

# **THE CODE**

## **PART III**

### **Regulations and Constitutions**

**OF THE**

**PRESBYTERIAN CHURCH OF AUSTRALIA  
IN THE STATE OF NEW SOUTH WALES**



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## **AUSTRALIAN PRESBYTERIAN WORLD MISSION (NSW COMMITTEE)**

**A1.01 Name.** There shall be a Committee of the General Assembly named the Australian Presbyterian World Mission (New South Wales Committee).

**A1.02 Membership.** The membership of the Committee shall comprise six ministers and six elders and three communicant members.

**A1.03 Special Members.** Three representatives appointed by the P.W.M.U. Standing Committee of the P.W.A., two representatives appointed by Presbyterian Youth in N.S.W. and one representative appointed by the Presbyterian Men's League shall be full members of the Committee.

**A1.04 Function.** The Committee shall:

- (a) promote world mission within the Presbyterian Church in N.S.W. through the work of the Australian Presbyterian World Mission.
- (b) encourage the participation of all Church members in the task of world mission.
- (c) provide financial support for projects and personnel as determined by the policies of the Committee of Australian Presbyterian World Mission, and in accordance with the rules and practice of the General Assembly of the Presbyterian Church in N.S.W.
- (d) interview missionary candidates and make an appropriate determination regarding their application in accordance with the regulations of Australian Presbyterian World Mission.
- (e) ensure that NSW missionaries accepted by APWM receive appropriate care and support from their mission agency and sending church.
- (f) inform the church of policies and guidelines approved by the Committee for Australian Presbyterian World Mission especially in relation to missionary recruitment, missionary support and the setting apart of missionaries.



## **BUSINESS**

**A2.01 Name.** There shall be a Committee of the General Assembly named the Business Committee.

**A2.02 Membership.** The membership of the Committee shall comprise three ministers and three elders plus a convener who is elected by the Assembly for renewable three year terms. The convener shall not be a convener of any other ordinary committee.

**A2.03 Function.** The Committee shall:

- (a) administer the Assembly Fund;
- (b) recommend to the Assembly the rate of the Assessment for the Assembly Fund;
- (c) propose to the Assembly the order of business of the Assembly;
- (d) attend to business submitted to it by the Assembly;
- (e) attend to all Assembly business which is not the function of any other Assembly Board, Council of Committee or of the Trustees;
- (f) nominate to the Assembly the members of the Ballot Committee;
- (g) recommend to the Assembly the names of the presbyteries within which the Moderator shall officially visit during his year of office ensuring that the whole State is visited regularly, it being understood that the Moderator has the option of accepting or declining any special invitations which might come from outside the designated presbyteries;
- (h) advise the Moderator on any matter that the Moderator might refer to the Committee for advice;
- (i) provide media contacts and advice for the dissemination of information relating to the activities, agencies and congregations of the Church.

**A2.04 Late Payment of Assessment.** Where a parish has failed to pay the Assembly Fund Assessment by the due date and no financial return has been received by the General Office, the Committee shall assess that parish at a rate deemed to be 110% of the amount payable for the previous year.

**A2.05 Meetings.** The Committee shall meet as required during the year and during the Assembly at the conclusion of the afternoon sederunt.

**A2.06 Report.** The report of the Committee shall be submitted to the Assembly after the election of the Moderator and before the submission of the

report of any other committee of the Assembly. Thereafter the Committee shall report at an appropriate time during the final sederunt each day.

**A2.07 Order of Business in the Assembly.** The Committee shall ordinarily propose at the beginning of the evening sederunt the items of business it proposes to have taken up on the following day or days. The order of business shall be approved or amended as the Assembly may determine and no business except that which is included in the approved order may be dealt with in any particular sederunt, unless as provided for under Standing Orders.

**A2.08 Payments.** The Committee may make payments from the Assembly Fund for:

- (a) Moderator's expenses as detailed below;
- (b) the Clerk's salary and allowances;
- (c) travelling expenses for members of the Assembly;
- (d) General Assembly of Australia assessments;
- (e) Assembly Office expenditure;
- (f) membership fees to bodies with which the Church is affiliated;
- (g) honoraria to the Moderator and the officers of the Assembly;
- (h) expenses of the Commission on Pastoral Relations and the Conciliation Committee;
- (i) travelling expenses to meetings of bodies to which the Assembly has appointed representatