtures**

6.6.1. **Overture defined:** An overture is a formal written proposal (Rule 7.11), with reasons, submitted to a court with a view to leading the court to some desired action as the court will allow:
6.6.1.1. for the enactment, repeal or amendment of a rule or regulation; or
6.6.1.2. for the interpretation or declaration of any part of the law of the church; or
6.6.1.3. more generally, to have something done or declared which is within the competence of the court overtured.

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.

6.6.2. **Who may overture:** An overture may be made:
6.6.2.1. to a superior court by an inferior court;
6.6.2.2. to the General Assembly by one of its committees or by any five members of the General Assembly;
6.6.2.3. to an inferior court by any two of its members;

The overturists in each case appoint not more than two persons to state the overture in the court to which it is addressed.

Overtures submitted to an inferior court may be transmitted to the higher court in the original or amended form, with or without an expression of opinion on their merits; or they may be rejected by the inferior court.

6.6.3. **Proceedings non-judicial:** A court when considering an overture is not exercising its judicial function. The stating of an overture does not bring parties to its bar or exclude any member of the court from participating in its proceedings.

6.6.4. **Notice required:** No overture may 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 by circular sent by the clerk to members of the court at least seven days prior to the meeting at which the overture is brought forward. (Standing Orders 86)

6.6.5. **Transmitted as extract minute:** An inferior court transmits an overture only as part of a certified extract of its minutes and forwards it either without comment or with such comment as it sees fit.

6.6.6. **Requirements to state overture:** Before an overture can be stated in the court to which it is addressed it must be formally received. Only members of the court overtured or others specially appointed for the purpose by an inferior court from its own members may state an overture.
6.6.7. Procedure in dealing with the overture: The usual procedure is as follows:
6.6.7.1. the overture is received;
6.6.7.2. the overture is stated;
6.6.7.3. questions are asked of the overturists;
6.6.7.4. the overturists, if they are members of the court overtured, have the prior right over other members, after due notice:
6.6.7.5. to move "That the overture be sustained"; and, if this motion is approved,
6.6.7.6. to move that the specific action proposed in the overture be taken.
If the overture is sustained, any subsequent motion for dealing with the overture or its subject-matter may be approved, amended, or disapproved.

6.6.8. The overture not sustained: Should a motion to sustain be disapproved, or should such a motion not have been made, it is then competent for any member of the court to move "That the overture be dismissed", and this motion, if approved, disposes of the overture.

6.7. Petitions
6.7.1. Petition defined: A petition is a written and signed request in approved form (Rule 7.12) made to a court and usually relating only to the affairs of the petitioners. It must be in respectful language and usually includes a statement of the circumstances or reasons which are held by the petitioners to justify the specific request made.

6.7.2. Improper form: A court may decline to receive a petition containing improper or disrespectful expressions. The court grants to a petitioner, through its clerk, any advice necessary as to the drawing up of a document in the proper form, and directs that any approach to it which takes the form of a petition is put in that form before receiving it.

6.7.3. Who may petition: Any inferior court or any congregation, committee, departmental board or organisation of the church, or any person or group of persons within the jurisdiction of the courts of the church, has the right to petition the appropriate court of the church, and that court, at its discretion, may receive and deal with a petition from any other person as well.
Any member of the congregation or any person connected with it may present a petition to the session regarding any matter which affects his or her spiritual interests, or the spiritual interests of the congregation, or the interests of the Gospel in the locality, and which asks for any procedure within the competency of the session. If such a petition is worded in a manner becoming the profession of the Gospel, the session ought to consider it, and to come to such competent determination regarding it as they may judge for edification. By their petition, if competent, petitioners become parties at the bar of the session, and have consequently the right of appeal as parties to the presbytery or Assembly.

6.7.4. Proper use: The ordinary and regular use of petition is to initiate the petitioner’s business in the court of first instance, namely, the lowest court competent to deal with such business, when no other constitutional way of initiating it is open to the petitioner.
Petition is therefore not ordinarily used to bring the proceedings of an inferior court under the review of a superior court, but it may competently be used when the petitioner:
6.7.4.1. has been obstructed in his right of appeal in the inferior court;
6.7.4.2. is not legally qualified to proceed by appeal or complaint; or
6.7.4.3. being a court of the church, cannot conveniently deal with a case before it otherwise than by petitioning the superior court to take a specified action.

6.7.5. Notice required: A petition is lodged with the clerk of the appropriate court. Any deadline of the court for receiving papers must be complied with or the petition is not received.
When a petition affects the interests of others than the petitioner he must supply them in reasonable time and by either personal delivery or registered post with:
6.7.5.1. a copy of the petition; and
6.7.5.2. notice of the time and place of the meeting of the court at which he has asked or will ask that the petition be heard, and he must inform the clerk in writing that he has done so.
If the court, after receiving the petition, is not satisfied that sufficient notice has been given to others concerned, it orders the petitioners to serve a copy of the petition on them with a citation to attend, to which copy and citation is appended a warrant of the court in ordinary form.

6.7.6. Who at bar: A petitioner is a party at the bar. If a member of a court is a petitioner to it, singly or with others, he is at the bar during that business and until it is disposed of. A member who is not a petitioner cannot present the petition of others, either in his place or at the bar.
6.7.7. Procedure in dealing with petition: When a petition is presented, the court:
6.7.7.1. reads the petition or sufficient of it to be judge of its nature or character, or takes it as read;
6.7.7.2. receives it, after satisfying itself that:
   6.7.7.2.1. the petitioner is at the bar of the court to support it;
   6.7.7.2.2. it is the appropriate court to deal with the matter;
   6.7.7.2.3. the matter should not have come forward by some other course;
   6.7.7.2.4. the petition does not contain improper or disrespectful language;
   6.7.7.2.5. the petitioner could not have appeared as a party in a case before an inferior court;
   6.7.7.2.6. the petition ought to be received either in the interests of the church or in justice to the petitioner;
6.7.7.3. having received it, determines what action is to be taken in answer to its prayer, see Rule 6.7.9 following.
The court and not the petitioners, decide what, if any, action shall be taken.
6.7.8. Petition not received – petitioners heard: If the court decides not to receive the petition, the matter lapses. Except for obvious incompetence or if the language or intention of the petition is clearly offensive a decision not to receive it may only be made after the petitioner has first been heard on the question of its reception.
6.7.9. Granting the prayer: A motion to grant the prayer of a petition means that the court considers there are sufficient grounds in the petition to justify deliberation and decision.
   If the motion is approved, it is followed by another motion giving effect to the court’s decision.
   If it is disapproved, it is followed by a motion to “dismiss the petition”.
6.7.10. Against a minister: A petition affecting the character of a minister is not served upon him, for this matter can be dealt with only by libel in a process of discipline. However he should be communicated with respecting it, and is entitled without being placed at the bar to be heard upon it and to take his ordinary part in the discussion of it.

6.8. Reference to a superior court
6.8.1. Reference defined: A reference is a document containing the facts of a case which is stated and referred by resolution of an inferior court for the opinion, advice, direction or judgment of its superior court (Rule 7.14).
6.8.2. Kind of cases referred: A court refers a case or part of a case or a matter or any special point of difficulty to its immediate superior court for advice or judgement.
6.8.3. Evasion of responsibility: A court may not state a reference merely to evade its proper and ordinary responsibility. In such a case the superior court declines to deal with the reference and directs the inferior court to deal with the matter.
6.8.4. Effect of referring the case: The reference of a case, either without comment or otherwise, to a superior court halts procedure in the inferior court until the superior court has given its decision.
6.8.5. How transmitted: A reference is transmitted in the form of a properly attested extract minute of the resolution to refer, accompanied by all relevant documents. If there are parties in the case, they must be cited by the court referring so that they may appear for their interests.
6.8.6. How presented: A reference does not place the inferior court at the bar, but only the persons stating the reference who are not members of the superior court.
   In presenting and stating a reference it is necessary to show what the case is and why it has been referred.
   Any appeal lodged against the decision to ‘refer’ must first be disposed of, and disposing of it involves the decision of the question of sustaining the reference.
6.8.7. Reference disposed of: After a reference has been stated and questions answered, the reference is either sustained or not sustained. If it is sustained, any parties in the case are called and heard, after which the superior court considers the whole case and decides it, or gives such advice and directions as it considers necessary and sends the matter back to the inferior court so that it may take the appropriate action.
6.8.8. Cost of printing: An inferior court may be required to pay the cost of printing a reference which it has transmitted.
6.9. Dissatisfaction with decision of court
6.9.1. Party at the bar: A party at the bar of a Court, whether or not a member thereof, may appeal against its decision to the superior Court but cannot dissent or complain.
6.9.2. Dissatisfaction with decision: A member of a Court, other than a party at its bar, if dissatisfied with its decision on a matter on which he has voted with the minority may, if the conditions set out under "Dissent" and "Complaint" in the sections following are fulfilled, enter his dissent (with or without reasons) or, alternatively, he may dissent and complain to the superior Court. A party at the bar affected by any judgment of the Court must be informed that he has a right of appeal to a superior Court.

6.10. Dissent
6.10.1. Right of dissent: Any member of a Court, other than a party at its bar, is entitled to have his dissent recorded in respect of a decision against which he has voted, provided:
6.10.1.1. such decision has been made after a show of hands "For" and "Against", or a division, is not a resolution of the "committee of the whole", or a decision on an amendment or part of a case; and
6.10.1.2. the dissent is given in when the decision is announced, and is not against carrying out an instruction of a superior Court.
A Moderator although he has no deliberate vote may also record his dissent.
6.10.2. Effect of dissent: A member of a Court who dissent from a decision relieves himself from responsibility for the decision and its consequences and protects himself from censure on account of it, but he is still under obligation to comply with the decision itself unless and until it is reversed or altered.
6.10.3. Adherence to dissent: When a member of a Court has entered his dissent it is competent for other members to signify their adherence to such dissent, and to have their names recorded as dissentients, but only if they were present and voted with the minority.
6.10.4. Reasons for dissent: Reasons for dissent need not be given. But when a member is entering his dissent he may also at the same time give in brief reasons which are not a discussion of the subject, but serve to state and justify his position as dissentent, and these are recorded without comment or debate provided they are not disrespectful to the Court or injurious to a party. (Rule 7.13).
6.10.5. Reasons handed in later: A member who has dissented but not already given in reasons may do so in writing, and read them without comment, immediately after the minutes recording his dissent are confirmed by the Court, and such reasons (which are not subject to debate) are held in the court records, unless the Court expressly directs that they be recorded.
6.10.6. Answers to reasons for dissent: When deemed necessary the Court appoints a committee of its own members to prepare answers to reasons for dissent. The report of the committee may be debated, amended, or otherwise dealt with as any other report. The answers approved are recorded or held in the court records according as the reasons have been recorded or held in the court records.

6.11. Appeals
6.11.1. Appeal: An appeal is a signed document (Rule 7.13) given in by a person who is or was a party at the bar in a case before the Court, it contains the reasons which are the grounds of his appeal against a decision of the Court and is designed to bring that decision under review of a superior Court.
The party appealing must either give in his appeal at the time the decision appealed against is announced to him or else at that time "protest for leave to appeal", and an inferior Court must inform any parties at its bar of this requirement when judgment is given.
"Reasons of Appeal may be such as these: Irregularity in the proceeding of the Court; refusal of reasonable indulgence to a party in the conduct of the case; reception of irrelevant evidence; refusal to receive relevant evidence; mistake or injustice in the judgement; undue haste in proceeding to judgement; judgement against the evidence or the weight of evidence: or denial of natural justice."
6.11.2. Complaint: A dissent and complaint (also referred to herein as a complaint) is a signed document (Rule 7.13) given in by a member of a Court who neither is nor was at its bar in a case before the Court; it contains his reasons for dissenting and complaining against a decision of the
Court on which he has voted in the minority and is designed to bring that decision under review of a superior Court. Other members of the Court may intimate their concurrence with a complainant, either for the reasons assigned by him or for other reasons assigned by themselves, provided intimation of their concurrence is made at the time, or placed in the hands of the Clerk of the Court within ten days thereafter.

Separate reasons for dissent are not given in. The member says: "I dissent and protest for leave to complain", and the complaint is either given in at that time or within the period hereinafter provided.

6.11.3. Leave to appeal or complain: A Court cannot refuse leave to appeal or to complain when protested for by a qualified person; but such leave expires at the end of ten days (not including the day of decision) and cannot be extended. The right to appeal or complain lapses if the relevant document has not been lodged by the end of the ten days aforesaid with the Clerk of the Court whose decision is appealed or complained against.

6.11.4. Extracts sought: A person who intends to appeal or complain against a decision of a Court may crave extracts relevant thereto and is entitled to full but not to partial extracts of the proceedings, and to copies of all relevant papers on paying the proper cost thereof. Parties to a case of reference dissent complaint appeal or petition are not allowed to distribute papers bearing on the case to the members of the Court before which the case is to be heard.

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

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

6.11.7. Respondents appointed: Upon receiving notice of an appeal or a complaint against one of its decisions the Court appoints two of its members to act as respondents and to defend its decision in the superior Court.

6.11.8. Effects of appeal: An appeal or a complaint against the final decision or judgment on a case halts execution of the decision or judgement until the appeal or complaint is disposed of by a superior Court or it becomes null by not being prosecuted unless the Court considers that its finding was in the interest of the Church's welfare or the higher good of the Kingdom of God in which case it may proceed without regard to the appeal at its own risk. An appeal or a complaint on a part of a case or on a point of procedure, unless expressly provided to the contrary, does not halt procedure and prevent the court from prosecuting the matter and ripening it to final judgment.

If no appeal or complaint be taken against the final judgment, all appeals and complaints taken previously fall.

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

6.11.10. Papers transmitted: A Court transmits to its superior Court any appeal or complaint which it has received against one of its own decisions together with all records and documents connected therewith, but the appellant or complainant should satisfy himself that all documents necessary have been sent up, as the responsibility for this rests with him.

6.11.11. Parties at the bar: An appeal or a complaint places the parties to the case, namely the respondent Court and the appellant or complainant, at the bar of the superior Court, and they take no part in judging the case.

The parties must be duly cited by the Clerk of the inferior Court concerned.

6.11.12. How dealt with: In dealing with an appeal or a complaint transmitted for its judgment, a Court:

6.11.12.1. calls the parties (i.e., appellants or complainants and the respondent Court) to its bar;
6.11.12.2. hears read the record of the case in the inferior Court, and relative documents;
6.11.12.3. hears the appellants or complainants or, if there are more than two, their representatives to a number it determines;
6.11.12.4. hears the respondents appointed by the inferior Court;
6.11.12.5. hears the appellants or complainants in reply;
6.11.12.6. calls for questions from members of the Court;
6.11.12.7. after removing all parties from the bar, deliberates on the case before it.
When all questions have been put and answered the record is held to be closed, and the parties are
removed from the bar and excluded from the Court until the appeal has been disposed of.
No document may be read or appear among the papers of the Court (printed or written) unless it was
before the Court of first instance, or was offered to it and rejected, and has thence come up
regularly.
6.11.13. Decision to dismiss: A Court dismisses an appeal or a complaint if it finds the
decision of the inferior Court to have been reasonable upon the information before that Court, and its
procedure not to have been such as to prejudice the right determination of the case.
When an appeal or a complaint is dismissed the decision of the inferior Court stands affirmed.
Dismissal on the ground of incompetency is not permissible without the appellant or complainant
being heard in respect thereof.
6.11.14. Decision to sustain: A Court sustains an appeal or a complaint if it:
6.11.14.1. judges that the decision of the inferior Court upon the information before that Court
was not a reasonable decision; or
6.11.14.2. finds the procedure of the inferior Court to have been prejudicial to the right
determination of the case.
When an appeal or a complaint is sustained, the decision is not necessarily reversed, but may be
altered in part or in whole, and the matter may be remitted to the inferior Court with particular
instructions to take specified action, or with the general instruction to deal with the matter according
to the law of the Church, or with both.
6.11.15. Decision announced: When the Court has reached a decision, parties are recalled
to the bar and the decision is announced to them.
6.11.16. Appeal or complaint fallen from: When an appeal or a complaint is not
proceeded with, a member of the Court whose decision was appealed or complained against, or a
party, should take protestation in the superior Court that the appeal or complaint has been fallen
from, and that the decision of the inferior Court has become final, and should crave extracts. This
protestation, after being recorded in the minutes, is supplied by the Clerk as an extract minute.
6.11.17. Inferior court notified of decision: Neither an appeal nor a dissent and complaint
is entered in the record of the Court in which it is taken, but the decision of the superior Court is
communicated by its Clerk to the inferior Court in whose record it is engrossed, subject to the
provisions of Rule 6.4.7 and 6.4.8 (Record Apart).

6.12. Miscellaneous
6.12.1. Assessors: Any court may apply to its superior court for assessors to be appointed to sit
with it to assist with any particular matter. Further, any court may decide to appoint assessors to sit
with an inferior court to give appropriate assistance even if no request for assessors has been made.
An assessor, during his period of duty, 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 superior court
he is likewise at the bar.
When the task is completed, it is the duty of assessors appointed for this particular task to inform the
appointing court, which immediately discharges them.
6.12.2. Counsel: Unless the law of the church states otherwise, a court decides whether or not a
party may appear with the assistance of counsel or agent in any particular process before it; it may
allow the appearance of counsel or agent only if he is a communicant of the Presbyterian Church of
South Australia.
6.12.3. Commissions and committees: A court may from time to time appoint commissions from
among its own members to discharge particular business and grant to these commissions such of its
own powers as are necessary to discharge the duties indicated, (see Rule 4.1.13 for matters in which
a presbytery cannot act through a commission).
A court may also appoint any necessary committees, consisting of persons within its jurisdiction, and
may remit to these committees such duties as it seems fit.
Commissions and committees (including boards and councils) of inferior 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.
A commission appointed by a court may not itself appoint a commission, but it may appoint a committee or committees to perform specified duties, unless not permitted in its terms of appointment. A commission is responsible for, and may set aside or vary, the actions of any committee it has appointed.

6.12.4. Inquiry by visitors: Every court has power to appoint visitors to inquire into and report upon any matter within its jurisdiction.

6.12.5. “Direction” etc. Defined: Wherever in this and the preceding chapters the words “direction”, “order” or “instruction” or the plural forms occur, they are to be taken, save where the context otherwise requires, as equivalent and synonymous expressions.

End of Chapter 6
7. Appendix - Forms

7.1. The Barrier Act, 1697 (Church of Scotland)

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.

Note: The Barrier Act is used whenever change or addition to the rules of the church, chapters 1 to 6 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 in the rules (Rules 5.4.7, 5.4.8).

7.2. Formula for ministers and elders

I own and accept the subordinate standard of this church, with the explanations given in the articles contained in the declaratory statement, as an exhibition of the sense in which I understand the Holy Scriptures, and as a confession of my faith. I further own the purity of worship practised in this Church and the Presbyterian government thereof to be founded on the Word of God and agreeable thereto; and I promise that through the Grace of God I shall firmly and constantly adhere to the same, and to the utmost of my power shall, in my station, assert, maintain and defend the doctrine, worship and government of this church.
7.3. **Edict of vacancy**

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:
7.4 Maintenance of Ministry

7.4.1 MM2:

Presbyterian Church of South Australia
Maintenance of Ministry Committee

PRESBYTERY OF ________________________________

PROPOSAL OF TERMS IN THE VACANCY OF THE CHARGE OF

Note: Under no circumstance shall any charge proceed to an election in a vacancy or any Presbytery proceed with a settlement of terms which have not been approved by the Committee within the preceding twelve months. The approval by the Committee of the terms of settlement shall not prevent the Presbytery from exercising its inherent power to decide against proceedings with the settlement for its own reasons even though they may arise out of the proposed terms of settlement as approved by the Committee.

1. STATISTICAL:

1.1 Number of Communicants on Roll _________

1.2 Number of Adherents on Roll _________

1.3 Number of Sunday School students on Roll _________

1.4 Number of Youth involved in Youth Activities _________

2. PREACHING PLACES

<table>
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<tr>
<th>Name</th>
<th>Distance km.</th>
<th>Frequency of Services</th>
<th>Numbers on Roll</th>
<th>Assessment $</th>
<th>Budget $</th>
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3. TRAVELLING ALLOWANCE

3.1 A car is necessary – Yes/No and the annual kilometres travelled are:

3.1.1 for the conduct of services _________________________km
3.1.2 for other official purposes ___________________________km

3.2 A car is provided - Yes/No

3.3 If a car is provided, state below the arrangements for running costs;
_______________________________________________________________________

4. PROPOSED TERMS OF SETTLEMENT

4.1 Stipend: Taxable $_________

4.2 Non-taxable (maximum 30%) $_________

4.3 Travelling Allowance per year $_________ or per kilometre $_________

4.4 Manse Allowance $_________

4.5 Communications $_________ per month (Calls, landline, mobile, internet, books, stamps, stationery)

4.6 Other amounts paid as Fringe Benefits, list details.
_______________________________________________________________________

4.7 Leave According to Leave Regulations (Rules and Procedure of the Presbyterian Church of South Australia)

4.8 Removal Expenses Three (3) quotes to be obtained and then by negotiation

4.9 Superannuation 10% (minimum set by Finance & Administration Committee)

The foregoing proposed Terms were agreed to at a congregational meeting held on the __________________ day of ____________, 20____ and are forwarded to the Presbytery together with copies of the congregations Balance Sheet for the past two (2) years showing expenses and income accounts and assets and liabilities.

Certified by the Interim Moderator __________________________

5. PRESBYTERY RECOMMENDATION:

The above proposed terms are recommended by the Presbytery of ______________ and are forwarded to the Maintenance of the Ministry Committee (Finance and Administration Committee).

Date: ___/___/20____ Presbytery Clerk: __________________________
7.4.2 MM3:

Presbyterian Church of South Australia
Maintenance of Ministry Committee

PRESBYTERY OF ____________________________

PROPOSAL OF CHANGE OF TERMS IN THE VACANCY OF THE CHARGE OF

Note: Under no circumstance shall any charge proceed to change the Terms of Settlement which have not been approved by the Presbytery and the Committee.

1. TERMS OF SETTLEMENT

<table>
<thead>
<tr>
<th></th>
<th>EXISTING</th>
<th>PROPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1 Stipend: Taxable</td>
<td>$_______</td>
<td>$_______</td>
</tr>
<tr>
<td>1.2 Non-taxable (maximum 30%)</td>
<td>$_______</td>
<td>$_______</td>
</tr>
<tr>
<td>1.3 Travelling Allowance</td>
<td>$_______</td>
<td>$_______</td>
</tr>
<tr>
<td>1.4 Manse Allowance</td>
<td>$_______</td>
<td>$_______</td>
</tr>
<tr>
<td>1.5 Communications</td>
<td>$_______</td>
<td>$_______</td>
</tr>
<tr>
<td>1.6 Other amounts paid as Fringe Benefits, list details.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The foregoing proposed Terms were agreed to at a congregational meeting held on the ______________ day of __________, 20____ and are forwarded to the Presbytery together with copies of the congregations Balance Sheet for the past two (2) years showing expenses and income accounts and assets and liabilities.

Certified by the Interim Moderator __________________________

2. OTHER PROPOSED CHANGES: List details, if space insufficient attach extra pages.

_____________________________________________________________________

_____________________________________________________________________

_____________________________________________________________________

3. PRESBYTERY RECOMMENDATION:

The above proposed terms are recommended by the Presbytery of __________________ and are forwarded to the Maintenance of the Ministry Committee (Finance and Administration Committee).

Date: ____/____/20____ Presbytery Clerk: _______________________________
7.5. Form of Call

CALL TO REV .................................................................

We, the undersigned members and adherents of the congregation at ................................................................. in connection with the Presbyterian Church of South Australia, 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 appointed at the congregational meeting, Rule 4.10 “Procedure in Vacancies”)*
7.6. **Edict of ordination/induction of ministers**

The presbytery of .............................., in connection with the Presbyterian Church of South Australia, 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 ........................, they should attend the meeting of presbytery at ........................ on the ...... day of ........ 20.... at ...... (time) and state their objection in person.

If no relevant objection is made, or unless the objectors give satisfactory evidence indicating that they intend to substantiate the objection, 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:
Questions at ordination/induction of ministers

Questions for the congregation, who are invited to stand:
(Normally assent is given by the congregation answering together: "We do".)

Do you, the members and adherents of this congregation, adhere to the call which you have already subscribed in favour of Rev ........................................... to be your minister?

Do you now cordially receive him as your Minister, promising to provide for him 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 7.6.7 which is answered: "They are")

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?

Do you own and accept the Westminster Confession of Faith, read in the light of the Declaratory Statement contained in the Basis of Union adopted by this Church on the 24th day of July, 1901, as an exhibition of the sense in which you understand the Holy Scriptures and as a confession of your faith; and do you engage firmly and constantly to adhere thereto, and to the utmost of your power to maintain and defend the same?

Do you own and accept the purity of worship as practised in this Church?

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?

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?

Do you accept this Call and promise through grace to perform all the duties of a faithful minister of the Gospel among this people?

Do you promise to give conscientious attendance upon the Courts of the Church, and to direct your best attention to the business thereof, doing all in the spirit of faithfulness, brotherly kindness and charity?

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?

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 and Procedure and Practice of the Presbyterian Church of Australia".
7.8. **Edict for ordination/induction of elders**

Mr, or Messrs .......................................................... ..................................................... .................................................. .......................................................... , 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 either or 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:
7.9. Questions for Elders

Questions at the Ordination or Induction of Elders

Questions for the congregation
(Normally assent is given by the congregation answering together: “We do”.)

The members of the Congregation are requested to stand up, and the following questions are put to them:

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?

Be pleased to signify your assent by holding up the right hand.

The Congregation assenting, the following questions are put to the Elders-elect:

Questions for elders-elect
(Assent is given by the answer: “I do” for all questions)

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?

Do you own and accept the Westminster Confession of Faith, as amended by the General Assembly, and read in the light of the Declaratory Statement contained in the Basis of Union adopted by this Church on the 24th day of July, 1901, as an exhibition of the sense in which you understand the Holy Scriptures and as a confession of your faith; and do you engage firmly and constantly to adhere thereto, and to the utmost of your power to assert, maintain and defend the same?

Do you own and accept the purity of worship as practised in this Church?

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?

Do you adhere to your acceptance of the Call of this Congregation, to exercise among them the office of Ruling Elder?

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?

All these things you profess and promise through grace, as you shall be answerable at the Coming of the Lord Jesus Christ?
7.10. Certificates for licentiates

7.10.1. 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:

7.10.2. Presbyterial Certificate:
At ......................... (place where meeting was held) and on ......................... (date), by order of the presbytery of ................................................., it is certified that Mr ........................................ is a licentiate of this church, licensed by the presbytery of ........................................, and that his conduct is becoming of his profession.

Signed: (presbytery clerk)
Dated:
7.11. Certificates for ministers

7.11.1. Certificates of status and Presbyterial certificates:

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 [and that his conduct is becoming of his profession].

A certificate of status indicates that the person named remains a minister of the church. A Presbyterial certificate testifies to his character and conduct.

(The last paragraph forms an integral part of the certificate).

Signed: (presbytery clerk)

Dated:

(Note to clerks: When a certificate of status only is being given, the words in square brackets are omitted.)

7.11.2. Letter of commendation:

This is to certify that the Rev ........................................, pastor of the parish of ........................................ (or, at present without a charge) has been granted leave of absence by the presbytery of ........................................ and is a minister in full standing with the Presbyterian Church of South Australia. He proposes to visit ........................................ and is commended to the fellowship of sister churches in those or other places.

Signed: (presbytery clerk)

Dated
7.12. Commission for representative elders

The session of .................................................., having met at ............................... on .............., and been duly constituted, among other things, resolved to appoint:

Elder:

Alternate:

Name: .................................................. 
Name: ..................................................

Address: ..................................................

Address: ..................................................

Phone: ..................................................

Phone: ..................................................

e-mail: ..................................................

e-mail: ..................................................

one of their number, to represent it in the presbytery for the next twelve months and:

Elder:

Name: ..................................................

Address: ..................................................

Phone: ..................................................

e-mail: ..................................................

also 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:
7.13. **Service of Introduction – Questions**

When a Home Missionary is first appointed, or transferred to a charge, assistantship or other work, there shall be a Service of Introduction conducted by the presbytery at which the Home Missionary shall testify to his faith and affirm his adherence to the doctrines and practices of the Church by answering in the affirmative the following questions:

Do you confess anew your faith in God as your heavenly Father, in Jesus Christ as your Saviour and Lord, and in the Holy Spirit as your Sanctifier?

Do you profess your faith in the Gospel of the love and grace of God, wherein through Jesus Christ His only Son our Lord, He freely offers to all men forgiveness and eternal life, and calls them into the fellowship and service of His kingdom?

Do you believe the Scriptures of the Old and New Testaments, which are the Word of God written, to be the only rule of faith and practice?

Do you own and accept the Westminster Confession of Faith, read in the light of the Declaratory Statement contained in the Basis of Union adopted by this Church on the 24th day of July, 1901, as an exhibition of the sense in which you understand the Holy Scriptures and as a confession of your faith?

Are the glory of Almighty God, love to the Lord Jesus Christ, and an earnest desire to see men and women of all ages come to a saving faith in Christ, your chief reasons for accepting the position of home missionary within the Presbyterian Church?

Do you engage in the strength of the Lord Jesus Christ to lead a life worthy of your office, to discharge with integrity and cheerfulness the duties entrusted to you and to seek the furtherance of the Kingdom of God?

Will you, by God’s grace, carry out all lawful instructions issued directly by the courts of the Church, and by the Home Missions Committee of the Assembly of the Presbyterian Church of South Australia, or through their delegated officers?

All these things you profess and promise, through grace as you would answer to your Lord, and enter into His eternal glory?

After which the Home Missionary shall be charged to be faithful in his tasks and shall have prayer offered setting the Home Missionary apart for the sphere of service and commending him to the grace of God.
7.14. **Model Service of Introduction - Order of Service**

Call to Worship  
Praise  
Prayer  

Praise  

Praise  

**The Moderator.** The extension of the Kingdom of God amongst us is ordinarily carried on in Charges, to which Ministers are inducted by the presbytery of the bounds. In places where a Charge has not yet been formed or where a Minister is not available, this vital work is entrusted to those approved and appointed by the Missions Committee.

Home Missionaries are called upon to conduct Public Worship and to preach the Gospel, to guide the work of Christian education in Sunday Schools and Youth organizations, to minister to the spiritual needs of the people, and generally to assist in the work of the Congregation to which he is appointed.

-------------------------------

.............. has heard and answered the Master’s call to serve His Church and Kingdom; he has been accepted by the Church to labour in this ministry.

**The Minister calls upon the Home Missionary to stand, and addresses him.**

Dear Brother and fellow-worker in Christ: we rejoice in your call to the service of the Kingdom of our Lord and Saviour. In His name we are about to introduce you to the work to which you have been appointed. But first you will testify to your faith and integrity of purpose and your adherence to the doctrines and practices of the Church by answering the following questions:  
(The questions as listed in Regulation 7.12)

The Minister shall now charge the Missionary to be faithful in his tasks and shall offer prayer setting him apart for the sphere of service and commending him to the grace of God concluding with the words:  
Almighty God accept and bless you, and grant you grace to be faithful in all these things.

**Prayer**

The Minister: In the name of the Lord Jesus Christ, the King and Head of the Church, I declare you duly set apart to this service in the office of Home Missionary. We commend you to the grace of God in the discharge of the duties of your office. We give you the right hand of fellowship and bid you God-speed.

Praise  
Sermon  
Praise  

**Benediction**
### 7.15 Parish Report

2. **GENERAL**

<table>
<thead>
<tr>
<th>Membership at start of reporting period</th>
<th>Communicants</th>
<th>Adherents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Additions to Communicants Roll</td>
<td>Additions to Adherents Roll</td>
<td></td>
</tr>
<tr>
<td>Deletions from Communicants Roll</td>
<td>Deletions from Adherents Roll</td>
<td></td>
</tr>
<tr>
<td>Present membership</td>
<td>Communicants</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Adherents</td>
<td></td>
</tr>
<tr>
<td>Date/s on which the Lord’s Supper was celebrated</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Attendance at that service</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Baptisms</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Infant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

1. **IDENTIFICATION**

- Home Missionary, Appointee or person completing form:
  - Charge:
  - Presbytery:
  - Moderator:

2. **Period covered by this report:**

- Year:
3. **PASTORAL**
   A. Number of hospitals in Charge visited regularly

   Number of Pastoral visits to hospital patients

   B. Total number of Pastoral visits, excluding hospital,

   C. Of the visits in Section B, how many were to: Church goers

   Non-attenders

4. **CHRISTIAN EDUCATION**

<table>
<thead>
<tr>
<th>Number of groups</th>
<th>Number of</th>
<th>Number of</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sunday Schools</td>
<td>Teachers</td>
<td>Students</td>
</tr>
<tr>
<td>Kids Clubs</td>
<td>Leaders</td>
<td>Members</td>
</tr>
<tr>
<td>Youth Groups</td>
<td>Leaders</td>
<td>Members</td>
</tr>
<tr>
<td>Young Adults</td>
<td>Leaders</td>
<td>Members</td>
</tr>
<tr>
<td>Bible Study Groups</td>
<td>Leaders</td>
<td>Members</td>
</tr>
</tbody>
</table>

5. **ATTENDENCE FIGURES**

   Half-yearly Aggregate
   (List each preaching place, the number of Services held at each place during the six month reporting period, then the cumulative attendance figures for adults, children and the total.)

<table>
<thead>
<tr>
<th>Preaching Place</th>
<th>Number of Services held</th>
<th>Total Attendance per Centre</th>
<th>Weekly Average*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Adults</td>
<td>Children</td>
</tr>
</tbody>
</table>

   *Weekly Average

   (Add the total attendance of adults and children for each preaching place and divide by the number of services held during reporting period. This gives the weekly average. Do this for each preaching place.)

6. **SPECIAL SERVICES**

<table>
<thead>
<tr>
<th>Type of Service</th>
<th>Number of Services</th>
<th>Average Attendances</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weddings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Funerals</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other (please specify)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

   Please outline any other initiatives for congregational growth which have been pursued in the last reporting period and report on their effectiveness. (Use additional sheet, if necessary)
7. **FINANCE**  
(Copies of financial statements for the period covered can be submitted instead of filling out this section)

<table>
<thead>
<tr>
<th>Description</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total collections for Charge this half-year. (Do not include special appeals etc.)</td>
<td></td>
</tr>
<tr>
<td>Average collections per week for the half-year</td>
<td></td>
</tr>
<tr>
<td>Total of special appeals, designated income, Guild or similar donations etc</td>
<td></td>
</tr>
<tr>
<td>Total expenditures/payments made during this half-year</td>
<td></td>
</tr>
<tr>
<td>Credit balance showing on last financial statement presented to Committee of Management</td>
<td></td>
</tr>
</tbody>
</table>

8. **PROPERTY**  
Please indicate if there are any plans to carry out works involving construction, alterations or maintenance that will require expenditure of a figure higher than 10% of the Parish’s ordinary income. (Comments can be added on an additional sheet, if necessary)

9. **OFFICE BEARERS**  
To be answered only if there has been a change of Office Bearer/s during the last six months.

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Has the Assembly Clerk been notified of office bearer changes?</td>
<td>Yes / No</td>
</tr>
</tbody>
</table>

10. **ADDITIONAL COMMENTS**  
(If you wish to make additional comments please include on separate sheet.)
### Missions Committee Employment Application

**Person**

**Family Name**

**Given Names**

**Aliases:** Have you ever been known by any other name?  
Y / N

Have you ever changed your name?  
Y / N

If yes, list all other names by which you have been known.

<table>
<thead>
<tr>
<th><strong>Residential/Street Address</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Town/Suburb</strong></td>
</tr>
<tr>
<td><strong>Postal Address</strong></td>
</tr>
<tr>
<td><strong>Town/Suburb</strong></td>
</tr>
</tbody>
</table>

| **Phone (Home)** | **Mobile** | **Work** |

| **Date of Birth** |
| **Nationality** |

**Marital Status**  
(please ☒ one) ☐ never married  ☐ married  ☐ widowed  ☐ separated  ☐ divorced

**Marital history**  
If this is not your first marriage, how many times have you been married?

How did each of those marriages end?

<table>
<thead>
<tr>
<th><strong>Wife’s name (if married)</strong></th>
<th><strong>Date married</strong></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>Children (if any)</strong></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Name</th>
<th>Age</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Dependent</strong></td>
<td>Y / N</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name</th>
<th>Age</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Dependent</strong></td>
<td>Y / N</td>
</tr>
</tbody>
</table>

<table>
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<tr>
<th>Name</th>
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</tr>
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<tr>
<td><strong>Dependent</strong></td>
<td>Y / N</td>
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<tr>
<th>Name</th>
<th>Age</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Dependent</strong></td>
<td>Y / N</td>
</tr>
</tbody>
</table>
### Name

<table>
<thead>
<tr>
<th>Dependent</th>
<th>Age</th>
</tr>
</thead>
</table>

### Name

<table>
<thead>
<tr>
<th>Dependent</th>
<th>Age</th>
</tr>
</thead>
</table>

### Hobbies

(What hobbies and other interests do you have)

### Wife’s Response

(What is your wife’s attitude to your application to serve as a home missionary?)

### Health

Have you ever suffered any physical or mental condition requiring hospitalisation?

Y / N

Do you have any personal or family history of high blood pressure, strokes, heart disease, mental illness, stress disorder, cancer (or any pre-malignant condition)?

Y / N

Do you currently take any prescribed medication?

Y / N

Is there anything in your history or lifestyle that may put you at risk of contracting HIV/AIDS?

Y / N

### Occupation

Beginning with your current job (and for each other job you have held) please list your employer, the position held, the years you were employed in that position, and your reason for leaving.

<table>
<thead>
<tr>
<th>Employer</th>
<th>Position Held</th>
<th>Years Employed</th>
<th>Reason for Leaving</th>
</tr>
</thead>
</table>

### Church Membership

Are you currently a communicant member of the Presbyterian Church?

Y / N

If so, in what congregation do you currently hold membership?

How long have you been a communicant member of this congregation?

Beginning with your current church, please list the churches to which you have belonged, the years of your membership in each church and any responsibilities you have exercised there.

<table>
<thead>
<tr>
<th>Congregation</th>
<th>Years of membership and responsibilities</th>
</tr>
</thead>
</table>

(Attach additional page if needed.)

**Attachments:** Except in unusual circumstances, applicants for employment must provide a Certificate of Status from their Session showing that they have held communicant membership with that congregation for at least 12 months, been in active association with the life and work of the congregation, and are recommended by the minister, Session and Presbytery. Applicants must also supply a current medical certificate affirming the applicant’s physical and psychological suitability for the work of a home missionary.
After each of the following, please write the word “Yes” to confirm that these documents are attached. If they cannot be attached, please give a reason.

1. Certificate of Status
2. Minister’s recommendation
3. Session’s recommendation
4. Presbytery’s recommendation
5. Medical Certificate

**Christian Life and Experience**
In the space provided, summarise your conversion and your subsequent life as a Christian.

Have you ever applied to be received as a home missionary or a candidate for the ministry in another state or country?

Y / N

If so, when, where, and with what result?

What is your current personal practice in prayer and Bible reading?

**Education**

**What theological education have you undertaken?** (Record the qualifications you have achieved, the institution/s at which you have studied, and the years in which you studied there. Copies of relevant academic transcripts should be attached to this application form.)

**Other educational qualifications** (and years achieved)

In what studies are you currently enrolled?

Do you intend to study for ordination to the ministry of the word and sacraments?

Y / N
Theology

(Please note that in addition to answering these questions, you may be required to sit for an examination testing your knowledge of the Scriptures, theology and church practice.)

In the space provided (and no more) please record your understanding of the major themes of the Bible.

In the space provided please summarise your understanding of the gospel.

What is your understanding of Christian ministry?

What is your understanding of sin?

What is your understanding of baptism?

What is your understanding of the Lord’s Supper?

Who is Jesus Christ?

What is the relationship between Jesus Christ and God?

What does it mean to say “the Bible is the Word of God”?

Have you read the Westminster Confession of Faith? Y / N

Have you read the Declaratory Statement of the Presbyterian Church of Australia? Y / N

Do you own and accept the Westminster Confession of Faith, read in the light of the Declaratory Statement, as an exhibition of the sense in which you understand the Holy Scriptures and as an expression of your own faith? Y / N

Do you own and accept the presbyterial form of church government as being founded on and agreeable to the Scriptures? Y / N

If offered a position as a home missionary within the Presbyterian Church of South Australia, would you promise to assert, maintain and defend, to the utmost of your power within your station, the doctrine, worship and government of the Presbyterian Church of Australia? Y / N
Public Worship
What importance do you give to preaching?

Describe your sermons and the way you prepare them.

How do you encourage the active participation of church members in the service of worship?

Pastoral Ministry
What do you hope to achieve in ministry?

What importance do you give to pastoral visitation (visiting people in homes/hospitals/nursing homes)?

What are your strengths in ministry?

What are your weaknesses in ministry?

What are your views on evangelism?

Current Issues
What is your attitude to the following issues of current concern

• Abortion?

• euthanasia?

• homosexuality?

• prophecy?

• continuing revelation?

• tongues?

• the “prosperity” gospel?
Community Involvement
Are you involved with:
A political party Y / N
Freemasonry Y / N
Rotary / Apex / Lions / Probus / Toastmasters Y / N
Any other community group/s Y / N
If you answered “Yes” to any of the above, expand your answer here:

Referees
Please provide the names of four referees whom we may contact when considering your application. The first referee should be your present minister (or another minister who has known you well in the recent past). The second referee should be a person to whom you have been responsible in your employment, the third should be a person alongside whom you have undertaken ministry activities, and the fourth should be a person to whom you have ministered.

Referee #1: Name:  
Address  
Phone  Fax  Email

Referee #2: Name:  
Address  
Phone  Fax  Email

Referee #3: Name:  
Address  
Phone  Fax  Email

Referee #4: Name:  
Address  
Phone  Fax  Email

Declaration
To the best of my knowledge and belief, all of the answers contained in this application are true in every particular. I understand that if I am later found to have given any false, misleading or incomplete information in this application for employment, my employment with the Presbyterian Church may be terminated without notice.

I understand that the information provided concerning this application is subject to the Privacy Policy of the Missions Committee of the Presbyterian Church of South Australia, all details being held in strict confidence by the committee.

I further understand that this information is sought for the purposes of assessing my suitability for employment.

By signing and lodging this application form, I consent to my personal and sensitive information being recorded and retained by the Committee.

Signature  Date
Child Protection Legislation

The position of “home missionary” within the Presbyterian Church is a position covered by the Child Protection (Prohibited Employment) Act 1998. Every applicant, prior to employment, will be required to certify that he is not a “prohibited person” in terms of that Act. Relevant Criminal History, Apprehended Violence Orders and prior employment checks, including relevant disciplinary proceedings, will be conducted on recommended applicants. If you are a "prohibited person", or if you do not wish to submit to screening by the Child-Protection Unit of the Presbyterian Church of Australia, you should not apply for this position.

Return completed form (with attachments) to:
The Convener
Presbyterian Church of South Australia Missions Committee
PO Box 270
Mount Gambier S.A. 5290.
7.17. Citation

7.17.1. Person:
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 South Australia) 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:

7.17.2. Congregation, Session or Presbytery:

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 ..................................................  

7.17.3. Edict of citation:

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)
### 7.18. Leave Records

**Leave Record – Rev M. I. Nister Full Time Minister Commencement Date 25/2/2003**

#### Annual Leave Year Ending 24/2/2005

<table>
<thead>
<tr>
<th>Accrued weeks</th>
<th>Leave taken weeks</th>
<th>Balance due weeks</th>
</tr>
</thead>
<tbody>
<tr>
<td>25/2/2003</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>25/5/2003</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>25/8/2003</td>
<td>1</td>
<td>2</td>
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<td>25/11/2003</td>
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<td>0</td>
<td>0</td>
</tr>
<tr>
<td>25/11/2005</td>
<td>3</td>
<td>5</td>
</tr>
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</table>

#### Sick Leave/Carer’s Leave YEAR ENDING 24/2/2005

<table>
<thead>
<tr>
<th>Accrued weeks</th>
<th>Leave taken weeks</th>
<th>Balance due weeks</th>
</tr>
</thead>
<tbody>
<tr>
<td>25/2/2003</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>25/2/2004</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>25/2/2005</td>
<td>2</td>
<td>3/6 (days)</td>
</tr>
</tbody>
</table>

#### Bereavement/Compassionate Leave YEAR ENDING 24/2/2005

<table>
<thead>
<tr>
<th>Comments</th>
<th>Leave taken</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Hospitalisation of son in NSW)</td>
<td></td>
</tr>
</tbody>
</table>

#### Long Service Leave YEAR ENDING 24/2/2005

<table>
<thead>
<tr>
<th>Accrued weeks</th>
<th>Leave taken weeks</th>
<th>Balance due weeks</th>
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<tr>
<td>25/2/2003</td>
<td>10 (NSW)</td>
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<td>25/2/2004</td>
<td>1.3</td>
<td>11.3</td>
</tr>
<tr>
<td>25/2/2005</td>
<td>1.3</td>
<td>12.6</td>
</tr>
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</table>

#### Study Leave YEAR ENDING 24/2/2005

<table>
<thead>
<tr>
<th>Accrued weeks</th>
<th>Leave taken weeks</th>
<th>Balance due weeks</th>
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</thead>
<tbody>
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<td>25/2/2003</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>25/2/2004</td>
<td>1</td>
<td>1.33</td>
</tr>
<tr>
<td>25/2/2005</td>
<td>1</td>
<td>2.33</td>
</tr>
</tbody>
</table>
7.19. **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.

To the General Assembly of the Presbyterian Church of South Australia (or Commission of Assembly).

In the light of:
(here state the grounds on which the overture is made, each one in a separate paragraph)

1. 
2. 
   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 1–7 of the rules, it must do this by way of the Barrier Act. The notice begins with:

That the Assembly: 1. sustain the overture

**Note:** When an overture is forwarded by a court of the church to a superior 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.
7.20. 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. 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 South Australia (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)

1.

2.

e tc. ...

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 pray(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 superior 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.
7.21. Appeal or dissent and complaint

Note: An appeal or dissent and complaint 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 superior 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.

I/We, .........................................................., appeal (dissent and complain) 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:

1.
2.
etc. ...

.......................................................... have been appointed to state the appeal on behalf of .......................................................... (This is needed only when a group, congregation or court is appealing)

Signed:

Dated:

The session, presbytery, or 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)
7.22. **Reference, Extract Minute**

**Note:** A reference is an avenue of approach in which a court wishes to bring a matter to a superior 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 superior court before coming to a decision.

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, decision, 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:
7.23. Rolls

7.23.1. Roll of communicants:

<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Address</th>
<th>Date</th>
<th>How admitted into Membership</th>
<th>Attendance at communion</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

7.23.2. Roll of adherents

<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Address</th>
<th>Date</th>
<th>How admitted into Membership</th>
<th>Attendance at communion</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>

7.23.3. Register of baptisms

<table>
<thead>
<tr>
<th>No.</th>
<th>Father's Name</th>
<th>Mother's Name</th>
<th>Mother's maiden name</th>
<th>Address</th>
<th>Child's Names</th>
<th>Date of Birth</th>
<th>Date of Baptism</th>
<th>Where Baptised</th>
<th>Officiating Minister</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</table>

End of Chapter 7
8. Regulations

8.1. General Regulations

8.1.1. Inclusions: In these regulations, unless the context otherwise requires, “committee” includes “standing committee”, and “ordinary committee”. Likewise “convenor” includes “chairman”.

8.1.2. Standing Committee Definition: A Standing Committee is a permanent committee of the Assembly appointed to transact the general work of the Church at home and abroad, which is directly maintained and regulated by the General Assembly and requires constant administration throughout the year. Committees shall have a convenor, a secretary who shall minute its meetings and, if necessary, a treasurer.

8.1.2.1. The General Assembly appoints a certain number of Standing Committees which discharge their functions under Acts passed, or Regulations approved, by the General Assembly and report annually to the General Assembly. (The proposed deliverance on the Report of a Committee should not contain matter not dealt with in the Report.)

8.1.2.2. The General Assembly appoints also such special or temporary committees as it may judge necessary, and their functions and powers depend on the minute of their appointment. When the Assembly resolves that such a committee be appointed, it is not nominated and elected until the final sitting, unless in the case of urgency.

8.1.2.3. Every member of a committee or a commission is expected to contribute to the business of the committee by attendance and/or by correspondence.

8.1.2.4. It is essential that every member, whether of a commission or a committee, be under the jurisdiction of the appointing court, so that such members may be called to account by it.

8.1.2.5. The Convener or his appointee and two (2) other members of a committee (Standing or Ordinary) shall constitute a quorum. If the Convener is unable to be present at a meeting the Convener of the committee may appoint another member of the committee to act in his stead.

8.1.2.6. Notice of all meetings must be given or sent to each member of the committee in sufficient time before the meeting (normally at least seven (7) days).

8.1.2.7. To determine the extent and authority delegated to any committee, reference must be made to the Assembly resolution appointing the committee, any later amendments, and any other orders agreed to by the Court subsequent to the committee’s appointment.

8.1.3. Nominations and appointments: Every committee, unless expressly excepted, shall send a list of nominations for its own membership and convenership to the Business Committee not less than fourteen (14) days before the meeting of the General Assembly and the nominations shall be included in the White Book.

8.1.3.1. The names of the representatives of the Presbyteries on standing committees, as provided hereafter, shall be published in the White Book, but shall not be subject to Assembly ballot.

8.1.3.2. Nominations alternative to those made by the Business Committee in the White Book may be made by members of the Assembly, provided they are submitted in writing to the Convenor of the Business Committee not later than the close of the sitting immediately preceding the sitting in which any ballot is to take place.

8.1.3.3. If required, appointment shall be determined by ballot as provided for in the regulations of the Business Committee.

8.1.3.4. Appointments to Standing Committees (apart from presbytery representatives) shall be made for a period of two (2) years.

8.1.3.5. Such members shall be eligible for re-election. One half (½) of the members shall retire annually.

8.1.4. Convener: Unless where otherwise provided by the rules or regulations of the Assembly, the convener of an Assembly committee shall be appointed in a leap year to hold office for a period of four (4) years, and may be re-elected for a further four(4) years, but after serving for two (2) consecutive terms the convener must stand down for an interval of four(4) years, he/she then shall be eligible for re-appointment. During this time he/she may be a member of the committee.

8.1.5. Other persons: Persons whose advice may be specially useful may, unless otherwise provided in any particular case, be co-opted by any Committee as advisors. Such co-opted advisors shall not exceed one fourth(¼) of the members otherwise appointed to the committee and they shall not vote at any meeting of such committee.

8.1.6. Annual Meetings: All committees shall hold annual meetings at least five(5) weeks before the date fixed for the meeting of the General Assembly for the purpose of approving their reports and proposed deliverances. The report and proposed deliverance of each Committee shall be approved by
that Committee before submission to the General Assembly. All formal matter, such as thanks to workers and committees shall be put in the report only and only in very exceptional cases repeated in the proposed deliverances.

8.1.7. Payments: No payment shall be made out of the funds placed under the management of any Assembly committee unless ordered by the Assembly, or approved at an ordinary meeting of the committee and duly recorded in the minutes of the said committee.

8.1.8. Conflict of Interest: When any item of business comes before a committee for discussion and/or decision, members having a conflict of interest are duty bound to declare that interest and, if the committee judges it appropriate, desist either from the discussion or the vote or both; such resolutions being noted in the minutes.

8.1.9. Residence Requirement: Any member of an Assembly committee shall, upon ceasing to reside within the bounds of a Presbytery of the South Australian Assembly shall cease to be a member of such committee.

8.1.10. Casual Vacancy: In accordance with the provision of these Regulations a committee may appoint, a person to fill a casual vacancy in an Assembly committee and that person shall, in the first instance, be appointed for the remaining period of the term for which his predecessor was appointed.

8.1.11. Assembly Members: Members of the Assembly may attend any Assembly committee meeting but shall not have any voting rights.

8.1.12. Standing Committees: The following shall be the Standing Committees of the Assembly:

8.1.12.1. Ballot Committee
8.1.12.2. Board to Nominate the Moderator
8.1.12.4. Church & Nation Committee.
8.1.12.5. Code Committee.
8.1.12.6. Finance & Administration Committee, incorporating:
   8.1.12.6.1. Architectural Committee,
   8.1.12.6.2. Dunbar Homes for the Aged,
   8.1.12.6.3. Maintenance of the Ministry Committee,
   8.1.12.6.4. Presbyterian Trusts Corporation,
8.1.12.7. Missions Committee, incorporating
8.1.12.8. Pastoral Ethics Committee
8.1.12.9. Theological & Christian Education Committee incorporating
   8.1.12.9.1. P.C.A. (Proclaiming Christ to Australia through the Presbyterian Church of Australia Ministries Committee).

8.1.13. Members: Each Standing Committee shall consist of:

8.1.13.1. ex-officio, the Moderator
8.1.13.2. ex-officio the Clerk of Assembly
8.1.13.3. one(1) representative appointed by each presbytery
8.1.13.4. not less than three(3) or more than five(5) persons appointed by the Assembly.
8.1.13.5. at least one(1) minister and one(1) non ministerial elder.


8.1.15. Ordinary meetings: The ordinary meetings of the Standing Committees shall be held at least three(3) times a year. All convenors are requested to confer with the convenors of other Standing Committees when calling meetings to minimise the duplication of travel time and expense. Notification of such meetings should be given to the Clerk in writing.

8.1.16. Teleconference Meetings:

8.1.16.1. Teleconferences governed by the Rules of the Presbyterian Church of South Australia. All meetings of Church Courts, Committees, Boards of Management and Congregations, held by teleconference (Rule 6.3.4), as provided for in these regulations, are subject to all Rules of the Presbyterian Church of South Australia.

8.1.16.2. Meetings not to be held by Teleconferencing. Ordinary meetings of all Church Courts, Boards of Management and Congregations must not be held by teleconference.

8.1.16.3. Special Purpose and Urgent Meetings of Courts. Special Purpose or Urgent meetings of a court may be held by teleconference. However, in scheduling such a meeting, great caution must be taken so as to do substantial justice to all parties involved.

8.1.16.4.1. Sessions, Boards of Management and Congregations. Committees and sub-Committees of Sessions, Boards of Management and Congregations (including preliminary meetings of Selection Committees) may meet by teleconference.

8.1.16.4.2. Presbytery. Committees and Commissions of Presbytery may meet by teleconference.

8.1.16.5. General Assembly Committees. General Assembly Committees and sub-Committees within those Committees may meet by teleconference provided that at least one (1) meeting per year is held face-to-face.

8.1.16.6. Meetings Recorded Only With Participants’ Permission. Any meeting, or part of a meeting, held by teleconference and which it is proposed be recorded, must receive unanimous agreement by all members participating.

8.1.16.7. Individuals recognised. At the commencement of the meeting the Convener/Moderator/Chairman shall invite each member to indicate their presence.

8.1.16.8. During discussion the Convener/Moderator/Chairman shall take care to give opportunity for each member to contribute.

8.1.16.9. When votes are taken and it appears appropriate to do so the Convener/Moderator/Chairman shall ask each participant to state their vote individually.

8.1.16.10. Cost. Any cost incurred by members participating in a teleconference must be reimbursed to them upon their request.

8.1.17. Ministerial members: No minister, except those holding office ex-officio, shall be on more than two (2) Standing Committees or two (2) ordinary committees without the approval of the Assembly.

8.2. Appointment of Assembly Officers

8.2.1. Nomination: The appointment of (Officer) for South Australia shall be made by the General Assembly of South Australia on nomination/or nominations submitted by a Nominating Commission appointed for that purpose by the Assembly.

8.2.2. Nominating commission: The Nominating Commission shall consist of the Moderator (Chairman), Clerk, the Chairmen for the time being of the Departments (5) and five (5) others.

8.2.3. Appointment: The Nominating Commission shall take the preliminary steps necessary to make the first appointment to the Office and to fill any vacancy from time to time occurring therein by appropriately advertising the same and inviting applications and receiving nominations from presbyteries and any member of the Assembly wishing to make nomination.

8.2.4. Applicants documents: Every application shall be accompanied by a certificate of health, recent testimonials, and the names of two referees from whom, among others, confidential enquiries can be made.

8.2.5. Presbytery nomination: Every nomination by a Presbytery, or from a member of Assembly, shall be accompanied by a statement setting out the reasons for the nomination and the Presbytery’s assessment of the qualifications of the nominee.

8.2.6. Nominating commission: The Nominating Commission shall make a unanimous recommendation to the Assembly. The Commission shall retain a second preference should the Assembly decide to vote on preference.

8.2.6.1. If the Nominating Commission is unable to arrive at a recommendation of one candidate, as provided by Regulation 8.3.5, it shall report to the Business Committee, which committee shall take the steps necessary to bring the names of the first three(3) applicants and/or nominees, with a summary drawn from the relevant documents concerning each candidate, before the Assembly in a confidential paper and after adequate time has been given to members to study the material, the Assembly shall proceed by preferential ballot to elect a candidate, or do otherwise as in their wisdom they may deem fit.

8.2.6.2. Should the Assembly reject either recommendation, it shall adjourn the business to allow consultation with the members of the Nominating Commission present at the Assembly.

8.2.7. Terms of appointment: Terms of Appointment shall be those laid down for Assembly appointments under the provision of the Maintenance of the Ministry.

8.2.8. Appointment of Commissioner: In the case of the appointment of the Commissioner, additional provision is made that prior to any nomination being submitted to the General Assembly of South Australia, consultation with the appropriate committee in Victoria must take place and its consent be secured.
8.3. Auditors and Congregational Accounts

8.3.1. For Boards of Management:

8.3.1.1. The congregation of every parish or mission field where the income of the board is less than $30,000 per annum and the assets under its control (other than buildings and freehold property) are less than $30,000 may appoint annually, ordinarily at the annual congregation meeting, two(2) persons to audit the accounts prepared by the board of management, these two(2) persons should be competent persons with financial knowledge and with experience of compiling books of account.

8.3.1.2. No elder or manager of the board may serve as auditor of the accounts of the board of management of which he or she is a member, but a member of a federal board of management may serve as auditor of the accounts of the board of management of a local congregation other than his or her own.

8.3.1.3. Where the income and assets exceed the limits shown in Clause 8.3.1.1 (above) the auditor appointed should be a person who is qualified in accounting and who holds a degree or equivalent qualification from:

- A University or TAFE College or
- The Institute of Chartered Accountants or
- The Institute of Certified Practising Accountants.

8.3.1.4. The audit shall be an examination of the books according to current approved accounting practices.

8.3.1.5. All monies received by the treasurer of the board for whatever purpose shall be banked in a recognised financial institution as received without deduction of any kind, and all payments made by cheque. This does not preclude the use of a small Petty Cash fund.

8.3.1.6. A receipt book shall be kept to record the offerings and each entry shall be certified by the managers on duty.

8.3.2. For Congregational Organisations:

8.3.2.1. The organisations of every congregation where the income of the organisation is less than $10,000 per annum and the assets under its control (other than buildings and freehold property) are less than $10,000 may appoint annually, ordinarily at the annual general meeting, two(2) persons to audit the accounts prepared by the organisation, these two(2) persons should be competent persons with financial knowledge and with experience of compiling books of account.

8.3.2.2. No member of an organisation may serve as auditor of the accounts of the organisation of which he or she is a member.

8.3.2.3. Where the income and assets exceed the limits shown in Clause 8.3.2.1 (above) the auditor appointed should be a person who is qualified in accounting and who holds a degree or equivalent qualification from:

- A University or TAFE College or
- The Institute of Chartered Accountants or
- The Institute of Certified Practising Accountants.

8.3.2.4. The audit shall be an examination of the books according to current approved accounting practices.

8.3.2.5. All monies received by the treasurer of the organisation for whatever purpose shall be banked in a recognised financial institution as received without deduction of any kind, and all payments made by cheque. This does not preclude the use of a small Petty Cash fund.

8.3.2.6. A receipt book shall be kept to record the receipts and each entry shall be certified by the treasurer.
8.4. Lay Preachers
8.4.1. Status: There shall be a recognized status of Lay-preacher.
8.4.2. Presbytery: This recognition shall be conferred by a presbytery.
8.4.3. Provisional recognition: A presbytery may confer provisional recognition on persons who have been communicant members of a congregation for a minimum period of one (1) year, who have been recommended by one (1) or more ministers, the session of the congregation where those person/s belong, and who have been examined by the Presbytery or a committee thereof on Christian knowledge and experience. (See Rule 4.3.2.12)
8.4.4. Full recognition: Before being given full recognition, the person/s concerned shall undertake training including:
8.4.4.1. knowledge of Scripture and basic doctrines;
8.4.4.2. knowledge of Presbyterian principles of worship and government;
8.4.4.3. practical aspects of sermon preparation and delivery, and the leading of worship.
8.4.5. Certificate: After undertaking this training to the satisfaction of the presbytery, and the signing of the Formula Rule 7.9.3 (if this has not already been done, as for example, in the case of an elder) a Certificate shall be issued and the lay preacher’s name entered and the roll kept by the presbytery.
8.4.6. Roll: Presbytery shall keep a roll of authorized lay-preachers and review it annually in the light of their reported effectiveness. The preachers shall keep a record of what services they have conducted and report annually to presbytery.
8.4.7. Continued study: Continued study is essential for continued recognition, and should be encouraged by one or more Advanced Certificates.
8.4.8. Moderator oversight: Authorization to conduct services would always normally be a matter for the Minister/Moderator concerned, in accordance with Rule 3.6.3, but in emergencies other arrangements may need to be made.
8.4.9. Expenses and fees: Lay preachers should be offered expenses and supply fees.

8.5. Law Agent
8.5.1. Important question: When the business to be transacted by the Law Agent involves an important question, he shall submit it to the Code Committee, by whom he shall be instructed as to the action to be taken. When the business does not involve an important question, but is a matter of detail or routine, it may be transacted by the Law Agent without reference to the Committee.
8.5.2. Title deeds: All title deeds conveying property to the Church or any of its congregations, institutions or agencies, not prepared by the Law Agent, shall be submitted to him for revision, also all transfers, conveyances, mortgages, exchanges or losses authorised by the General Assembly.
8.5.3. Remuneration: The Law Agent shall be entitled to remuneration for legal business committed to him as follows:
8.5.3.1. for conveyancing business - according to the provisions of the Conveyancing Costs Scale of the Supreme Court;
8.5.3.2. for contentious matters not covered by such Scale and not included in clause 8.5.3.3 hereof - according to the usual scale of legal costs applicable to such business;
8.5.3.3. for advising the Moderator, courts of the Church, trustees, ministers, congregations and Assembly committees on matters affecting the civil rights and properties of the Church and on such other matters as the General Assembly may by rule, regulation or resolution refer to him for his opinion - a general retainer fee to be fixed from time to time by the Finance and Administration Committee.
8.5.4. Casual Vacancy: Any vacancy in the office of Law Agent occurring when the Assembly is not sitting shall be filled by the appointment of a Law Agent to hold office until the next succeeding meeting of the Assembly, such appointment to be made by joint resolution of the Finance and Administration and the Code Committee.
8.6. Leave
8.6.1. Definitions:
In this Regulation;
8.6.1.1. Continuous Service means continuous service under a call, appointment or contract of employment and includes any period of paid leave taken under these Regulations;
8.6.1.2. Employment means a Call, Appointment or Contract negotiated between the person and the parish or presbytery;
8.6.1.3. Full Pay means remuneration in the form of stipend (both cash and non-cash benefits), and includes manse, travel, phone, and internet allowances;
8.6.1.4. Minister for the purposes of these Regulations means a person employed to minister in a parish (which includes a/an, Inducted Minister, Licentiate, Exit Student, Pastor, Padre, Home Missionary or similar) and is paid by the parish, presbytery or Assembly;
8.6.1.5. Parish means a charge, home mission station, pastoral sphere or parish;
8.6.1.6. Only Annual Leave and Long Service Leave are paid out on termination of employment.
8.6.1.7. If the Minister and the Session cannot agree on the time the leave should be taken then the matter is to be referred to the Presbytery and the decision of the Presbytery will be final and binding.

8.6.2. Annual Leave:
8.6.2.1. Accrual of annual leave entitlement
8.6.2.1.1. A Minister is entitled to four (4) week's annual leave, including four (4) Sundays, for each year of continuous service and,
8.6.2.1.2. if a Minister's employment comes to an end and the period of service is not exactly divisible into complete years – the Minister is entitled to one third (1/3) of one week's annual leave for each completed month of the remainder.
8.6.2.2. Taking annual leave
8.6.2.2.1. Annual leave is to be taken at a time agreed between the Minister and the Session of the Parish.
8.6.2.2.2. Annual leave should be taken at the completion of twelve (12) months service in the Parish, however, other arrangements may be made between the Minister and the Session, provided the leave is taken at a rate not more frequent than one (1) week's leave at the completion of three (3) months service.
8.6.2.2.3. Annual leave may be accrued for up to three (3) years, however, this accrued leave must then be taken as twelve (12) continuous weeks leave at the completion of one hundred and forty four (144) week's service and at the current full pay.
8.6.2.2.4. Annual leave must be taken before a Minister transfers to another parish.
8.6.2.3. Annual leave to be on full pay
8.6.2.3.1. A full-time Minister is entitled to full pay for a period of annual leave.
8.6.2.3.2. A part-time Minister is entitled to pro-rata pay for a period of annual leave.
8.6.2.3.3. If a Minister’s employment comes to an end before the Minister has taken all the annual leave to which he is entitled, the Minister (or the Minister’s estate) is entitled to the monetary equivalent of that leave.

8.6.3. Sick Leave/Carer’s Leave:
8.6.3.1. Application of Regulation
8.6.3.1.1. This Regulation does not apply to a person who is engaged and paid as a casual Minister.
8.6.3.1.2. Due to the nature of ministry, when the Minister becomes entitled to sick leave consideration must be given to sermon preparation, therefore, for example, a minister who is granted sick leave for Thursday, Friday and Saturday should have three (3) days deducted from their Sick Leave credit but should not be required to preach the following Sunday.
8.6.3.1.3. The number of days of a week, including one (1) Sunday, of Sick Leave is seven (7) minus the usual number of days the minister is granted as being 'off duty'.
8.6.3.2. Accrual of sick leave entitlement
A Minister’s entitlement to sick leave accrues as follows;
8.6.3.2.1. at the beginning of the first year of continuous service the Minister is entitled to two (2) weeks sick leave; and
8.6.3.2.2. for each later year of continuous service an entitlement to two (2) weeks sick leave accrues at the beginning of each year.
8.6.3.2.3. A Minister’s sick leave credit is worked out by adding any unexpended sick leave entitlement that had accrued to the Minister before the Minister became subject to this Regulation and any unexpended entitlement that accrues under this Regulation.

8.6.3.2.4. Any sick leave taken by the Minister is deducted from the Minister’s sick leave credit.

8.6.3.2.5. If a Minister should use all their sick leave credit then the requirements of Rule 4.6.16, “Mental or medical impairment in a minister” of the ‘Rules and Procedure of the Presbyterian Church of South Australia’ take effect.

8.6.3.3. Taking sick leave

A Minister who has a sick leave credit is entitled to take sick leave if the Minister is too sick to work.

8.6.3.3.1. However, the Minister is not entitled to take sick leave unless;

8.6.3.3.1.1. the Minister gives the Session notice of the sickness, its nature and estimated duration before the period for which sick leave is sought begins (but if the nature or sudden onset of the sickness makes it impracticable to give the notice before the period begins, the notice is validly given if given as soon as practicable and not later than twenty-four (24) hours after the period begins); and

8.6.3.3.1.2. the Minister must provide a medical certificate or other reasonable evidence of the sickness when the sick leave extends for three (3) days or more.

8.6.3.3.2. A Minister who has a sick leave credit, and who is on annual leave, is entitled to take sick leave instead of annual leave if the Minister is too sick to work for a period of at least three (3) days.

8.6.3.3.3. Sick leave taken during a period of annual leave does not count as annual leave.

8.6.3.4. Sick leave to be on full pay

8.6.3.4.1. A full-time Minister is entitled to full pay for a period of sick leave.

8.6.3.4.2. A part-time Minister is entitled to pro-rata pay for a period of sick leave.

8.6.3.5. Carer’s leave

8.6.3.5.1. A Minister with an accrued entitlement to sick leave under a preceding Regulation may use up to one (1) week, including one (1) Sunday, of that entitlement in each year to care for and support members of the Minister’s family, or persons the Minister is responsible for, when they are sick.

8.6.3.5.2. The Minister must, if practicable before taking leave under this section, give the Session notice of;

8.6.3.5.2.1. the Minister’s intention to take the leave; and

8.6.3.5.2.2. the reason for the leave; and

8.6.3.5.2.3. the name of the person requiring the care and that person’s relationship to the Minister; and

8.6.3.5.2.4. the time the Minister expects to be absent, but if it is not possible to give the notice before commencing the leave, the Minister must give the notice as soon as practicable in the circumstances.

8.6.3.5.3. The Minister must, if required by the Session, produce reasonable evidence of the sickness and the need for the Minister’s care.

8.6.3.5.4. A Minister is, while taking leave under this section, entitled to full pay at the same rate as if on sick leave.

8.6.4. Bereavement/Compassionate Leave:

8.6.4.1. Intended circumstances;

Due to a Minister often serving a long distance from family a Minister is entitled to a negotiated period of bereavement/compassionate leave in the case of the death, or other trauma, of a member of the Minister’s family.

8.6.4.2. Taking of leave

The leave may be taken;

8.6.4.2.1. at a time of the Minister’s choosing within a period commencing on the date negotiated with the Session as soon as the Minister becomes aware that bereavement/compassionate leave may be needed and ending a reasonable number of days after the funeral, or trauma has subsided; or

8.6.4.2.2. at some other time agreed with the Session.

8.6.4.3. The Minister must, if required by the Session, produce reasonable evidence of the death, or trauma, and of the relationship of the person to the Minister.

8.6.4.4. A full-time Minister is entitled to full pay for a period of bereavement/compassionate leave.
8.6.4.5. A part-time Minister is entitled to pro-rata pay for a period of bereavement/compassionate leave.

8.6.5. **Long Service Leave:**

8.6.5.1. Each Parish shall maintain a Register of Long Service Leave for their Minister.

8.6.5.2. Details to be included are as follows:

8.6.5.2.1. Amount of Long Service Leave due to a Minister by a previous Parish and not taken prior to his appointment. This to be verified by letter from the previous Parish or from the State Fund involved if the Minister comes from another state.

8.6.5.2.2. Long Service Leave due by the current Parish should be entered annually in the Register.

8.6.5.3. When the Minister has his full entitlement for Long Service Leave he be asked to take leave as soon as practicable to both him and the Parish, provided that it does not extend to more than one (1) year after it is due.

8.6.5.4. Leave may be taken in portions if both parties desire with a minimum of four (4) weeks, including four (4) Sundays, on each occasion.

8.6.5.5. At such time as it has been decided that the Minister will go on leave the Assembly Treasurer should be informed. Details of the leave due and the amount to be taken to be sent to him.

8.6.5.6. The Assembly Treasurer shall reimburse to the Parish out of the Long Service Leave Fund such amounts that are paid to the Minister while on leave viz: Salary, Manse Allowance, Travel Allowance.

8.6.5.7. If a portion of the leave is for service in another State, the Assembly Treasurer shall apply to the relevant State Fund for a refund applicable to that service.

8.6.5.8. The amount of Long Service Leave payable to a Minister for service in South Australia shall be calculated on the basis as is applicable to employees in South Australia who are covered by the S.A. Long Service Leave Act.

8.6.5.9. If any Parish receives a demand from another Parish interstate for a refund for Long Service leave due to a Minister previously employed by them, that demand should be verified and then forwarded to the Assembly Treasurer.

8.6.5.10. All payments made for Long Service Leave shall be reported to the next meeting of the Finance and Administration Committee.

8.6.5.11. The Presbytery concerned is to be advised by the Parish as to when a Minister will be on Long Service Leave.

8.6.5.12. Long Service is taken to commence from the time a Minister commences work for the Church in South Australia.

8.6.6. **Study Leave:**

8.6.6.1. A total of seven (7) days including no more than one (1) Sunday per annum calculated from the date of induction or appointment may be taken as Study Leave.

8.6.6.2. Study Leave shall be used for purposes such as;

8.6.6.2.1. Theological studies, or

8.6.6.2.2. Improving counselling skills, or

8.6.6.2.3. Maintaining and developing skills relating to the ministry, or

8.6.6.2.4. As otherwise stated in the terms of settlement.

8.6.6.3. The session and the presbytery must be notified in writing when study leave is to be taken and its purpose.

8.6.6.4. A written report is to be provided to the session and the presbytery within four (4) weeks of the Study Leave being completed, the same document may be used for both reports.

8.6.6.5. If Study Leave is to be included with annual leave approval must be sought from presbytery.

8.6.6.6. If the Study Leave is unable to be authenticated, by the session or the presbytery as having been used appropriately, the days will be deducted from annual leave.

8.6.6.7. Study Leave may be accumulated for up to three (3) years i.e. three (3) weeks. Beyond this, no further accumulation is possible until the accumulated leave is taken in full.

8.6.6.8. Study leave is non-transferable. A Minister should take all study leave before transferring to another parish.

8.6.7. **Records to be kept:**

8.6.7.1. The Session, or the Treasurer, must keep accurate records of Annual Leave, Sick Leave/Carer’s Leave, Bereavement/Compassionate Leave, Long Service Leave and Study Leave.
8.6.7.2. Where part weeks, i.e. less than six (6) days, are taken each day shall be calculated as 1/6 of one (1) week or 0.167 weeks.

8.7. Presbyterial visitation of congregations

8.7.1. Purpose: The Presbytery visits every parish and mission station within its bounds, as far as possible in rotation, at least once in every five (5) years (see Rule 4.14.1). The purpose of this visitation is for the Presbytery to acquaint itself with the state of affairs within the parish or mission station, 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 counsel and encouragement as may be suitable to the circumstances.

8.7.2. Quorum: The quorum for a visitation committee shall consist of not less than three (3) members of whom one (1) must be a minister and one (1) an elder or conducts the visit as a whole (see Regulation 8.7.12 below).

8.7.3. Who is interviewed: When a parish or mission station is to be visited the Presbytery shall:

8.7.3.1. notify the congregation of the visitation four (4) weeks prior to the commencement of the visitation through the Session,
8.7.3.2. determine, or leave to its visitation committee to determine, the persons to be interviewed i.e. the Minister, Session, Board of Management, Sunday-school, P.W.A. branch/es and other congregational organisations as whole bodies or two (2) appointed representatives of those bodies,
8.7.3.3. resolve, if thought desirable, that a meeting with the congregation be held as part of the visitation or delegate such decision to its visitation committee.

8.7.4. Visitation questionnaires: Sufficient copies of Presbytery’s approved visitation questionnaires shall be forwarded to the Session which shall see that:

8.7.4.1. the questionnaires are discussed and answered by each party to the visitation at a duly called meeting, hence reflecting a consensus of the party being interviewed,
8.7.4.2. the required questions are duly answered in writing by all those to be interviewed and that each completed questionnaire is returned to the Convener of the visitation committee at least fourteen (14) days prior to the date of the commencement of the visitation: or at least be available on the day of the visitation should the Presbytery so decide,

The visitation committee shall then consider the answers, examine the documents, and determine what matters shall be specially mentioned during the visitation.

8.7.5. Records – Returns made available: As part of the visitation of the parish or mission station, the visitation committee shall have access to the records of the Session, Board, congregation and other organisations of the parish or mission station, and copies of the last five (5) years annual reports and audited financial statements as well as the most recent statistical returns available. Additionally, the visitation committee shall be provided, by the Presbytery Clerk, with the findings and adopted recommendations from the last visitation, together with all the questionnaires and answers then submitted.

8.7.6. Visitors’ discretion as to method of visitation: The different parties should be interviewed in a way suitable to the particular circumstances of the visitation. Normally, however, the process of interview which is followed is:

8.7.6.1. An interview with the Minister separate from the Session.
8.7.6.2. An interview with the members or representatives of Session the Minister not being present.
8.7.6.3. An interview with the members or representatives of the Board or boards of Management the Minister not being present.
8.7.6.4. Interviews with members or representatives of other congregational organisations the Minister not being present.
8.7.6.5. An interview with the congregation, either in conjunction with or independent of a service of worship.
8.7.6.6. Care should be taken that, whenever possible, parties to the visitation having allegations/accusations made against them should be given an opportunity to respond to them in the presence of the person[s] making the allegation/accusation during the visitation. (See Rules & Procedure of the Presbyterian Church of South Australia)

8.7.7. Report for Presbytery: The visitation committee shall prepare for the Presbytery:

8.7.7.1. A report on the conducting of the visit;
8.7.7.2. a proposed finding as to the state of affairs of the parish or mission station;
8.7.7.3. proposed recommendations based on the finding.

**8.7.8. Proposed findings and recommendations sent to the congregation first:** The visitation committee shall send the relevant parts of the proposed finding and recommendations to the Minister, Session and the Secretary of the Board/s of Management at least seven (7) days before the date of the Presbytery meeting at which they will be considered by the Presbytery.

8.7.8.1. The Board shall receive only the part relevant to its work, the Session all parts except that relating to the Minister.

8.7.8.2. All parties concerned shall have an opportunity to make representations concerning the proposed finding and recommendations at the meeting of Presbytery. (see Rule 4.14).

**8.7.9. Finding arrived at recommendations adopted and recorded:**

Presbytery shall:

8.7.9.1. Receive the committee’s report;

8.7.9.2. consider the proposed finding and hear any representations from parties concerned – this step being conducted in private;

8.7.9.3. arrive at its finding which shall be recorded in its minutes;

8.7.9.4. based on the finding together with the committee’s recommendations, formulate and adopt specific recommendations.

**8.7.10. Finding and recommendations reported back to the congregation:** A specified portion of the finding and recommendations, as the presbytery determines, shall be read to the congregation by a Minister appointed either at a meeting called for the purpose or during public worship. Any finding or recommendations made to the Minister or Session shall be communicated to them by the presbytery privately. A copy of the finding and recommendations concerning the Session and Board of Management shall be inserted in their respective minute books. A copy of the findings, recommendations and completed questionnaires submitted to the presbytery by those interviewed during the visitation shall be filed by the Clerk for future reference.

**8.7.11. Review after twelve (12) months:** Twelve (12) months after the adoption of the finding and recommendations, the presbytery shall inquire through the Session how far the recommendations (if any) have been carried into effect.

**8.7.12. Visitation by the presbytery as a whole:** If, in the opinion of Presbytery, special circumstances make it more desirable that visitations should regularly or occasionally be made by presbytery as a whole, the above forms may be used and the procedure as set out shall be followed so far as is possible. The person appointed to draft the proposed report, finding and recommendations being appointed before the interviews begin.

**8.7.13. Special visitations:** The Regulations above apply only to ordinary visitations. They do not preclude the presbytery from conducting other special visitations of congregations or parishes in the way which seems most appropriate to the needs of the particular case, but care shall always be taken to see that substantial justice is done to all parties concerned.

End of Chapter 8
9. Committee Regulations

9.1. Ballot Committee

9.1.1. Title: There shall be an adhoc committee of the Assembly called the Ballot Committee which will consist of three(3) members elected from the floor of the house for the purpose of conducting any and every ballot as required by the Assembly.

9.1.2. Membership: Only members of the Assembly are eligible to be members of this Committee.

9.1.3. Election: The members shall be elected at the first business sitting.

9.1.4. Quorum: A quorum shall consist of two(2) members. If there is not a quorum the Assembly shall co-opt members to the Committee.

9.1.5. Convener: The Convener shall be elected from among the members of the Ballot Committee by the Assembly.

9.1.6. Nominations for:

9.1.6.1. Standing Committees shall be made on the Assembly Nomination Form according to General Regulation 8.1.3.

9.1.6.2. other Committees or Offices shall be made on the Assembly Nomination Form as required by the Assembly.

9.1.7. The ballot: The ballot (if required) shall be prepared by the Committee and conducted at a time set by the Assembly on that day.

9.1.8. Ballot instructions: Instructions for conducting the Ballot where required.

9.1.8.1. The Ballot Committee prepares and issues ballot papers containing;

9.1.8.2. A list of the nominees arranged in alphabetical order, and such other instructions as may be deemed necessary,

9.1.8.3. These ballot papers will be available from the Convener of the Ballot Committee, the vote shall be cast and the ballot paper shall then be returned to the Convener of the Ballot Committee before the time specified for the voting to cease.

9.1.8.4. After the close of voting in the election the Ballot Committee counts the votes cast for each person, and declares elected those with the highest number of votes up to a number not exceeding the number required to fill the vacancies on the committee[s] involved in the election.

9.1.9. Report: The Ballot Committee report shall be the first item of business of the third sitting, except for ad hoc elections, which shall be determined as quickly as possible during the Assembly.

9.1.10. Report to Assembly: The Ballot Committee shall report back to the Assembly with the list of the members of the Assembly Committees and other representatives. This list is to be printed and distributed to enable the Assembly to confirm it in, or before, the final sitting of the meeting.
9.2. **Board to Nominate the Moderator**

9.2.1. **Title:** There shall be a board named the 'Board to Nominate the Moderator'.

9.2.2. **Membership:** The Board shall consist of the Moderator, the immediate past Moderator, the Clerk of Assembly, one(1) minister and one(1) elder, appointed annually by each Presbytery, under the jurisdiction of the General Assembly.

9.2.3. **Chairman:** The Moderator for the time being shall be the Chairman of the Board and shall have a casting vote, but not a deliberative vote.

9.2.4. **Secretary:** The Clerk of the Assembly shall act as secretary of the Board.

9.2.5. **Time of meeting:** The Board shall meet at a time determined by the Moderator and Clerk.

9.2.6. **Persons eligible:** The Moderator shall be elected from those who are eligible for membership of the General Assembly.

9.2.7. **Nominations:** Each Presbytery may submit not more than two(2) nominations and the Board may add no more than one(1) name to that list of nominations. Presbytery nominations will be in the form of an extract minute of the Presbytery.

9.2.8. **Written consent:** Written consent from those nominated shall be given to the secretary of the Board.

9.2.9. **Election:** The Board shall report to the next Assembly with two(2) nominations from which the Assembly shall elect, by ballot, the next Moderator, whom it will declare “Moderator Designate”.

9.2.10. **Nomination inoperative:** Should the person elected as the moderator of the next General Assembly for any reason be unable to assume office, The Board shall resolve on another nomination in terms of Regulations 9.2.7 and 9.2.8 and submit it to the Assembly.
9.3.  Business Committee Group

9.3.1.  Business Committee:

9.3.1.1. Title: There shall be a committee of the General Assembly entitled the Business Committee (Rule 5.3.5).

9.3.1.2. Duty: The duty of this Committee shall be to arrange the order of business for the General Assembly and the Commission of Assembly, both of which, in these regulations, are designated by the word “Assembly” unless the context otherwise requires.

9.3.1.3. Clerk receive papers: The Clerk of the Assembly shall receive all papers proposed to be submitted to the Assembly and make them available to the Business Committee (except appeals, petitions, complaints and references, for which see rule 5.6.5).

9.3.1.4. Committee decision: The Committee shall decide whether papers sent to them are duly attested, drawn up in proper form, and competent, and shall transmit them to the Assembly either as written or with comment as it shall determine.

9.3.1.5. Incompetent proposals: The Committee shall not transmit papers containing proposals which seem to it incompetent, or which are in language it considers disrespectful.

9.3.1.6. Date for papers: The Convener and the Clerk shall determine the date on which it is necessary that papers shall be received to enable the reports and other papers submitted to the Assembly ‘White Book’ to be put in proper form and printed and issued on such date as to be in the hands of members at least ten(10) days before the meetings of the Assembly.

9.3.1.7. Other business: Business other than that contained in the White Book or in Assembly Papers issued there with shall be taken only when recommended by the Committee and approved by the Assembly.

9.3.1.8. Report: The Committee shall 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.

9.3.1.9. Consideration of report: The consideration of the report of the Business Committee shall be the first matter submitted to the Assembly after the rolls have been adjusted and the Moderator elected.

9.3.1.10. Further meetings: The Convener and the Clerk shall meet from day to day during the sittings of the Assembly at the rising of the House at 5.00 p.m. to finalise any items of business for the following day and call the Committee together if necessary. The daily report shall be approved or modified as the Assembly may determine, and no business, except what is included in the report so approved, may be dealt with on the day to which it refers, unless other-wise provided in standing orders.

9.3.1.11. Fixed order of the day: The Committee shall 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.

9.3.2.  Selection Committee:

9.3.2.1. Title: There shall be a Committee of the Assembly entitled the Selection Committee.

9.3.2.2. Duties: The duties and responsibilities of this committee shall devolve upon the Business Committee.

9.3.2.2.1. Unless otherwise expressly provided in the rules or regulations of the Assembly the Selection Committee shall nominate to the Assembly the members and conveners of all 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 Assembly, provided that notice of such other nominations has been given in writing to the convener of the Selection Committee not later than 5.00pm of Tuesday of the first week of the Assembly. When any such other nominations have been received, appointment shall be determined by a ballot conducted by the Ballot Committee.

9.3.2.2.2. Nominations by the Selection Committee to committees of the Church shall be made as far as possible after consultation with the committees concerned.

9.3.2.2.3. The Selection Committee (with provision for additional members when advisable) may be directed by the Assembly to nominate special committees and commissions.

9.3.2.2.4. In the case of nominations of new members of any committee, the consent of the nominee should, if possible, be obtained by the Selection Committee.

9.3.2.2.5. The Selection Committee shall, after consultation with the committee concerned, fill any casual vacancy in any Assembly committee or the convenerships thereof and such appointment shall remain effective up to the next meeting of the Assembly.
9.4. **Church and Nation Committee**

**9.4.1. Title:** In accordance with the General Regulations of the Presbyterian Church of South Australia there shall be a standing committee of the Assembly known as the Church and Nation committee.

**9.4.2. Responsibilities:**

The committee shall:

9.4.2.1. Consider all matters referred to it by the Assembly.

9.4.2.2. Monitor issues in public life, promoting general awareness of such issues to the Church.

9.4.2.3. Select for special attention in the light of the Church’s standards such of these issues and recommend to the general Assembly:

9.4.2.3.1. to issue guidance to the church as a whole,

9.4.2.3.2. to acquaint the government or other relevant authorities of the Church’s attitude and the revealed Will of God on such matter.

9.4.2.4. Keep the Moderator and Clerk up to date of the Committees activities.

9.4.2.5. Advise and assist the Moderator in composing and issuing pastoral letters and public statements:

9.4.2.5.1. as approved by the Assembly:

9.4.2.5.2. appoint a sub-committee consisting of the Committee’s Convener, the Assembly Moderator and Clerk to issue press-releases and letters to sitting members of parliament on the church’s behalf on urgent matters between meetings of the Assembly, in consultation with the members of the Church and Nation Committee.

9.4.3. **Communication with the church:**

9.4.3.1. The committee shall aim to inform the members of the Church via Church publications such as "S.A. News" and, with the co-operation of the Ministers, Interim Moderators and Moderators of the churches, via weekly newsletters about its activities and/or resources it would recommend as helpful for the Christian to study.

9.4.3.2. Advise the members of the Church, through the channels mentioned in 9.4.3.1 above, of practical ways in which they can be involved in the promotion of a wholesome, Christian "worldview" "approach" "outlook" on issues in public debate.

9.4.3.3. With the concurrence of the Moderator, inform other like-minded Christian denominations/groups of the position of the Presbyterian Church of South Australia on issues, so as to foster unified action.

9.5. **Code Committee**

**9.5.1. Title:** There shall be a standing committee of the General Assembly entitled the Code Committee.

**9.5.2. Duties:** The committee shall:

9.5.2.1. take necessary action to keep the Rules and Regulations in line with the changing policy of the Church;

9.5.2.2. remit to presbyteries proposed changes in Rules and Regulations and report to the General Assembly on their return;

9.5.2.3. receive and consider overtures and report to the General Assembly any bearing they may have on the Rules;

9.5.2.4. supply to presbyteries, sessions and convenors of committees on request a considered opinion on the interpretation of Rules and regulations and also guidance on matters of procedure.

**9.5.3. Consultation:** The committee shall be consulted by any committee contemplating changes or additions to regulations before such changes or additions are proposed to the Assembly.
9.6. **Finance and Administration Committee Group**

9.6.1. **Finance and Administration Committee:**  
9.6.1.1. Title: There shall be a standing committee of the General Assembly entitled the Finance and Administration Committee.  
9.6.1.2. Function: The functions of the committee shall be:  
   9.6.1.2.1. to appoint and control office staff in accordance with the procedures set out in General Regulations;  
   9.6.1.2.2. to invest the funds of the Church in the name of the State Assembly in securities approved by the State Assembly, authorised by law for the investment of trust funds, as directed by the Assembly; all such investments to be treated as a consolidated fund and all interest and all losses shall be apportioned 'pro-rata'; provided that with the consent of any committee, any sum of money forming part of such fund may, if the committee thinks fit be invested separately, and in that case any interest or loss arising therefrom shall be applied to that fund alone;  
   9.6.1.2.3. to care for the safety of the money in the hands of the treasurer;  
   9.6.1.2.4. to ascertain that the collections and rates ordered by the Assembly are statedly made and remitted to the treasurer within thirty days after being made, and, unless they have been so remitted, to report defaulting congregations through their respective presbyteries and further, to submit to the Assembly the reports there anent received back from presbyteries;  
   9.6.1.2.5. to prevent as far as possible, committees of Assembly incurring expenditure beyond their means;  
   9.6.1.2.6. to administer the Church Office Fund and the Assembly Expenses Fund;  
   9.6.1.2.7. to supervise the affairs of the Church office, the revenue for the maintenance of which shall be raised by assessments on the funds of the various spending committees of the Church in such proportions as the committee shall determine from time to time,  
   9.6.1.2.8. to take order that the treasurers accounts are properly kept, and duly vouched and audited;  
   9.6.1.2.9. generally to watch over the monetary interests of the Church, but with authority in cases of urgency after consultation with the Presbyterian Trusts Corporation and the Missions Committee and the Moderator to sell any land or buildings, the property of the Assembly, and power at the request of the Missions Committee to expend the capital monies of the Missions Committee in land and buildings for Church purposes;  
   9.6.1.2.10. to recommend to the Assembly what part of the travelling expenses of committee and Assembly members shall be refunded.

9.6.2. **Architectural Committee:**  
9.6.2.1. Title: There shall be a committee of the General Assembly entitled Architectural Committee.  
9.6.2.2. Responsibility: The duties and responsibilities of this committee shall devolve upon the Finance and Administration Committee.  
9.6.2.3. Duties: The duties of the committee shall be to:  
   9.6.2.3.1. assist in securing that churches chapels manses, Sunday schools and other congregational buildings and all church furnishings including memorials and alterations to existing buildings are planned, designed, constructed and equipped (or prepared for equipment) in accordance with;  
      9.6.2.3.1.1. the needs of the particular parish,  
      9.6.2.3.1.2. the principles authorised by the Assembly with such variations as the committee may in any special case approve.  
   9.6.2.3.2. assist in securing sites that are;  
      9.6.2.3.2.1. suitable in area, situation and character to the needs of the particular parish,  
      9.6.2.3.2.2. laid out to ensure full, proper and economic utilization.  
   9.6.2.3.3. consider and if satisfied, having regard to the above requirements of sites and buildings, approve plans and specifications of such new buildings or alterations.  
9.6.2.4. Procedure to be followed:  
   9.6.2.4.1. Before making any purchase or initiating any programme of building whether of new work or of alteration, a congregation shall secure for the proposal the approval of the presbytery concerned.  
   9.6.2.4.2. Notice of intention to build, purchase or alter shall be sent to the convener of the committee through the presbytery so that preliminary advice may be given and suggestions made.
as to the steps to be taken.

9.6.2.4.3. All plans and specifications for new work or for alterations to churches chapels, manses, Sunday schools and other congregational buildings shall be prepared only by an architect, and the work carried out under the supervision of an architect, except that on application the committee shall have power to exempt in special cases.

9.6.2.4.4. To ensure full and proper utilisation of sites, sketch plans of the building project shall, after approval by the presbytery, be submitted to the committee together with a plan of the entire property at a scale of not less than 1/240, showing all existing, and all proposed future buildings and complete site layout.

9.6.2.4.5. No building shall be purchased, erected or altered without the approval of the committee unless the presbytery concerned, after consultation with the committee shall give permission, but in every case the presbytery concerned shall report its reasons for giving such special permission to the Assembly or Commission of Assembly.

9.6.2.4.6. No land shall be purchased for a church manse or Sunday school site without the approval of the committee unless the presbytery concerned gives permission; but whenever the circumstances permit the advice and approval of the committee shall be sought.

9.6.2.5. Plans and Drawings:

9.6.2.5.1. Plans shall be approved by the committee before working drawings and specifications are prepared, and may be later modified only with the approval of the committee.

9.6.2.5.2. The committee shall approve sketch plans, site layout drawings and specifications before tenders are called.

9.6.2.5.3. The committee shall forward notice of approval of working drawings and specifications, together with required or suggested alterations, to the presbytery concerned.

9.6.3. Dunbar Homes for the Aged:

As Dunbar Homes for the Aged is an incorporated body in its own right which reports annually to the Assembly, there are no regulations pertaining to Dunbar Homes for the Aged.

9.6.4. Maintenance of the Ministry Committee:

9.6.4.1. Title: There shall be a committee within the Finance and Administration Committee entitled Maintenance of the Ministry.

9.6.4.2. 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:

9.6.4.2.1. recommend annually the amount of the basic stipend for the ensuing year, and any alterations to the minimum term of settlement which it judges advisable;

9.6.4.2.2. approve or disapprove the proposed terms of settlement in respect to each proposed settlement of a minister in any charge;

9.6.4.2.3. approve or disapprove the proposed term for all ministerial appointments;

9.6.4.2.4. initiate through the Presbytery a review of any existing term of settlement if in the opinion of the committee a change in the circumstances requires such a review, and when required by these regulations;

9.6.4.2.5. administer the sustentation fund and all other funds provided for it by the General Assembly, together with any other money of which it may become from time to time possessed for augmenting ministerial stipends;

9.6.4.2.6. report to the General Assembly on all matters connected, with the maintenance of the ministry, and make such recommendations thereto as it sees fit from time to time.

9.6.4.3. Stipend: The actual stipend shall hereinafter mean the actual amount of money received or to be received by a minister per annum from Church sources for his ordinary ministerial duties after all his necessary professional expenses have been fully met.

9.6.4.4. Minimum terms of settlement: Minimum terms of settlement shall hereinafter mean a proposal for the settlement of a minister promising at least provision for:

9.6.4.4.1. ordinarily the cost of removal of the minister’s family and goods to his new place of residence; but the committee may approve a variation in special circumstances;

9.6.4.4.2. rent free occupation of a suitable dwelling or an allowance sufficient to rent a suitable dwelling in the locality,

9.6.4.4.3. allowances sufficient to meet all necessary professional expenses including travelling, telephone (fixed landline and/or mobile service), stamps, stationery and broadband internet shown as Travelling Allowance and Communications;
9.6.4.4. pulpit supply for leave as detailed in the Leave Regulations.
9.6.4.5. a stipend equal to or greater than the basic stipend.

9.6.4.5. Basic stipend and allowances: The General Assembly, after a recommendation by the Finance and Administration Committee shall fix and declare annually a basic stipend and allowances.

9.6.4.6. Notice: All charges concerned shall be notified of any increase in the basic stipend at least one(1) month before the increase takes effect.

9.6.4.7. MM2: Each Presbytery shall cause Form MM2 to be completed in duplicate in respect to each vacant charge within its bounds;
9.6.4.7.1. after the date on which the Presbytery dissolved the pastoral tie,
9.6.4.7.2. before any application is made for a call to a minister,
9.6.4.7.3. when the charge is still vacant twelve (12) months after the completion of the last form.

9.6.4.8. Presbytery examination: The Presbytery or a committee thereof to which authority to act in the matter has been given, shall examine the MM2 forms paying particular attention to the estimate of necessary expenses. If it is judged that the stipend proposed is not in keeping with the resources of the charge, the charge shall be urged to greater liberality. When this has been done, or if initially the stipend proposed is judged to be in keeping with the resources of the charge, and it is found;
9.6.4.8.1. that the proposed stipend is equal to or in excess of the basic stipend, the terms may be approved and recommended to the Finance and Administration Committee,
9.6.4.8.2. that the proposed stipend is less than the basic stipend, but is suitable for a part time appointment the terms may be approved and recommended to the committee.

9.6.4.9. Finance and Administration examination: The Finance and Administration Committee shall carefully examine each Form MM2 properly submitted to it and consider any accompanying recommendations; and it may make further enquiry as it deems fit, and may refer part or all of the terms 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 allowances are adequate and the stipend is appropriate to the charge. Where these two (2) conditions are fulfilled and a charge proposes terms including a stipend;
9.6.4.9.1. equal to or in excess of the basic stipend the committee may approve;
9.6.4.9.2. less than the basic stipend but suitable for a part time appointment the committee may approve.

9.6.4.10. Finance and Administration notice: The Finance and Administration Committee, after examination of Form MM2 shall determine and declare the terms of settlement, and inform the Presbytery and the charge 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 Assembly.

9.6.4.11. Responsibility: It shall be the equal responsibility of the minister and the treasurer of the Board of Management to report promptly to the Presbytery any failure of which they become aware to pay stipend and allowances at least monthly, and in any other respect, to implement the terms of settlement as declared by the committee. Should the Presbytery be unable speedily to rectify the matter and judge it inexpedient at that stage to assist in the removal of the minister to another sphere of labour or to dissolve the pastoral tie, it shall promptly inform the Finance and Administration Committee. 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. On receipt from the committee of an intimation to that effect, the Presbytery may take such further action under Rule 4.13.12 as it deems fit and shall ensure that the pastoral tie is not prolonged beyond six(6) months of the date of the intimation from the committee, unless it sees cause in the meantime to grant the prayer of petition from the minister to remain in the charge, or unless the committee is satisfied that the declared terms of settlement have in the meantime been implemented.

9.6.4.12. Approval necessary: Under no circumstances shall any charge proceed to an election in a vacancy or any Presbytery proceed with a settlement on terms which have not been approved by the Finance and Administration Committee within the preceding twelve(12) months. The approval by the committee of the terms of settlement shall not prevent the Presbytery from exercising its inherent power to decide against proceeding with the settlement for its own reasons even though they may arise out of the proposed terms of settlement as approved by the committee.
9.6.4.13. Information required: The Finance and Administration Committee may at anytime require relevant information in respect of any charge.

9.6.4.14. Stipend: The sum declared by the committee to be the stipend of a specified charge shall be for all official purposes the stipend of that charge.

9.6.4.15. Authority for grants: The Finance and Administration Committee shall have authority to make the following grants:

9.6.4.15.1. grants approved for a parish by the General Assembly or a Commission of Assembly;

9.6.4.15.2. grants not exceeding $5,000 to Parishes for emergency purposes to be paid out of the Sustentation Fund,

9.6.4.15.3. such grants under (Regulation 9.6.3.15.2) only to be approved after the Finance and Administration Committee has a report on the finances of each parish concerned and deems such grant is necessary. Such grants to be reported to the next General Assembly,

9.6.4.15.4. grants payable out of the Missions Committee Funds approved by the Missions Committee which if not approved by the General Assembly are approved by the Finance and Administration Committee as being urgently necessary. Such grants shall be advised to the next General Assembly.

9.6.4.16. Annual Report: The Finance and Administration Committee its annual report shall deal with:

9.6.4.16.1. the level of the basic stipend;

9.6.4.16.2. any other matter in connection with the maintenance of the ministry which it deems necessary.

9.6.5. Sustentation Fund:

One of the duties of the Finance and Administration Committee shall be:

9.6.5.1. to administer the revenue from the Sustentation Fund Capital;

9.6.5.2. to obtain income for and administer the Special Sustentation Fund until 1971 as follows:

The fund shall be known as the Special Sustentation Fund of the Presbyterian Church of South Australia,

The Corpus and income of the fund shall be distributed to Presbyterian Churches in South Australia on the following conditions:

9.6.5.2.1. Participating charges shall raise a qualifying stipend to be determined by the committee from time to time, provided that such qualifying stipend is not less than the qualifying stipend declared by the Combined Assembly.

9.6.5.2.2. The Presbytery of the bounds shall certify annually, after investigating the capital and income of the charge, that the charge is paying a local stipend in keeping with its resources.

9.6.5.2.3. Charges fulfilling these two (2) conditions shall receive a dividend from the fund bringing all stipends to a sustentation common level; and such dividend shall be paid direct to the minister one-third in November and two-thirds in March of each year.

9.6.5.2.4. In addition, dependents’ grants shall be paid direct to the minister in respect to each dependent child.

9.6.5.2.5. If and when the capital and income of the Special Fund becomes less than the last annual payment from the fund, the balance shall be transferred to the capital of the Sustentation Fund of the Presbyterian Church of South Australia.
9.7. Missions Committee Group

9.7.1. Missions Committee:

9.7.1.1. Membership: There shall be a committee of the General Assembly entitled the Missions Committee, hereinafter called the Committee. The Committee shall consist of a minimum of six (6) members including a Convener appointed by the Assembly, and a representative from the State PWA.

9.7.1.2. Duties; Home Missions: While spiritual oversight of a home mission Charge remains within the jurisdiction of the presbytery and session, the Committee will be responsible together with them, to extend the Church’s mission and to maintain a ministry within the State, to originate and organise home mission Charges, and together with presbytery to have a general control and oversight over their organisation and practical affairs and the missionaries serving them. The duties of the Committee shall be:

- 9.7.1.2.1. to make provision for the spiritual needs of the population in districts where there is no regular charge, or where new settlement and growth of population require additional provision to be made;
- 9.7.1.2.2. to confer with Presbytery before initiating new work within the bounds of any presbytery, and to endeavour to have home mission charges raised to sanctioned status as soon as possible;
- 9.7.1.2.3. to make recommendations to the Assembly regarding grants to charges or for development work;
- 9.7.1.2.4. to administer the finances of the Missions Committee in conjunction with the Assembly;
- 9.7.1.2.5. to accept for appointment suitable applicants as Home Missionaries. In carrying out its functions in relation to Home Missionaries, the Committee will act in a consultative way with presbyteries and sessions wherever possible recognising that such consultations appropriately can take place through the Committee Convener (hereinafter called the Convener) and the Moderator of a Home Mission charge as well as the session of the Home Mission Charge.

9.7.1.3. Duties; APWM: The Committee shall undertake and promote the work of APWM (Australian Presbyterian World Mission) mission partners in South Australia and the Committee shall:

- 9.7.1.3.1. report to the Assembly upon overseas and cross-cultural mission fields, and in particular those in which Presbyterian missionaries from the State of South Australia are engaged and/or for which the General Assembly has accepted particular responsibility;
- 9.7.1.3.2. make recommendations to the Assembly concerning the raising and distribution of funds;
- 9.7.1.3.3. when circumstances permit, undertake responsibility for the appointment, support, location and movements of missionaries, arrange for and assign deputation work for missionaries on furlough, and provide, as far as practicable, for their accommodation;
- 9.7.1.3.4. carry out necessary liaison with other bodies engaged in the work of overseas mission and appoint and instruct representatives for this purpose.

9.7.1.4. Duties; Chaplaincy etc.: The Committee shall:

- 9.7.1.4.1. liaise with the Presbyterian Inland Mission on matters of concern and interest to the Church in this State and the Commonwealth;
- 9.7.1.4.2. make recommendations to the Assembly for the appointment of chaplains to hospitals, defence forces, institutions seeking appointment of chaplains, Inter-Church Trade and Industry Mission, etc;
- 9.7.1.4.3. advise the Assembly, presbyteries and congregations on ecumenical relations;
- 9.7.1.4.4. provide representation for the Church on request from interdenominational missions and societies.

9.7.1.5. Home Missionaries: The Committee shall observe the following general regulations in relation to the selection and appointment of home missionaries, in consultation with committees, sessions and presbyteries concerned.

- 9.7.1.5.1. Home Missionaries must be communicants of the Presbyterian Church for a period of at least twelve (12) months, be medically fit, have approved achievements, gifts and character (such being declared by recommendations from an applicant’s minister, session and presbytery), and satisfactorily complete the required entrance examination, and shall sign the necessary agreement (see Forms 7.15 “Missions Committee Employment Application”) before acceptance or appointment.
- 9.7.1.5.2. Parishes or stations seeking the services of a Home Missionary shall apply to the
committee only with the approval of the presbytery of the bounds.

9.7.1.5.3. Home Missionaries shall generally be appointed for a period of twelve (12) months. The Committee shall determine the time of service in one (1) station or position, but the request or recommendation of the presbytery shall receive special consideration.

9.7.1.5.4. The name of a home missionary shall be on the roll of communicants of the home mission station or pastoral charge in which he is currently serving, but a home missionary shall not be subject to the jurisdiction of the session.

9.7.1.5.5. The spiritual supervision of any home mission station and of the home missionary supplying it belongs to the presbytery of the bounds. The presbytery shall report to the Committee in October of each year on the work of home missionaries within its bounds.

9.7.1.5.6. Each home missionary shall report regularly to the moderator of the home mission station and shall seek his advice upon all matters of concern. The Moderator shall be expected to take a keen interest in the welfare of the home mission station under his supervision and be a friend and counsellor to the home missionary. The moderator shall:

9.7.1.5.6.1. be the channel of communication with the presbytery, both for the home missionary and the Convener when dealing with matters relating to the parish under the moderator's oversight;
9.7.1.5.6.2. make provision for the administration of the Sacraments of Baptism and the Lord's Supper;
9.7.1.5.6.3. seek to secure local support for the home missionary in keeping with the financial resources of the people; and
9.7.1.5.6.4. preside at congregational and session meetings.

9.7.1.5.7. With the consent of the Committee and the presbytery concerned a home missionary may be nominated for registration as a minister of religion entitled to celebrate marriages subject to his undertaking not to exercise the privilege beyond the bounds of the parish for which it is granted; except with the consent of the moderator of the parish concerned.

9.7.1.5.8. All matters pertaining to the administration of the sacraments are the responsibility of the moderator, and no home missionary shall be permitted to dispense the Sacraments of Baptism and the Lord's Supper except as provided for in the regulations of the General Assembly of Australia.

9.7.1.5.9. The home missionary will supply quarterly reports to the Committee and the Moderator.

9.7.1.6. Appointment and Dismissal: The committee shall appoint, suspend, dismiss or transfer home missionaries, but recommendations of Presbytery on appointment or removal shall receive special consideration. Upon appointment, home missionaries shall have the right, if they feel aggrieved, to state their case to the Committee.

9.7.1.6.1. Any complaints against home missionaries must be submitted to the Committee through the session, and the presbytery.
9.7.1.6.2. Dismissal shall be on the grounds of character, doctrine, or failure to fulfil an appointment or direction. A home missionary feeling aggrieved at such action shall have the right to the normal process of appeal as provided in the Rules and Regulations of the Presbyterian Church of South Australia.

9.7.1.7. Home Missionaries; Duties: Home Missionaries shall be required to:

9.7.1.7.1. conduct public worship and preach at the various centres within the parish to which they are appointed;
9.7.1.7.2. systematically visit the homes under their care and especially minister diligently to the sick, whether at home or in hospital, the aged, and the bereaved;
9.7.1.7.3. take an active interest in and foster the work of Sunday Schools and young people's groups;
9.7.1.7.4. endeavour by all possible means to evangelise the community in his appointed area;
9.7.1.7.5. in places where no Sunday School exists and in isolated homes, recommend the advantages of “Letterbox Lessons” and suggest other methods whereby children may be instructed in the faith;
9.7.1.7.6. co-operate with the board of management in the organisation of the finances of the home mission station or pastoral charge.

9.7.1.8. Home Missionaries; Finances: The Stipends of all home missionaries in full time service shall be fixed by the Assembly from time to time after recommendation by the Committee.
9.7.1.8.1. Home missionaries will be entitled to the same leave conditions as ministers.
9.7.1.8.2. Upon appointment Home Missionaries shall be required to join a superannuation fund.
9.7.1.8.3. Normal removal costs to be borne by the receiving parish as with a minister.
9.7.1.8.4. All proposals for terms of settlement, including any review, shall be approved by the Missions Committee.
9.7.1.8.5. A suitable manse shall be provided or the allowance paid for suitable rented accommodation.
9.7.1.8.6. When a home missionary retires, the committee has authority to contribute to removal and insurance costs, if appropriate.

9.7.1.9. In-Service Training: Home Missionaries shall attend an in-service training conference from time to time at the direction of the Committee, at which Biblical, theological and applied subjects will be taught. Home Missionaries shall also undertake study as specified from time to time by the Committee.

9.7.1.10. Service Of Introduction: When a home missionary is first appointed, or transferred, there shall be a Service of Introduction conducted by the Presbytery, at which the home missionary shall testify to his faith and affirm his adherence to the doctrines and practices of the Church, after which the Moderator shall charge the missionary to be faithful in his tasks and shall offer prayer setting the missionary apart for the sphere of service and commending the missionary to the grace of God (see Forms 7.12 & 7.13).

9.7.1.11. Assistants: The appointment of a home missionary as an assistant to a minister in a pastoral charge shall be deemed an appointment under the regulations governing the employment of home missionaries. Such appointment may be made at the request of a minister or session or upon their approval of representations made by the Committee.

9.7.1.11.1. Where it is proposed to employ an assistant to a minister in a pastoral charge or in a vacant pastoral charge under the supervision of an interim moderator, priority of consideration shall be given to the appointment of a home missionary and the Committee shall be invited to make a nomination.

9.7.1.11.2. When appointed, the assistant to a minister shall take all instructions as to his work from the minister of the parish; but the Committee may at any time call for a report upon the work of the assistant from the minister of the parish or through him from the home missionary.

9.7.1.11.3. When a minister, with the concurrence of his session, asks for the removal of an assistant, the Committee shall endeavour to comply with the request within a period of three (3) months from the date of the request.

9.7.1.11.4. The Committee, at its discretion, may recall an assistant to a minister subject to one (1) month’s notice being given to the minister and session concerned.

9.7.1.12. Grants: The Committee may make grants from its funds to:

9.7.1.12.1. supplement the local income of stations that are unable after a systematic and self-denying effort to provide for a missionary;

9.7.1.12.2. make possible the payment of the minimum stipend approved by the Finance and Administration Committee when a new charge is being formed on condition that the congregation becomes self-supporting as soon as possible.

9.7.1.12.3. Grants to parishes or stations shall not be made to extend for more than one (1) year, but may be renewed from year to year.

9.7.1.12.4. All applications for grants shall be forwarded through the presbytery of the bounds, and with its approval.

9.7.1.12.5. The Committee shall regularly review all grants renewed beyond one (1) year with a view to ensuring that congregations become financially independent of the committee as early as possible.

9.7.1.12.6. Congregations in a state of long term decline shall not be made dependent upon grants to maintain full status as home mission station for a period exceeding one(1) year.

9.7.1.12.7. Grants may be made from committee funds, as available, 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.

9.7.1.12.8. Every parish or station in receipt of 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.

9.7.1.13. Home Mission Station Finances: Boards of Management in home mission Charges shall ensure that the amount to be contributed to the stipend of the home missionary is a first charge on Board finances, and where subsidy is being received, all extraordinary expenditure beyond that required for normal running expenses, must be authorised by the Committee. The Treasurer of the Board shall remit the stipend monthly.

9.7.1.14. Deaconesses: In consultation with the presbytery, session and churches concerned, the Committee shall be responsible for the appointment and general supervision of Deaconesses.

9.7.1.14.1. The duties of a Deaconess shall include the visitation of the needy, the sick and infirmed and general pastoral care of those in her district. A Deaconess shall be responsible in her duties to those charged by the Presbytery with her oversight.

9.7.1.14.2. Applicants shall be communicants of the Presbyterian Church for at least twelve (12) months and have completed an accredited level of training.

9.7.1.14.3. Terms of appointment and salary shall be negotiated by the Committee, the Finance and Administration Committee and presbytery.

9.7.1.14.4. Deaconesses in active service in connection with a congregation are under the spiritual jurisdiction of the presbytery but work under the local session, and shall confer with them as required.

9.7.1.14.5. Deaconesses shall submit quarterly reports to the committee and the presbytery.

9.7.1.14.6. Complaints against a deaconess must be submitted in writing to the committee through the session and presbytery.

9.7.1.14.7. Dismissal shall be on the grounds of character, doctrine, or failure to fulfil an appointment or direction. A deaconess feeling aggrieved at such action shall have the right to the normal process of appeal as provided in the Rules and Regulations of the Presbyterian Church of South Australia.

9.7.1.15. Ministry In Health Services: Health Service Defined.

9.7.1.15.1. In consultation with the session, the presbytery and the agency concerned the Committee shall be responsible for the appointment and general supervision of personnel serving in health services whether on a remunerated or volunteer basis.

For the purposes of this regulation, a Health Service is understood as including any hospital, retirement village, elderly citizens hostel or nursing home.

The main aims of ministry within such institutions can be summarized as:

9.7.1.15.1.1. individual pastoral care of members of and those associated with the Presbyterian Church of South Australia who are patients or residents in such institutions together with staff members working within those institutions;

9.7.1.15.1.2. the conducting of Services of Worship in such institutions when ever appropriate, and,

9.7.1.15.1.3. the support and encouragement of other Christians working within those institutions e.g. members of staff, chaplains of other like-minded Christian denominations.

9.7.1.15.2. Personnel to serve in Health Services are:

9.7.1.15.2.1. Full-time or part-time Chaplains who have completed the level of training as set out in these regulations and have been approved by the General Assembly on the recommendation of the Missions Committee;

9.7.1.15.2.2. Visitors approved and Commissioned by the Presbytery in whose bounds the Health Service they visit is located.

9.7.1.15.3. Chaplaincy Applicants - Persons seeking approval as Chaplains:

9.7.1.15.3.1. are interviewed by their Session;

9.7.1.15.3.2. Session’s report and recommendation is received by the Presbytery which further interviews the applicant and either approves or rejects the application. In either case, Presbytery forwards such applications, together with its resolutions concerning them, to the Missions Committee either with or without additional comment.

9.7.1.15.3.3. Presbytery receives notification from the Missions Committee of the names of those persons approved to serve as chaplains by the General Assembly and arranges appropriate services of commissioning for such chaplains prior to their taking up appointments within its bounds, in conjunction with the Missions Committee.

9.7.1.15.3.4. Presbytery requires, from Health Service chaplains serving within its bounds, similar levels of accountability and pastoral co-operation as described in Regulation 9.7.21.5.
Chapter 9: Committee Regulations

9.7.1.15.4. Visitors Commissioned - On receipt of a satisfactory report and recommendation from Session the Presbytery further interviews with the prospective Visitor and resolves either to approve or disapprove the application immediately or recommend the applicant undertake further training.

Following approval of such an application as a Visitor, the Presbytery:

9.7.1.15.4.1. notifies the successful applicant and their Session.
9.7.1.15.4.2. contacts the Health Service concerned, indicating its intention of appointing the applicant as a Visitor on behalf of the Presbyterian Church of South Australia for an initial period of three (3) years. Such appointment being subject to review at the end of that time.
9.7.1.15.4.3. arranges a Service of Commissioning for the newly-approved Visitor.
9.7.1.15.4.4. requires a written summary of activities from the Visitor to be presented, usually in person, annually, at a meeting of the Presbytery.
9.7.1.15.4.5. encourages the Visitor to advise the Minister or a Session member of the relevant congregation of pastoral-care follow-up needs or opportunities arising from their work in the Health Service.

9.7.1.15.5. Applications Rejected - Applicants whose applications are rejected are entitled to Petition the General Assembly to have such a decision reviewed in accordance with Rule 6.7 of the Rules & Procedures of the Presbyterian Church of South Australia.

9.7.2. Social Mission Committee:

Regulations have yet to be written for this committee.
9.8. **Moderator’s Committee**

**9.8.1. Title:** There shall be a committee of the General Assembly entitled the Moderator’s Committee.

**9.8.2. Membership:** The committee shall consist of:
- 9.8.2.1. a convener who shall be a minister and two (2) laymen appointed by the Assembly;
- 9.8.2.2. the moderator for the time being and his chaplains;
- 9.8.2.3. the Moderator Designate and his chaplains, to be co-opted when necessary;
- 9.8.2.4. past Moderators who are members of the Assembly.

**9.8.3. Duties:** The committee shall:
- 9.8.3.1. arrange the itineraries of the Moderator;
- 9.8.3.2. have general oversight of arrangements for visits of the Moderator, and safeguard him from undue demand and strain;
- 9.8.3.3. give to the Moderator, on request, advice on matters that necessitate action, and assist the Moderator in the arrangement of services of civic or national importance.

9.9. **Pastoral Ethics Committee**

**9.9.1. Title:** There shall be a standing committee of the General Assembly of the Presbyterian Church of South Australia known as The Pastoral Ethics Committee; Membership shall be as provided by the General Regulations.

**9.9.2. Duties:** The duties of the committee shall be to:
- 9.9.2.1. Provide policy development for the Assembly in personal ethics and behaviour of those involved in ministry, either paid or voluntary.
- 9.9.2.2. Liaise with the Child Protection Unit of the Presbyterian Church of Australia in New South Wales (CPU of PCNSW) in the application for the Assembly in personal ethics and behaviour of those involved in ministry, either paid or voluntary e.g. in the areas of; Clergy, Elder and church worker pastoral behaviour; congregational education, screening and counseling procedures as contained in Breaking the Silence Issue 3 (BtS³)
- 9.9.2.3. Provide continuing education for the wider Church in personal ethics with particular reference to the dangers of physical, sexual and emotional abuse as well as the abuse of power. Such education to have a special, but not exclusive, relevance to the issues involved in working with minors.
- 9.9.2.4. Function as a pastoral care arm of the church in ethical cases where deemed necessary under the guidance of the CPU of PCNSW. The committee reports to the local Presbytery wherever it is called upon to act.

To maintain compliance with the requirements of BtS³ all Sessions are to:
- 9.9.2.5. Include ‘Breaking the Silence 3’ on their agenda of their ordinary meetings.
- 9.9.2.6. Keep a separate folder clearly marked, for all BtS³ material including correspondence, as well as keeping a list of all minutes dealing with BtS³ business plus all other relevant information.
- 9.9.2.7. Keep all manuals and display material up to date and to destroy obsolete manuals, display material and instructions.
- 9.9.2.8. Report in writing annually by 1st February to the Presbytery and to the Pastoral Ethics Committee, that each charge, appointment parish, home mission station or preaching place, is compliant with BtS³. A summary of these reports is to be included in the Committee’s report to the Assembly.
9.10. The Presbyterian Trusts Corporation


9.10.2. Name: The name of the Corporate Body of Trustees shall be "The Presbyterian Trusts Corporation".

9.10.3. Membership: The members of the Finance and Administration Committee of the General Assembly of the Presbyterian Church of South Australia, Inc. and their successors in office shall now be the Corporate Body of Trustees.

9.10.4. Trustees: The persons named in paragraph 9.10.3. hereof and their successors in office shall now be the Corporate Body of Trustees.

9.10.5. Enactment: The following Regulations for the Presbyterian Trusts Corporation shall be enacted:

9.10.5.1. The members of the Corporate Body set out in paragraph 9.10.3. and their successors in office shall hold office until:

9.10.5.1.1. their term expires at a General Assembly referred to in paragraph 9.10.5.2.; or
9.10.5.1.2. death, resignation or removal by resolution of the General Assembly. A resignation shall take effect from the date on which the Clerk of the General Assembly received notice of the resignation.

9.10.5.2. At the General Assembly three (3) years after the General Assembly at which the persons set out in paragraph 3 were appointed and at each General Assembly after that at four (4) year intervals in a leap year:

9.10.5.2.1. the office of each member of the Corporate Body shall be declared vacant; and
9.10.5.2.2. members may be re-appointed to the Corporate Body and/or new members appointed to the Corporate Body by resolution of the General Assembly.

9.10.5.3. A member of the Corporate Body may be removed from office by resolution of the General Assembly in the following circumstances:

9.10.5.3.1. if he ceases to be a member of the Presbyterian Church of South Australia; or
9.10.5.3.2. if he shall leave South Australia and remain absent without leave for six (6) consecutive months; or
9.10.5.3.3. if he shall be absent from three (3) consecutive meetings of the Corporate Body without leave; or
9.10.5.3.4. if he shall become incapable to act by reasons of bodily or mental infirmity; or
9.10.5.3.5. if he shall be guilty of any conduct which in the opinion of the General Assembly renders him unfit to be a member of the Corporate Body. The General Assembly shall be the sole and final judge of the incapacity or unfitness to act of any member of the Corporate Body.

9.10.5.4. Any vacancy in office shall be filled by the General Assembly at the meeting of the General Assembly at which such vacancy occurs, but if such vacancy occurs otherwise than at a meeting of the General Assembly the vacancy shall be filled at the next meeting of the General Assembly held after the date when that vacancy occurred.

9.10.5.5. The number of the members of the Corporate Body shall not be less than five (5) and not more than seven (7).

9.10.5.6. Three (3) members of the Corporate Body present at any meeting of the Corporate Body shall be a quorum.

9.10.5.7. The General Assembly shall appoint the Chairman of the Corporate Body who shall hold office during the period of appointment by the General Assembly. Any vacancy in the office of Chairman occurring between meetings of the General Assembly may be filled by the Corporate Body and the person so appointed shall hold office until the next meeting of the General Assembly held after his appointment.

9.10.5.8. The Corporate Body shall appoint:

9.10.5.8.1. One (1) of its members as Vice-Chairman who shall hold office during the pleasure of the Corporate Body, and any vacancy occurring in such office shall be filled by the Corporate Body.
9.10.5.8.2. a person as Secretary/Treasurer who shall hold office at the pleasure of the Corporate Body, and any vacancy occurring in such office shall be filled by the Corporate Body.

9.10.5.9. Meetings

9.10.5.9.1. Meetings of the Corporate Body may be called at any time by the direction of the Chairman, or in his absence by the direction of the Vice-Chairman.
9.10.5.9.2. Any three (3) members of the Corporate Body may request a meeting of the Corporate Body, and upon receipt of that request, the Chairman, or, in his absence, the Vice-Chairman, shall convene a meeting of the Corporate Body.

9.10.5.9.3. Seven (7) days’ notice of every meeting shall be given to the members of the Corporate Body in writing.

9.10.5.9.4. The Corporate Body is empowered to act by a simple majority of those present at any meeting and voting on any resolution.

9.10.5.9.5. The Chairman shall have a casting vote as well as a deliberative vote.

9.10.5.10. The Common Seal:

9.10.5.10.1. The Common Seal of the Corporate Body shall be kept in the custody of the Secretary/Treasurer of the Corporation.

9.10.5.10.2. The Common Seal shall be affixed to documents only in pursuance of a resolution of the Corporate Body, or of a committee appointed by the Corporate Body from the members of the Corporate Body. Such committee may be authorised by the Corporate Body to act either specially or generally in the matter, but in any event three (3) members of the Corporate Body shall form a quorum.

9.10.5.10.3. The affixing of the Common Seal shall be verified by two (2) of the members of the Corporate Body, and either the Procurator, or by one (1) of the legal advisers of the Church.

9.10.5.10.4. If the affixing of the Common Seal shall be duly verified as provided in this clause such verification shall be prima facie evidence that the Common Seal has been duly affixed by authority and that the signatures of the members appearing thereon are those of persons authorised to affix the Seal.

9.10.5.10.5. All cases of the use of the Common Seal shall be confirmed at the next meeting of the Corporate Body.

9.10.5.11. Whereby under section 14 of the Presbyterian Trusts Act 1971 the Moderator is required to consent to any conveyance, transfer, mortgage, exchange or lease such consent shall not be given unless the Procurator or one (1) of the legal advisers shall first approve thereof.

9.10.5.12. The following records of the Corporation are to be kept:

9.10.5.12.1. Minutes of all the meetings.

9.10.5.12.2. Accounting records, which shall be audited by the auditor of the General Assembly financial accounts.

9.10.5.12.3. An annual report together with audited financial statements shall be submitted to the General Assembly each year.

9.10.5.12.4. The General Assembly may inspect records of the Trusts Corporation as resolved from time to time.

9.10.5.13. Whereby under Section 15(1) of the Act the Moderator is required to keep or cause to be kept a register of trustees of all property held by trustees for or on behalf of the Church of any congregation thereof, other than property held by or vested in the Corporate Body.

9.10.5.13.1. Notice of the appointment of every new trustee and of the removal of any trustee of the Church property shall be sent to the Moderator of the General Assembly by the Clerk of the presbytery or the Clerk of the session of the congregation (as the case may be) making such appointment or removing such trustee within one (1) week after such appointment or removal (as the case may be).

9.10.5.13.2. Notice of the death or resignation or any trustee of Church property shall be sent to the Moderator of the General Assembly by the Clerk of the session or the Minister of the congregation to which such trustee belonged within one (1) week after such death or resignation becomes known to such Clerk or Minister.
9.11. Theological and Christian Education Committee Group

9.11.1. Theological and Christian Education Committee:

9.11.1.1. Title: There shall be a Standing Committee of the General Assembly entitled the Theological and Christian Education Committee.

The duties of the Committee shall be to:

9.11.1.1.1. Make provision for theological education for those seeking to pursue Christian ministries in the Presbyterian Church of South Australia.

9.11.1.1.2. Make arrangements for theological education that will best assist not only prospective candidates for the Presbyterian ministry, but also those considering becoming Home Missionaries and Lay ministries workers.

9.11.1.1.3. Recruit candidates for the Presbyterian ministry and to advise them of the procedures they need to follow concerning candidacy for the ministry.

9.11.1.1.4. Advise prospective candidates for Christian ministries in the Presbyterian Church of South Australia of those subjects and courses that may assist them in preparing for theological studies.

9.11.1.1.5. Provide prospective candidates for the Presbyterian ministry in South Australia with information about the courses of study provided by the Presbyterian Theological Colleges in Melbourne, Sydney and Brisbane.

9.11.1.1.6. Assist the presbytery, through whom a person applies to be a candidate for the ministry, in a consultative process in relation to a candidate being a suitable person for the ministry (Rule 4.4.1) and to act in consultation with the presbytery in the event of a candidate at any stage of his course proving himself unsatisfactory (Rule 4.4.2).

9.11.1.1.7. Receive from interstate Theological Colleges regular reports on the progress of South Australian candidates for the Presbyterian ministry and to keep the relevant presbyteries informed of their progress.

9.11.1.1.8. Seek and administer bursary funds and any other designated financial resources for either candidates for the ministry, or lay ministry workers.

9.11.1.1.9. Investigate, and make recommendations to the General Assembly concerning any matter related to theological education, whether or not these may be within the scope of other committees.

9.11.1.2. The committee shall:

9.11.1.2.1. Have the oversight of Christian education work within the Church from cradle roll to adult groups.

9.11.1.2.2. Seek to bring those within its oversight, by sound Christian education and right presentation of the gospel, to personal commitment and intelligent and active membership of the church as part of the overall evangelism ministry of the church.

9.11.1.2.3. Plan for the overall educational needs of congregations, including eldership training and diaconal ministry courses, adult groups, and theological education by extension courses in local churches.

9.11.1.2.4. Foster in the church a strong sense of the basic interrelation of children’s, youth and adult work and the wholeness of the church’s task in Christian education.

9.11.1.2.5. Seek to bring all aspects of the work into line with sound educational principles, to link children’s, youth and adult groups into the closest relationship with the church’s life, worship and work.

9.11.1.2.6. Advise local churches in planning of suitable buildings for Christian education.

9.11.1.2.7. Give guidance to the church on the cultural and social value of other than Church youth movements, encourage co-operation where it considers it advisable and accept its share of leadership within such movements.

9.11.1.2.8. Prepare recommendations for the Assembly, presbyteries and congregations on the suitability or otherwise of material available from various sources for Christian education.

9.11.1.2.9. Provide representation on interdenominational committees concerned with the preparation and/or promotion of Christian education material when deemed to be in the best interests of the church in this State.

9.11.1.2.10. Maintain an interest in the Vision Bookshop as the channel for ordering and purchasing Presbyterian Church of Australia materials for Presbyterian Church of South Australia Churches; and control, either directly or indirectly, the preparation and publication of material in the field of Christian education for the Presbyterian Church of South Australia.
9.11.1.2.11. Maintain the interests of the Church in the presentation of the Gospel through the various branches of the media, and provide representation if the need should become apparent on inter-denominational committees and associations concerned with such matters.

9.11.2. Acceptance and Oversight of Candidates for the Ministry:

9.11.2.1. Those contemplating the work of the ministry should notify their own minister and session and apply to the clerk of their presbytery, presenting a letter of recommendation from their local session. They should also confer with the Convener of the Theological and Christian Education Committee of the General Assembly of South Australia.

9.11.2.2. In considering the acceptance of candidates for the ministry, the presbytery shall 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 shall exercise every care in the matter of his application. When a candidate applies to be accepted as a student for the ministry, the presbytery shall examine him in terms of the following instructions:

9.11.2.2.1. It shall instruct the student to appear in person before a duly convened meeting of the Presbytery’s Students’ Committee, or a Committee especially appointed for the purpose, his own minister being associated with the Committee if he is not a member.

9.11.2.2.2. By this means and by any other means it chooses to adopt the presbytery shall satisfy itself as to the following points the student’s:

- 9.11.2.2.2.1. Christian character and conviction and his sense of Divine call.
- 9.11.2.2.2.2. Satisfactory length of membership in and service to the Presbyterian Church.
- 9.11.2.2.2.3. Ability in lay preaching or public speaking.
- 9.11.2.2.2.4. Capacity of making acceptable contacts with people.
- 9.11.2.2.2.5. Support of his local congregation as attested by the letter of recommendation from his local session.
- 9.11.2.2.2.6. Plans for financing himself during the course, especially in the case of a married man.
- 9.11.2.2.2.7. General health including a medical report from an approved medical examiner.

9.11.2.3. If, after examination, the candidate’s application is received, the presbytery shall notify the Theological and Christian Education Committee of the Assembly and communicate to the Committee full particulars of its enquiries together with all relevant documents. The Committee shall then proceed to arrange for the candidate to be interviewed by the members of the Committee with a view to:

- 9.11.2.3.1. Testing the candidates for their fitness in all respects for the office of the ministry;
- and
- 9.11.2.3.2. Reporting its recommendation to the candidate’s presbytery.

9.11.2.4. On receiving the report of the Theological and Christian Education Committee the presbytery shall come to a decision about the candidate, and if it judges him to be a satisfactory candidate, shall admit him as a student on probation. A presbytery shall not finally accept a student until:

- 9.11.2.4.1. A period of probation, normally for one (1) year, has been satisfactorily fulfilled;
- 9.11.2.4.2. A report has been received concerning his progress in his studies from the Theological College where he is doing his theological studies;
- 9.11.2.4.3. In cases where either the presbytery or the Theological and Christian Education Committee thinks it necessary there shall be a personal interview by the Committee or its representatives and the presbytery.

9.11.2.5. The presbytery shall require each candidate under its oversight to present each year a certificate from the Theological College where he is doing his theological studies that his year’s work has been sustained. It shall also require the candidate to appear in person at least once a year before presbytery, or its Student’s Committee.

Summary

9.11.2.6. Prospective Candidate’s Procedure, the candidate:

- 9.11.2.6.1. Notifies his own minister that he is contemplating the work of the ministry.
- 9.11.2.6.2. Applies to the clerk of presbytery concerned for guidance in his application for acceptance as a candidate, presenting a letter of recommendation from his local session.
9.11.2.6.3. confers with the convener of the Theological and Christian Education Committee of the General Assembly of the Presbyterian Church of South Australia, for particulars regarding academic pre-requisites and the course of training.

9.11.2.7. Presbytery Procedure, the presbytery:
9.11.2.7.1. instructs the candidate to appear before the Presbytery’s Students’ Committee.
9.11.2.7.2. receives the Students’ Committee report in terms of 9.11.2.2.5 (session recommendation) and 9.11.2.2.7 (medical examination). Forms are available from the convener of the Theological and Christian Education Committee.
9.11.2.7.3. notifies the Theological and Christian Education Committee of the Assembly, forwarding full particulars, together with all relevant documents.
9.11.2.7.4. receives the report and recommendation on the candidate from the Theological and Christian Education Committee of the General Assembly of the Presbyterian Church of South Australia.
9.11.2.7.5. admits him as a student on probation and advises the Theological and Christian Education Committee.
9.11.2.7.6. accepts the candidate only after satisfactory fulfilment of probation, according to Rule 4.4.
9.11.2.7.7. continues oversight - as under Rule 4.6.

9.11.2.8. The Theological and Christian Education Committee:
9.11.2.8.1. receives the report from the convener on enquiries concerning candidature.
9.11.2.8.2. receives the prospective candidate’s application from Presbytery and arranges to interview the candidate.
9.11.2.8.3. receives reports from Presbyteries on candidates accepted on probation.
9.11.2.8.4. interviews and tests candidates at duly notified times.
9.11.2.8.5. reports its recommendations to presbyteries and the General Assembly of the Presbyterian Church of South Australia.

9.11.2.9. The Theological College [Where student undertakes his studies]:
9.11.2.9.1. receives the report from the Convener of the Theological and Christian Education Committee of the General Assembly of the Presbyterian Church of South Australia on enquiries concerning candidature.
9.11.2.9.2. receives prospective candidates’ applications from the Theological and Christian Education Committee of the General Assembly of the Presbyterian Church of South Australia.

End of Chapter 9
10. Guidelines

10.1. Archiving

THE FRIENDS OF SOUTH AUSTRALIA’S ARCHIVES INC.
GUIDELINES FOR ARCHIVING OF RECORDS BY RELIGIOUS BODIES and ORGANISATIONS

INTRODUCTION

This document has been prepared to assist religious bodies with their record keeping. It has been expressed in generic language and needs to be adapted to the particular organisational structure and terminology of the body using it.

WHY KEEP RECORDS?

Documents recording information about a religious body or congregation are valuable for many reasons, including:
satisfying administrative and accountability requirements: for example, property, finance
documenting its history: for example, worship, congregational life, buildings.

Documents of the types listed in the next section are the institutional memory of the congregation. They enable people to understand where they have come from. This assists in planning for both the present and the future and provides a solid foundation for thanksgiving and commemoration. Some records such as church board and session minutes serve both purposes. Other records, such as orders of service for special occasions, may serve only the second purpose.

SCOPE OF RECORDS – What should be kept?

What should be kept of Assembly, presbytery, session, and boards of management and their committees, includes but is not limited to:

Minutes and significant correspondence of and of any sub-committees (‘significant correspondence’ is explained further in Section 3)
Minutes of meetings,
Registers: Baptismal, Marriage, Funeral & Cemetery
Communicant and Adherent Membership Lists
Reports presented at annual general meetings, whether single copy or printed as a Book of Reports issued to members
Newsletters and magazines
Orders of Service for special occasions
Legal documents such as constitutions, property titles, insurance documents
Records of all places of worship owned and used, for example, homes, schools, halls
Building and grounds plans, including cemeteries and memorial gardens, together with details and plans of demolished buildings and alterations or additions to existing buildings
Records about church furnishings such as organs, decorative windows, statues, church vessels, memorial plaques, banners and other types of regalia. Full details of creators, donors and purpose should also be kept
Financial records:
end-of-year financial statements
invoices, specifications, quotations for major or significant expenses such as a new organ or memorial windows
Photographs, audio-visuals, brochures, publications
Records of organisations within the congregation such as Fellowships and Sunday Schools: minutes,
significant correspondence,
annual reports,
annual financial statements and significant invoices
newsletters, photographs, memorabilia
Circulars and other explanatory material re changes to worship or other congregational activity, building additions or alterations, etc
Rosters of service times and places
Any other items of historic interest.

MANAGEMENT, SENTENCING AND CULLING OF RECORDS

Minute Books
All minute books are to be retained as permanent records. Correspondence and reports on which significant decisions are based and/or which are essential for a complete understanding of decisions reached must be retained with the minutes.

Correspondence - Inwards & Outwards
All correspondence created and received should be managed, culled and archived in accordance with the following principles:
Correspondence relating to matters still current should be retained for administrative purposes. After it ceases to be current it should be retained for a period of seven (7) years. After the 7 year period has expired, the correspondence should be reviewed for its significance in documenting the life of the organisation, and if it is significant it should be retained permanently, if it is not significant it can be destroyed.
Routine and irrelevant correspondence, such as charity appeal letters and advertising material, can be destroyed immediately.
These principles apply to the correspondence created and received by clergy, office bearers and groups within the congregation and organisation.

Financial Records
End of year financial statements are to be retained permanently.
Invoices, bank statements, cheque butts, collection books, cash books, etc. are to be retained for seven years.
After completion of the statutory retention period:
invoices, specifications, quotations, etc, for major or significant purchases are to be extracted and retained permanently,
the remaining records may be retained or destroyed at the discretion of board of management.

Other Records
All other items listed in Section 2 (Scope of Records) are to be retained permanently.

ELECTRONIC RECORDS
Electronic records present numerous issues which need to be addressed. There is no foolproof method of keeping electronic material safe and accessible for an extended period, not least because of the rapidly changing software and hardware needed to access material. Therefore printed copies should be made of all permanent records and all those records likely to become permanent.

CARE and STORAGE OF RECORDS (On-Site)
Records retained on church premises should be kept in secure storage, taking particular consideration of:
fire protection
climate control
insect protection.
Parish registers, minute books and other official records should be kept secured in a lockable cabinet.
All additional items in the collection should be stored off the floor at all times and kept in boxes, folders and wrapping papers (acid free if possible). The ideal location would be in a special storage area such as a lockable filing cabinet.
Avoid the use of adhesive tapes, rubber bands, pins, metal paper clips and staples where possible. These materials rust or stain documents and should be avoided wherever practicable.

CARE and STORAGE OF PERMANENT RECORDS
Permanent records can be stored in:
the central church archives, where one exists
The State Library of SA Mortlock Collection
onsite in church premises.
It is strongly recommended that records are not given to local historical societies or kept on private premises.
Records given permanent record status should be deposited into archival standard storage when no longer required for day-to-day operations of the congregation. An archival-standard repository for storage of permanent records:
is constructed solely of masonry and steel (i.e. no timber or glass)
has air-conditioning and humidity control
is fitted with a sprinkler system
is fitted with heat and smoke detectors.
The State Library of South Australia offers archival-standard storage for permanent records of South Australian organisations. There are two types of agreements:
Deed of Deposit
Deed of Gift
Under the terms of the Deed of Deposit the Library assumes custody only (not ownership) of the records and permits the congregation to temporarily borrow items. It also allows the congregation to impose access restrictions. Under the terms of the Deed of Gift the Library assumes full ownership and control of the records, including the right to destroy them.
It is strongly recommended that the Deed of Deposit be used.
ACCESS
The records may be used by people researching:
personal information
the individual congregation
the denomination as a whole
religion generally
society generally.
Assembly, presbyteries, sessions and each congregation needs to determine what, if any, restrictions it places on access to its records.
Note carefully: Be specific particularly with session records to distinguish them from other records, Assembly, presbytery etc, if the term session is used it has in the past been applied to ALL the records held, use the term Congregation Session and not just session minutes.
It is recommended that an access policy is established. The policy should:
identify confidential records such as personal details in registers and administrative records and decide on the restricted time period for these records.
state the access conditions and procedures to be followed by researchers. These should include:
certified identification of those researchers requesting confidential information such as a baptism or marriage record, whether in person or by mail, email or telephone;
details of any charges for the research service.
provide for supervision of researchers and records include a register for all research enquiries
state the person or persons, such as the minister or chairman of council, authorised to approve access to records.
Records Stored at the State Library:
As a general rule the State Library will make the records available to any researcher who requests access, unless otherwise instructed. Any access restrictions determined by a congregation are listed in a schedule to the Deed of Deposit. This schedule also lists who can authorise access to restricted records (e.g. minister or chairman of the church council). Where there are access restrictions, the State Library will only make the records available
after the researcher has presented a letter of permission from the designated representative of the congregation.

The membership of The Friends of South Australia’s Archives Inc. includes both archivists (the custodians of records) and historians and other users of historic documents. It was formed in February 1996 with the following aims:

to encourage the preservation of historical records,
to assist the keepers of public and private archives in South Australia, and
to represent the concerns of users of the archives.

The committee of The Friends of South Australia’s Archives appointed a working party on congregation and church records in May 2007. The members of the working party are Mr Alan Jones (an historian), Mr Lyall Kupke (Archivist, Lutheran Church of Australia), Mr David Whyatt (Archivist, Churches of Christ, South Australia), Mrs Robin Radford (Archivist, Anglican Diocese of Adelaide), and Ms Suzanne Ryan (Archivist, Adelaide Catholic Archdiocese).

Electronic copies of the pro-forma policy and document may be obtained from Mr Lyall Kupke at Lutheran Archives, telephone 8340 4009 (during office hours), email: lyall.kupke@lca.org.au. Enquiries about the document may be directed to Mr Kupke (as above) or to Mr Alan Jones, telephone 8272 7519 (home).

As far as we are able, the Friends will assist in introducing recordkeeping and archiving policies and procedures at either individual congregational or denominational level.
10.2 Diaconal Ministry

Introduction: We are encouraged that the GAA encourages local Presbyterian Churches to have a Diaconal ministry.

General Principles from the GAA:

The diaconal ministry is an office of mercy, with responsibilities different to those of the eldership and the board of management. Diaconal ministry is to be concerned firstly with the poor and needy within the local body of believers, then with believers further abroad, and finally with the temporal welfare of all humanity according to established biblical guidelines. Service in the diaconal ministry is open to both men and women. There is need for some training for all deacons (e.g. the ThA ‘Pastoral Care’ subject).

Some Operational Guidelines from the GAA:

Sessions may establish diaconal ministries in the congregations under their care by the formation of a Pastoral Care Team.

Duties: Deacons shall be responsible to promote the material well being of believers in the local Church community; believers further afield; and people in the community at large as resources permit. In fulfilling this duty, deacons shall perform a ministry distinct from that of the session and the board of management. Deacons must have been communicant or adherent members of the congregation for at least twelve (12) months, be twenty-one (21) years of age, have demonstrated a personal commitment to Jesus Christ, and show giftedness as for diaconal ministry within the life of the congregation (1 Timothy 3:8-13). The diaconal ministry is to be exercised under the supervision and direction of the session. Session will receive and deal with any resignation of a deacon, or remove a deacon from office should that deacon renounce the responsibilities of the office, become mentally unsound, or breach the qualifications of a deacon. The session shall set the number of deacons to be appointed, set the course of training, and determine the manner of their election and the suitability of those elected. Deacons are to be elected by the communicants and adherents of the congregation. It is suggested that the procedure be along the same lines as in the election for boards of management. Deacons shall be set apart for their ministry by prayer during corporate worship. Deacons shall hold office for two (2) years, after which they shall be eligible for re-election. On joining another congregation, a deacon is not entitled to recognition as a deacon until admitted to the office in the usual way. Deacons shall be formed into a Pastoral Care Team for the purposes of mutual prayer, support, and communication. The minister shall chair their meetings, or he may appoint an elder or a deacon to chair the meeting. Financial provision shall be made by the board of management for the funding of a Pastoral Care Team.

Job Description of Deacons of the Para Hills Presbyterian Church Pastoral Care Team:

Meetings, Action, Co-opting, courses:

- The Deacons will meet at least four (4) times a year to discuss, pray about, and record the progress of their ministry.
- They will annually appoint a:
  - Convener,
  - Secretary and
  - Treasurer.
- While the minister is ex officio the Chairman of the Pastoral Care Team and is responsible for calling the regular Pastoral Care Team meetings:
  - Nevertheless the Convener will call the Deacons for meetings to discuss the emergency issues that arise at any time during the year and how they can be handled.
  - The Convener is to inform all Deacons when such meetings are to be held so that the decisions for action are taken by the Pastoral Care Team and not by any member(s) independently. [Sometimes a Team like this can avoid accusations of favouritism, lobbying, personal preferences, etc.]
- The Pastoral Care Team members may, themselves, carry out the acts of mercy, etc,
they can also co-opt other helpers in the congregation to do what is needed. All the work is done in a voluntary and honorary capacity (i.e. an act of glad serving).

- Some Pastoral Care team workers may choose to enrich and widen their thinking and ideas for handling this ministry by sitting in on the Pastoral Care course at “Prezra”; or other beneficial conferences, workshops, or seminars on Pastoral care may be encouraged for Deacons to attend.

Finances:

- The Church, through the Board of Management’s annual budget, shall set aside a Pastoral Care Team budget (e.g. $500) for its use over the year.
- The Convener will have access to at least $50 of this budgeted money in ready cash for its application to needy situations, as determined by the Pastoral Care Team. A receipt book is kept of all transactions made by the Convener.
- Non-emergency budgeted money shall be given only by cheque through the Church Treasurer, after the Pastoral Care Team has agreed to its being given.

The People the Pastoral Care Team is entrusted to assist:

- Firstly – people who belong to the Church, including members, worshippers, and those who come to any of the Church’s activities (e.g. Kids Co., Prezra, etc.)
- Secondly – Friends of people who associate actively with the Church and then... only after these ones, and according to the availability of time, resources, expertise, etc...
- Thirdly – outsiders in the community. (No cash resources are to be provided for such).

The acts of mercy and humanitarian compassion are aimed at showing practical love and care within the life of the congregation; and they can be a kind of pre-evangelism activity to outsiders as they see Christian love demonstrated in a practical way. Ultimately, we desire that God is glorified in this ministry.

Areas of Mercy and Compassion (not exhaustive):

- Provide meals for people and families in hospital (e.g. birth times; illnesses, etc.)
- Baby-sit to enable people to get to important events (e.g. parent-teacher interviews, not recreational)
- Do one-off heavy gardening assistance.
- Carry out odd jobs of an essential nature (e.g. check some faulty and essential equipment, etc; where something has crashed, fallen in, broken down unexpectedly, etc. – not to avoid their responsibility, but to help get over a mini or maxi crisis!)
- Talk to a neighbour, etc. where crisis issue has arisen.
- Give an emergency lift to doctor, hospital, etc., because no other family or friend is available.
- Offer immediate help and comfort where distress (e.g. news of bereavement, loss of pet, bad news, etc.)
- Help check for free goods advertised in local papers if people are in need – arrange to collect/deliver if they have no other means.
10.3 Email
Classification: Other than when email is personal there needs to be a specific classification clearly marked at the top e.g. Convener of the Code Committee, Clerk of Presbytery of Torrens, member of the Theological and Christian Education Committee etc.
Authentication: Care must be taken when we move into the area of more official document, this must be sent with a proper letter head, have the appropriate signature at the bottom to authenticate the documentation. This would be to do with appeals complaints etc. No document without these marks of authentication should be dealt with as an official document of any meeting.
Notification: This also raises the question on notification of meetings. In most cases an email would suffice but when meetings are of a more serious nature, like dealing with appeals and complaints, then hard copy notifications might be required. Emails do go astray and others don’t open their email regularly like they would the daily mail.
Formal mail: Something like a notice of motion which needs to be signed we believe could be sent via email but at the meeting, say of the Assembly, a signed version must be handed to the Clerk prior to the sitting to authenticate the document.
10.4 Minutes on Computer

EITHER use the format shown on the next page with the instructions below, OR follow the instructions on the subsequent pages and search Rules and Regulations to use those to set out and keep minutes suitable for Presbyterian Church of South Australia organisation’s meetings.

Instructions:
The format shown on the next page has been developed using the Rules and Regulations and is presented in a simple way for secretaries to follow and is available from the Convener Code Committee in electronic form by disc or email clerk@pcsa.org.au.

• It is not exhaustive of the possibilities available when considering the variations that a detailed study of the Rules and Regulations will give.
• There is only one choice for the Clerk or Secretary to make and that is of the font type to use, either Tahoma, as is this document OR Times New Roman as is shown in this phrase.
• The size of the font in Tahoma is 10 point, or Times New Roman 12 point to give clear reading and a reasonable quantity of minutes to be written on each page.
• ‘Fully justify’ the text and use a ‘hanging indent’ of 2.0cm on each minute.
• The sample is written for Session but may, of course, be used for ANY meeting with small adjustment in names and subject to the following guidelines:
  - Session, Presbytery and Assembly all have a Moderator; Board, PWA, Sunday School, Guild etc have a Chairman, President, Leader, etc.
  - Session, Presbytery and Assembly all have a Clerk; Board, PWA, Sunday School, Guild etc., have a Secretary or Minute Secretary.
  - Presbytery, Assembly, Board, PWA, Sunday School, Guild etc., have a Treasurer where appropriate.
  - Assembly Dissolves while Session and Presbytery Adjourn; Board, PWA, Guild, etc. all Close.

All meetings are opened and closed with prayer.

Common meeting procedures apply to ALL meetings, i.e. Confirming Minutes, Seconding Motions, one speaker at a time, Moderator/Chairman with only a casting vote etc., except where exempted by our Rules and Regulations.

Print on ONE side of the paper only.

Moderator/Chairman AND Clerk/Secretary must both sign the minutes when they are confirmed, and also initial each page and all corrections.

A blank space after the printed minutes must be crossed with a line and signed across the line by the Clerk/Secretary and Moderator/Chairman when the minutes are confirmed.

A ‘header’ and/or ‘footer’ must be used on each page giving the name and date of the meeting, e.g. “Ordinary Session meeting 31 May 2005”, the date of entering the minutes and the page number.

Numbering of all minutes must be in the format ‘15/05’, indicating minute 15 of the year 2005, and minute numbering to start at the first meeting of each year.

Page numbering must be consecutive until the loose leaves are bound into a book for archiving, then the numbering must start again from ‘Page 1’.

Binding for archiving may be simply stapling, or by formal binding, the pages for one (1), two (2) or more years together in a secure ‘book form’ with a printed cover stating the title of the meeting and the starting and finishing dates of the minutes.

For Extract Minutes see Rule 6.4.9.
Sample Minutes:
The Presbyterian Church of South Australia
Session of St Andrew’s Town Church
Ordinary (Special, Urgent, Annual General) Meeting at
Highland Downs 31 May 2005
Minutes of Proceedings
1/05 Constitution: At 7.30pm in the meeting room of St Andrew's Highland Downs, Session was constituted by the Rev G. Ospel reading from Matthew 1:1-4 and with prayer.
2/05 Members present: Rev. G. Ospel (Moderator), Messer’s C. D., E. F., G. H. (Clerk), I. J. Mrs K. L., M. N., O. P. and Miss Q. R.
3/05 Apologies: Mrs S. T. Apologised for absence. It was moved to sustain the apology. The motion was seconded and carried.
4/05 Order of business: (Note: Write and distribute an Agenda for each meeting.)
5/05 constitute by prayer;
6/05 record of members present;
7/05 apologies for absence;
8/05 adopt agenda;
9/05 confirm minutes of previous meeting(s);
10/05 business arising from the minutes;
11/05 correspondence out and in;
12/05 reports;
13/05 other business;
14/05 adjourn with prayer and the benediction.
15/05 What must be recorded: Usually discussion is not recorded, but ALL MOTIONS MUST be recorded.
A motion is moved then seconded (if it is not seconded it lapses and does NOT appear in the minutes), then it is discussed, amended if thought fit, and when the Moderator/Chairman considers it has been discussed sufficiently the motion is put and the Moderator/Chairman declares the outcome.
17/05 Benediction: The Ordinary Meeting of Session adjourned at 9.35pm with the pronouncement of the benediction.
18/05 Confirmed

Moderator/Chairman
Clerk/Secretary

Use of template: This file may be used as a template for minutes of the meetings of the Church, just copy the file to a folder (e.g. Session) on your computer, rename it to identify which minutes (e.g. 20050531(yearmonthday)) will keep all your minutes in chronological order on your computer and be easy to find in future.

Tabular (table) form of Minutes:
(Grid lines of table shown for clarity, and decimal notation e.g. 4.2.11.1 show actual Rule numbers
If you do not want to be confined by the limits of the previous sample then feel free to follow these guidelines and the appropriate Rules and Regulations.
### Constitution

<table>
<thead>
<tr>
<th>Minute number</th>
<th>At 7.30pm in the meeting room of St Andrew’s Highland Downs, Board was constituted by the Rev G. Ospel reading from John 1:1-5 and with prayer.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/05</td>
<td></td>
</tr>
</tbody>
</table>

### Members present

| 2/05 | Rev. A. B. (Chairman), Messer’s C. D., E. F., G. H. (Secretary), I. J. Mrs K. L., M. N., O. P. and Miss Q. R. |

### Apologies

| 3/05 | Mr S. T. Apologised for absence. *It was moved to sustain the apology. The motion was seconded and carried.* |

### Order of business

| 4/05 | Normally the order of business, as taken from, a presbytery meeting is: constitution by prayer; recording of members present; apologies for absence; presentation of elders’ commissions; adjustment of the roll; association of eligible persons, and welcomes; confirmation of minutes of previous meeting(s); attention to any reasons for dissent from decisions recorded in the minutes of the previous meeting; other business arising from the minutes; correspondence out and in; reports; other business; tabling of notices of motion for a future meeting; adjournment with prayer and the benediction. This is included as a guide from Rule 4.2.11 of the Rules. |

### Form of minutes

| 5/05 | 6.4.3. Every court of the church keeps accurate minutes of its proceedings. Minutes should be a statement of fact only and always include: the circumstances of the meetings, whether by appointment, following adjournment, urgent or special purpose, and the place, date, and time; the fact that the meeting was constituted with prayer; a list of those present and the names of members for whose absence apologies were received and sustained; all decisions of the court; notices of motion; the appointment of the next meeting if this needs to be made; when kept loose leaf, should include a header with the name of the meeting, date and page number on each page, and each page initialled by the moderator and clerk; the fact that the meeting was closed with prayer. |

### Framing and approval of

| 6/05 | Every court frames its minutes in common form as far as that is possible and the clerk: |
| minutes | takes down draft minutes, to be put in permanent form afterwards, and either read to the court at its next meeting or circulated, except in the case of meeting in private, among members of the court before the question of the confirmation of the minutes is put; or in grave or urgent matters or in formal process of discipline or when extracts are likely to be required, immediately frames all its minutes or any particular minute as the business proceeds in order that the minutes may be confirmed at once; or in the case of the final sitting of the General Assembly before its dissolution follows the procedure indicated in Rule 6.4.4.2 or submits the permanent minutes to a commission appointed to scrutinise and confirm them. |
| Approval of what appears in minutes | 7/05 | A court is entitled to decide what shall have a place in its minutes (subject to overruling by a superior court), and, if a motion is made which it is resolved not to record, no reference is made to it. |
| Keeping of minutes | 8/05 | Every court sees that its minutes are accurately recorded without unnecessary corrections or alterations. The following general rules apply to the keeping of minutes: corrections may be made on the following basis: typographical errors need only to be initialled by the clerk; if words need to be struck out, the number of them (or of the lines) is noted in the margin and signed by the clerk; if words need to be inserted, they are written in the margin and signed by the clerk; no records are deleted without the authority of the superior court; no blank spaces that would give opportunity for unauthorised insertions are left; headings of subjects are made in the margin; nothing is allowed in the keeping and recording of its minutes which would permit a doubt as to the authenticity of the record. |
| Record apart | 9/05 | To keep its ordinary minutes free from the presence of undesirable matter every court keeps a record apart for use in cases where moral delinquency is alleged, whether they come before it as the court of first instance or of appeal, or in other cases where it seems desirable to safeguard the church against damages or to protect the reputation of individuals. The resolution to keep the proceedings of a case in the record apart is minuted in the record apart, not in the ordinary minutes. The session enters the minutes of all cases of discipline which it resolves to record in a separate and permanent Minute Book of Discipline reserved for this purpose alone. The minutes are recorded as described in Rules 6.4.3 – 6.4.6 above The record apart is kept on separate sheets consecutively numbered, each page signed by the clerk. No entry is made in the ordinary record of the court until the case is finally disposed of. |
| Extracts | 10/05 | A court grants full extracts of the minutes relevant to any case to a party who: is entitled to them; and |
requests them.

Extracts may be applied for and granted both before and after a decision is made on a case, and these extracts are certified by the clerk as extracted from the record of the court.

A court also grants copies of any papers held or reserved in relation to the case. These are certified by the clerk.

In every case a court exercises caution in granting extracts in matters affecting private interests only, in case such extracts may be required merely for the purpose of a civil action.

A court is entitled to fix a charge for the making of extracts.

See also Rule 6.4.4.2.

| Benediction | 11/05 | The Ordinary Meeting closed at 9.35pm with the pronouncement of the benediction. 

Note: Assembly ‘dissolves’, Presbytery ‘adjourns’, Session ‘adjourns’, other meetings ‘close’. |

| Confirmed | 12/05 | On the _____/_____/_____

| Chairman | Secretary |

| Notes | The above layout shows a possible arrangement for minutes when recorded on a computer and kept in a loose-leaf folder. 

The first few lines up to ‘Order of Business’ follow the layout and order suggested by the Rules 4.2.11 and 6.4.3 to 6.4.9. 

The Rules 4.2.11 indicate the Order of Business which should be used for Presbytery but it also is an excellent guide for every other meeting of the Church, where particular items are not applicable they, of course, may be ignored. 

The Rules 6.4.3 to 6.4.9 are the General Rules which apply to all meetings of the Church. |

| Use of template | This file may be used as a template for minutes of the meetings of the Church, just copy the file to a folder on your computer, (I suggest a separate folder for each meeting e.g. Session and within that folder, separate Minutes, Correspondence etc. folders,) rename it to identify which minutes e.g. 20050531(yearmonthday) will keep all your minutes in chronological order on your computer and be easy to find in future. |

| Printing | Be consistent within your loose-leaf folder, if you only print on one side of the paper, then do this throughout the whole folder. 

If you want to, then print both sides, but there are risks with this. If, for example, the minutes have been confirmed and signed on one side and you need to print on the other and the printing is incorrect then you will need to; reprint and have the previous minutes reconfirmed, or |
| Signed | continue with a damaged print on one side, or leave the damaged page and have a mixture of blank and printed reverse sides. This may lead to confusion with the accuracy of minutes at a later date. (It may be possible for some other person to insert or change the minutes later and so cause confusion.) If you have a mixture, rule a line through each blank page and sign across this line. Also the Clerk/Secretary AND Moderator/Chairman should sign all pages in the loose-leaf folder as the minutes are confirmed. For archival purposes please record your minutes on paper, i.e. a 'hard copy', preferably A4, and not on CD or other electronic form. Just remember the old advice to new Clerks “Keep It Simple ...” Signed |

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10.3.2 The following text format may also be used:
You may use 'left justified', 'centre justified', 'right justified' or 'fully justified' but remember the idea is to have a high level of continuity so later when others come to read your minutes they can easily see that they are most likely authentic and have not been altered unofficially.
You may use any font that you like but the above statement on continuity still applies.
**Bold** the headings and motions so they are easy to find.

'Left justified' and 'hanging indent' to help find parts to the minutes.

The Presbyterian Church of South Australia
Board of St Andrew’s Town Church (*Board, Session, Presbytery etc.*)
Ordinary (*Special, Urgent, Annual General*) Meeting at Highland Downs 31st May 2005
Minutes of Proceedings

Minute number, may be before or after the minute heading, easier before if using just text format e.g.

1/05 **Constitution**, At 7.30pm in the meeting room of St Andrew’s Highland Downs, Board was constituted by the Rev G. Ospel reading from Matthew 1:1-4 and with prayer.


3/05 **Apologies**, Mr S. T. Apologised for absence. **It was moved to sustain the apology. The motion was seconded and carried.**

4/05 **Order of business**, Normally the order of business of a presbytery meeting is:
- constitution by prayer;
- recording of members present;
- apologies for absence;
- presentation of elders’ commissions;
- adjustment of the roll;
- association of eligible persons, and welcomes;
- confirmation of minutes of previous meeting(s);
- attention to any reasons for dissent from decisions recorded in the minutes of the previous meeting;
- other business arising from the minutes;
- correspondence out and in;
- reports;
- other business;
- tabling of notices of motion for a future meeting;
- adjournment with prayer and the benediction.

This is included as a guide from Rule 4.2.11 of the Rules, however, you need only use those items of business which apply to your meeting.

**A different format**, 'fully justified', you may not want to 'indent', you may like to not have a blank line between each complete minute.

6.4.3 **Form of minutes**, Every court of the church keeps accurate minutes of its proceedings. Minutes should be a statement of fact only and always include:
- the circumstances of the meetings, whether by appointment, following adjournment, urgent or special purpose, and the place, date, and time;
- the fact that the meeting was constituted with prayer;
- a list of those present and the names of members for whose absence apologies were received and sustained;
- all decisions of the court;
- notices of motion (Standing Orders 29 ff);
the appointment of the next meeting if this needs to be made; when kept loose leaf, should include a header with the name of the meeting, date and page number on each page, and each page initialled by the moderator and clerk; the fact that the meeting was closed with prayer.

**Framing and approval of minutes.** Every court frames its minutes in common form as far as that is possible and the clerk:

- takes down draft minutes, to be put in permanent form afterwards, and either read to the court at its next meeting or circulated, except in the case of meeting in private, among members of the court before the question of the confirmation of the minutes is put; or
- in grave or urgent matters or in formal process of discipline or when extracts are likely to be required, immediately frames all its minutes or any particular minute as the business proceeds in order that the minutes may be confirmed at once; or
- in the case of the final sitting of the General Assembly before its dissolution follows the procedure indicated in Rule 6.4.4.2 or submits the permanent minutes to a commission appointed to scrutinise and confirm them.

**Approval of what appears in minutes.** A court is entitled to decide what shall have a place in its minutes (subject to overruling by a superior court), and, if a motion is made which it is resolved not to record, no reference is made to it.

**Keeping of minutes.** Every court sees that its minutes are accurately recorded without unnecessary corrections or alterations.

- 'Centre justified' or 'right justified' does not often work well for minutes.
  - 'Centre justified'
    - The following general rules apply to the keeping of minutes:
      - corrections may be made on the following basis:
        - typographical errors need only to be initialled by the clerk;
        - if words need to be struck out, the number of them (or of the lines) is noted in the margin and signed by the clerk;
        - if words need to be inserted, they are written in the margin and signed by the clerk;
        - no records are deleted without the authority of the superior court;
        - no blank spaces that would give opportunity for unauthorised insertions are left;
        - headings of subjects are made in the margin;
  - 'Right justified'
    - nothing is allowed in the keeping and recording of its minutes which would permit a doubt as to the authenticity of the record.

- **Record apart.** To keep its ordinary minutes free from the presence of undesirable matter every court keeps a record apart for use in cases where moral delinquency is alleged, whether they come before it as the court of first instance or of appeal, or in other cases where it seems desirable to safeguard the church against damages or to protect the reputation of individuals. The resolution to keep the proceedings of a case in the record apart is minuted in the record apart, not in the ordinary minutes.

  - 'Left justified' and 'indent' (Find this under 'paragraph – format' in Microsoft Word.)
    - The session enters the minutes of all cases of discipline which it resolves to record in a separate and permanent Minute Book of Discipline reserved for this purpose alone. The minutes are recorded as described in Rules 6.4.3 – 6.4.6 above.
    - The record apart is kept on separate sheets consecutively numbered, each page signed by the clerk. No entry is made in the ordinary record of the court until the case is finally disposed of.

  - **Record apart – disposing of case.** If the judgment that finally disposes of the case, by whatever court of the church pronounced, involves any degree of censure of the accused, then the court of first instance records in its ordinary minute book the first minute of the record apart, the libel or a summary of each of the charges if a libel was served, and the final judgment.
    - When a case has ended in entire acquittal:
except in the session, the record apart, with all papers in the case, is 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
the person whose innocence has been proved receives a certified copy of the judgment of the
court.

Extracts. A court grants full extracts of the minutes relevant to any case to a party who:
is entitled to them; and
requests them.
Extracts may be applied for and granted both before and after a decision is made on a case, and
these extracts are certified by the clerk as extracted from the record of the court.
A court also grants copies of any papers held or reserved in relation to the case. These are
certified by the clerk.
In every case a court exercises caution in granting extracts in matters affecting private interests
only, in case such extracts may be required merely for the purpose of a civil action.
A court is entitled to fix a charge for the making of extracts.
41/03 Benediction The Ordinary Meeting closed at 9.35pm with the pronouncement of the
benediction by the Moderator.

Left justified and indented with a line between minutes. This is quite a neat layout and easy to
use.

Notes The above layout shows a possible arrangement for minutes when recorded on a computer
and kept in a loose-leaf folder. The first few lines up to ‘Order of Business’ follow the layout and
order suggested by the Rules 4.2.11 and 6.4.3 to 6.4.9.

The Rules 4.2.11 indicate the Order of Business which should be used for Presbytery but it also
is an excellent guide for every other meeting of the Church, where particular items are not applicable
they, of course, may be ignored.

The Rules 6.4.3 to 6.4.9 are the General Rules which apply to all meetings of the Church from
Board to Assembly as applicable. These may be a useful guide for all meetings.

Use of template; This file may be used as a template for minutes of the meetings of the Church,
just copy the file to a folder on your computer, (I suggest a separate folder for each meeting e.g.
Session and within that folder, separate Minutes, Correspondence etc. folders,) rename it to identify
which minutes e.g. 20050531(yearmonthday) will keep all your minutes in chronological order on
your computer and be easy to find in future.

Printing; Be consistent within your loose leaf-folder, if you only print on one side of the paper,
then do this throughout the whole folder.
If you want to, then print both sides, but there are risks with this. If, for example the minutes
have been confirmed and signed on one side and you need to print on the other and the printing is
incorrect then you will need to;
reprint and have the previous minutes reconfirmed, or
continue with a damaged print on one side, or
leave the damaged page and have a mixture of blank and printed reverse sides.
This may lead to confusion with the accuracy of minutes at a later date. (It may be possible for
some other person to insert or change the minutes later and so cause confusion.)
If you have a mixture, rule a line through each blank page and sign across this line.
Also the Clerk/Secretary AND Moderator/Chairman should sign all pages in the loose-leaf folder as
the minutes are confirmed.
Just remember the old KISS advice to new Clerks “Keep It Simple S…”
Always leave sufficient space for the confirmation

Confirmed _____/_____/_____

Chairman    Secretary
STANDING ORDERS

BB 2007 Minute 121 (to come into effect 1st January 2008)

DEFINITIONS

1. Definitions:
   1.1 "Assembly" means the General Assembly in a sitting.
   1.2 "Court" means General Assembly, or presbytery, or session.
   1.3 "House" means a court, either in session or in committee of the whole.
   1.4 "Chair" means either the moderator or the chairman of the committee of the whole.
   1.5 "Leave of the House" means leave by a majority of the house.

2. Quorum
   No business shall be transacted in the following bodies unless the specified quorum is present;
   2.1 General Assembly: see Rule 5.3.3
   2.2 presbyteries: see Rule 4.2.1
   2.3 sessions: see Rule 3.2.5

3. Constitution of meetings: All meetings of church courts and their committees shall be opened and closed with prayer, and the fact of their having been so opened and closed shall be recorded in the minutes.

4. Sittings of inferior courts: No inferior court or boards of management shall sit during the sittings of a superior court, except by permission of the superior court.

5. Moderator:
   Every court is presided over by a moderator; appointed under, and serving according to, the relevant general and specific provisions:
   5.1 General provisions: see Rules 6.2.1 - 6.2.3
   5.2 Specific provisions:
       5.2.1 General Assembly: see Rules 5.1.6 - 5.1.10
       5.2.2 Presbytery: see Rule 4.1.8
       5.2.3 Session: see Rule 3.1.7

6. Moderator absent: The moderator for the current term shall preside over meetings of the court. In the event of his absence from the chair of:
   6.1 General Assembly: see Rule 5.1.8
   6.2 Presbytery: see Rule 4.1.8
   6.3 Session: see Rule 3.1.7

7. Recognising the Chair: In the General Assembly members and associated members shall, when entering the House, passing the chair, or retiring, acknowledge the chair.

8. Clerk:
   Every court shall have its clerk; appointed under the relevant provisions:
   8.1 General Assembly: see Rule 5.1.11; 5.1.23
   8.2 Presbytery: see Rule 4.1.9
   8.3 Session: see Rule 3.1.8
   8.4 A clerk in accepting office shall make the declaration of faithful duty:

   Declaration of Faithful Duty: "I do solemnly affirm and declare that I will faithfully discharge the duties now entrusted to me."

9. Associated members:
   9.1 General Assembly: see Rule 5.1.4
   9.2 Presbytery: see Rule 4.1.7

10. Privileges of associated members:
    10.1 General Assembly: see Rule 5.1.5
    10.2 Presbytery: see Rule 4.1.7

11. Minutes confirmed: When the minutes are submitted for confirmation, no question shall be raised regarding them except such as concerns their accuracy as a record of the proceedings.
12. **Permanent Records**: The permanent records of the General Assembly shall be those confirmed in the presence of the court.

13. **Extract Minutes**: See Rule 6.4.9

**BUSINESS PROCEDURE**

14. **Order of Business**: In the General Assembly after the first sitting the order of business shall be:

14.1 At a morning sitting:
- 14.1.1 Approval of the minutes of the proceedings of the previous day.
- 14.1.2 Reasons of dissent from any of the decisions recorded in the minutes so approved, and the necessary procedure connected therewith.
- 14.1.3 Notices of motion relative to matters to be brought forward at some future sittings.
- 14.1.4 The various items of business in the order arranged by the Business Committee and approved by the court.
- 14.1.5 Applications from presbyteries for authority to meet, and the announcement of meetings of committees.

14.2 At an evening sitting:
- 14.2.1 Report of Business Committee relative to the next day.
- 14.2.2 Notices of motion.
- 14.2.3 Business as previously arranged by the Business Committee and approved by the court.
- 14.2.4 Announcements relative to presbyteries and meetings of committees.

14.3 The business committee shall recommend in its report to the house the time to be allotted to the speeches on each item of business.

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

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

17. **Order of the Day varied**: A motion to vary the Orders of the Day may be made only at the interval between items of business.

18. **Order of the Day called**: When the Order of the Day is reached, it shall be called for by the Moderator.

19. **Business called for by Moderator**: No business shall be introduced to the Assembly by any member until it is called for by the Moderator.

**REPORTS AND DELIVERANCES**

20. **Submitted to Assembly**: Committees of the General Assembly, both Standing and Special, shall submit to the Assembly a written report (see General Regulation 8.1.6), circulated to members of the Assembly at least one (1) day prior to its consideration by the Assembly (see Business Committee Regulations 9.3.1.5 – 9.3.1.7). If appropriate, proposed recommendations and a proposed deliverance, which shall approve of decisions made, or action taken, or further action proposed to be taken by the Assembly should be submitted with the report. The reports shall be taken as read unless the Assembly determines otherwise.

21. **Recommendations**: No recommendation in any report shall be held as adopted unless it shall have been definitely set forth in the deliverance and approved by the Assembly.

22. **Procedure followed by the Assembly**: These reports and deliverances shall be dealt with in the following manner:

22.1 The Business Convener shall move "That the Assembly receive the report."
22.2 Thereafter the convener of the committee concerned shall speak to issues raised in the report and the Moderator shall put the motion to receive the report.

22.3 The Convener shall move the deliverance either as a whole or in the most expeditious manner possible.

22.4 Questions concerning the specific clauses of the deliverance may be asked:

22.4.1 When the Convener proposes to move the deliverance as a whole:

22.4.2 The Moderator rules that matters not contained in the substance of the report have been introduced by a notice of motion relevant to the deliverance or a proposed amendment(s) of a clause(s) of the deliverance.

22.5 When all clauses of the proposed deliverance are individually approved or disapproved, then the Convener shall move the deliverance as a whole; the approval of that motion ends discussion of the committee's business.

23. Questions: Relevant questions may be put by any member through the Moderator to the convener of a committee when

23.1 the report is before the Assembly, or

23.2 the Moderator rules that matters not contained in the report have been introduced by a notice of motion or an amendment to a clause of a deliverance, or

23.3 the deliverance as a whole has been moved and seconded.

Relevant questions may also be put to the mover of a substantive motion after the motion has been moved and seconded.

MOTIONS AND AMENDMENTS

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

25. Character of motions: Motions shall be considered as belonging to one of the following categories, and shall be dealt with as prescribed, namely:

25.1 the original motion,

25.2 counter-motions – being motions contradictory or negative of the original motion or of a substantial part of the original motion, and

25.3 amendments – being motions not substantially contradictory of the original motion or counter-motion, but for:

25.3.1 leaving out certain words,

25.3.2 leaving out certain words in order to insert or add other words, or

25.3.3 inserting or adding certain words.

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

26. Procedure for voting on motions: After all amendments, if any, have been disposed of, the Moderator shall take a vote between all motions in Categories (25.1) and (25.2) of Standing Order 25, and in doing so shall adopt the following procedure:

26.1 A vote shall be taken between all the motions in the order as determined by the Moderator, beginning at the first.

26.2 Each member may vote for one (1) motion only.

26.3 If on the vote being taken, one (1) motion has obtained a clear majority of votes, all the other motions shall fall.

26.4 If no motion has obtained a clear majority, the motion having the smallest number of votes shall be disregarded and a vote taken between the remaining motions.

26.5 The same procedure shall continue until one (1) motion receives a clear majority on a vote.

26.6 The motion which has received a clear majority shall then be put by the Moderator to the Assembly, and shall be voted on "For" or "Against". If a majority vote for it, the motion shall become the judgment of the Assembly. If a majority vote against it the motion shall fall, and further procedure in the matter shall be as the Assembly may determine.
27. **Incompetent Amendments**

27.1 No amendment shall be proposed in any part of a motion after a later part has been amended, or has been proposed to be amended, unless the proposed amendment has been, by leave of the house, withdrawn.

27.2 No amendment shall be proposed to be made in any words the house has resolved shall stand part of a motion, or which the house has resolved shall be inserted in or added to a motion, except the addition of other words thereto.

27.3 An amendment for omission of all the words after a specified word, with the view of inserting other words, may, if rejected, be followed by other amendments, provided that the moderator is satisfied that these amendments differ materially from that which has been rejected.

27.4 Amendments may be proposed to a proposed amendment as if such proposed amendment were an original motion.

27.5 A direct negative to a motion shall not be a competent amendment, but may be deemed a counter-motion. (Standing Orders 25.2)

28. **Amendments to an amendment:** An amendment may be moved to an amendment that has been moved and seconded as if the first amendment were an original motion.

29. **Notices of motion**

29.1 All notices of motion intended for the consideration of the Assembly or Commission of Assembly shall be handed to the Business Committee through its convener before 5.00 pm, for report to the next sitting. When members have received the White Book, proposed notices of motion shall, if possible, be sent to the Business Convener so that these may be printed as an Assembly Paper and issued to members when the Assembly meets. Proposed Amendments and notices of motion concerning deliverances (subject to Standing Order 27) shall have precedence in debates over other amendments.

29.2 Notices of motion intended for consideration by presbytery or session should be submitted at the close of the previous meeting or distributed through the clerk to the members of the court prior to the next meeting.

30. **Amendments without notice**

30.1 An amendment may be moved without notice if in the opinion of the Moderator it arises in the course of the debate and does not alter the substance of the motion; should the Moderator rule that the proposed amendment affects the substance of the motion, it shall require, in addition to the Moderator’s ruling that it has arisen in the course of debate, the leave of the House.

30.2 When motions or amendments arise in the course of a debate on a deliverance, of which notice has not been given, the moderator shall determine whether these motions or amendments are of such a nature as to require to be printed before discussion. Where possible, however, the mover, before rising to speak, shall have the motion or amendment written out, to be handed to the clerk/s.

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

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

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

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

35. **Notices withdrawn:** If a member withdraws a notice of motion given in, he shall do so without remark, and such motion shall not be recorded in the minutes.
36. **Motions withdrawn by leave of the house:** A motion or amendment, duly made and seconded, shall not be withdrawn except by leave of the House and at the request of the mover, with the consent of the seconder, and any amendment to such motion shall first be withdrawn or negatived.

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

38. **Notice changed:** No change shall be made in the terms of a notice of motion after it is given in, except by leave of the House; but a member has the right to alter his motion, provided notice of the alteration be given at least one (1) sitting before it comes before the House.

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

40. **Amendments put first:** Amendments shall be put before the motions to which they refer.

41. **Debate on amendments:** When an amendment is before the House, the debate shall be strictly confined to such amendment.

**PROCEDURE IN DEBATE**

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

43. **Not to speak more than once:** Each member may speak once to each question in debate, whether a motion or an amendment; but no member shall speak more than once to the same question, except:

   43.1 in explanation,
   43.2 in stating and asking the ruling of the Chair on a point of order,
   43.3 in reply at the close of a debate, if he is the mover of the original motion, and
   43.4 in committee of the whole.

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

45. **Not speak to main question:** A mover of an amendment shall not afterwards speak to the main question.

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

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

48. **Interruptions:** No member shall interrupt a speaker except for one or other of the following purposes to:

   48.1 state a point of order and to ask for a ruling of the Chair on it
   48.2 call attention to a breach of the privileges of the House;
   48.3 make a personal explanation;
   48.4 move that the House sit in private;
   48.5 move the adjournment of the debate;
   48.6 move the "Previous Question";
   48.7 move a motion of procedure;
   48.8 object to language deemed objectionable or reflecting on character.
49. **Points of Order:**
49.1 Points of order must refer strictly to the order of the proceedings of the House.
49.2 A member raising a point of order shall simply state it and no other member shall speak at this stage. The Moderator shall then;
49.2.1 forthwith rule on the point;
49.2.2 ask certain members whom he selects to state their view on it, and afterwards rule on the point; or
49.2.3 refer it to the House for decision by debate and vote.

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

51. **Privilege:** Questions of privilege take precedence of all other business, and may at any time be brought forward by any member.
   They must refer strictly:
   51.1 to matters directly affecting the privileges of the court or its members which matters;
   51.1.1 have recently emerged and
   51.1.2 call for present interposition.
   If a question of privilege is brought forward in committee of the whole, the committee shall forthwith report it to the court, which alone can deal with questions of privilege.

52. **Previous Question:** The “Previous Question” may be moved at any stage in a debate after the motion in debate has been moved and seconded, but not by anyone who has spoken to the main question or to an amendment thereupon.
   The “Previous Question” shall be moved and seconded without debate and shall forthwith be put to the vote. The "Previous Question" refers to the motion (and any amendment in connection with it moved or of which notice has been given) then in debate. It cannot be moved in a Committee of the whole House or in a select committee.

53. **Previous Question carried:** The carrying of the "Previous Question” shall mean that the court does not consider it expedient to discuss further, or to make a decision on the motion before the House; and the effect shall be that the court forthwith departs from that motion and takes up the next motion or Order of the Day.

54. **Previous Question negatived:** The negativing of the “Previous Question” shall not preclude its being moved again during the same debate.

55. **Adjournments:** A motion for:
   55.1 the adjournment of the debate, or
   55.2 the adjournment of the court, or
   55.3 a motion in the committee of the whole, “that the committee report”, may be made at any time and without notice.
   Such a motion shall be put to the vote without debate.
   The negativing of such motion shall not preclude its being moved again during the same debate or sitting.
   The adjournment of a debate may be moved by any member, including the member who is at the time speaking to the question in debate.

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

57. **Motion of procedure:** A motion of procedure, by which the House determines in what manner and/or when a question then in debate shall be dealt with, may be moved without notice at any stage in a debate and may itself be debated and amended.
58. **Sitting in private:** The General Assembly and presbytery may at any time close its doors and sit in private in consequence of a ruling by the Chair, or of a motion made, seconded and put to the vote without debate; but cases or questions which have been discussed in private in a lower court shall be so discussed in higher courts unless a motion to the contrary, duly made and seconded and put to the vote without debate, is carried. The negativing of such motions shall not preclude their being moved again during the same debate or sitting.

For the session see Rule 3.2.3.

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

60. **Personal explanation:** A member may at any time make a personal explanation.

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

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

63. **Laws not to be reflected on:** No member is allowed to reflect on any law or decision of the Assembly except for the purpose of moving in a legitimate form that it be altered or rescinded.

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

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

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

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

VOTING

68. **Member’s vote:** A member may vote on a motion though he has not voted on any amendment to it.

69. **Within the House:** No member can, by voice or otherwise, give a vote outside the barrier.

70. **Vote taken:**
   70.1 By the voices. The Moderator or Chairman shall first take the vote by the voices. He shall put the question in this form: "The question is: Shall this motion (or amendment) pass? All who are of that opinion say 'Aye'." The "Ayes" shall then respond. The Moderator or Chairman shall further say, "All who are of the contrary opinion say 'No'." The "Noes" shall then respond. The Moderator or Chairman shall then say, as the case may appear to him to be, "I think the 'Ayes' (or the 'Noes') have it." If his opinion is acquiesced in by the silence of the House, he shall say "The 'Ayes' (or the 'Noes', as the case may be) have it"; and the motion or amendment is passed or lost accordingly. Should there be no dissentient voice a unanimous vote may be recorded.
   70.2 By show of hands. If his opinion is challenged by one or more members saying "No", the vote shall be further taken by a show of hands and the numbers shall not be recorded.
   70.3 By division or ballot. If the opinion of the Moderator is further challenged, or if the Assembly so determines at any time, the vote may be taken by either ballot or division.

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

72. **Vote by division:** When a motion that the vote be taken by ballot has not been moved and carried any five members may demand a division. The names of those voting are recorded on the demand of five members, but numbers are recorded in any case. When the vote is about to be taken by division, the bell shall be rung and after a lapse of two minutes the doors shall be locked and no one shall be allowed to enter or leave the House till the vote is taken. Two (2) tellers on each side shall be appointed. Those "for" the motion or amendment shall go to the right and those "against" to the left of the Chair. The result of the division, as reported in writing to the Moderator and declared by him to the House, shall be final.

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

74. **Rescinding a motion:** No resolution of a court, committee, etc., can be rescinded, unless notice of motion to that effect has either been given at a previous meeting or distributed through the clerk to the members of the court prior to the next meeting.

75. **Decision reconsidered and rescinded:** Unless in a case of discipline, or when sitting as an appellate court, a decision may be reconsidered and rescinded at the same meeting or session of the court at which it has been given, but only by "leave of the house", and provided the motion to reconsider and rescind be made and seconded by members who were in the majority.

76. **Dissent:** See Rule 6.10.
COMMITTEE OF THE WHOLE

77. Resolved into a Committee of the Whole: By a motion put to the vote a court may resolve itself into a committee of the whole.

77.1 All members of the court shall likewise be members of the committee of the whole.

77.2 The court shall appoint the chairman of the committee.

77.3 Separate minutes shall be kept of the proceedings.

77.4 A motion need not be seconded.

77.5 A member may speak more than once to the same question.

77.6 No member may dissent from any resolution of the committee.

77.7 The proceedings shall be closed by the carrying of a resolution to report to the court on the matter committed, or to report progress and ask leave to sit again.

77.8 The court shall forthwith resume, and the report of the Committee shall be given in.

77.9 The report may be adopted with or without amendment, rejected, postponed, re-committed, or otherwise dealt with as the court sees fit. At this stage any member may exercise his privilege of dissent.

77.10 Any of the other standing orders which are literally applicable to the proceedings of the court in session only shall, when applied to the proceedings of the committee of the whole, be read along with and be modified by the provisions of this section.

OVERTURES, PETITIONS, REFERENCES, ETC.

78. Papers transmitted: All overtures, returns on remits, and all papers transmitted by the inferior courts shall be in the form of certified extracts from the minutes of the said courts.

79. Questions: Relevant questions may be put by any member through the Moderator to:

79.1 overturists;

79.2 petitioners;

79.3 parties stating references; and

79.4 parties in any case when they shall have completed their respective statements.

80. Parties at the Bar: Overturists who are not members of the Assembly, petitioners, and parties duly commissioned to state references, complaints and appeals shall take their places at the bar when called by the Moderator, and they shall not leave the bar until they are formally dismissed from it by the Moderator.

81. Two heard: References shall be stated, and overtures and petitions supported, by not more than two (2) persons in each case.

82. Procedure in dissents, complaints, and appeals: See Rules 6.9 to 6.11

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

84. Reference dismissed: A reference (Rule 6.8) is:

84.1 informal, or

84.2 frivolous, or

84.3 if it clearly appears that the inferior court has not exhausted all its resources in the matter, a superior court may dismiss the reference without entering upon the consideration of the substance of the reference.

85. Petitions – Granting the prayer: See Rule 6.7.9

86. Documents in a case: All overtures, petitions, references, complaints and appeals, with all necessary relative papers, shall be printed and circulated among the members of the General Assembly at least one (1) day before the business is taken up for discussion in the House. No other document shall be deemed part of the record unless it is expressly so ordered.
by a resolution duly moved, seconded and voted on. In appeals, complaints and petitions the expense of printing or copying is, in the first instance, borne by the Assembly Fund, and by the party losing when the case is finally decided, subject to the Assembly taking into consideration the losing party's ability to pay, unless remitted or distributed by the Assembly.

COMMITTEES AND COMMISSIONS

87. Committee: Courts shall appoint their committees and special committees and their conveners.

87.1 One-third (1/3) but not less than three (3), of the members of a committee shall constitute a quorum, unless the Assembly, when constituting such committee, shall otherwise provide.

87.2 Motions need not be seconded.

87.3 A member may speak more than once to the same question.

87.4 The convener, without leaving the chair, may speak to a question and may move motions or amendments, and he shall have both a deliberative and a casting vote.

87.5 A committee may, however, at any time resolve to be guided strictly by the formal rules of debate.

87.6 Any member of a court has a right to be present at a meeting of any of its committees, whether ordinary or special, and may be associated.

87.7 Reports of the proceedings of the committees shall not be published without their consent.

87.8 Any of the other standing orders which are literally applicable to the proceedings of a court shall, if applied to the proceedings of an ordinary or a special committee, be read along with, and be modified by, the provisions of this section.

88. Commission: A court may appoint a special commission of one (1) or more persons with or without full powers to deal with all matters submitted to it and any other urgent matters which may arise from time to time. When a Commission consists of two (2) or more members, the court appoints the chairman.

STANDING ORDERS

89. Suspension of Standing Orders: These Standing Orders may be suspended in whole or in part:

89.1 in the General Assembly by a motion, notice of which shall have been given at a previous sitting, duly moved, seconded and carried, or by a motion without notice if the court be unanimous,

89.2 in presbyteries and sessions by a motion without notice carried by a two-thirds (2/3) majority of those present.

The purpose or purposes for which it is proposed that the Standing Orders be suspended shall be distinctly stated.

90. Amendment of Standing Orders: Any proposal to amend or add to these Standing Orders shall be introduced to the General Assembly by overture only or as a recommendation of the code committee.
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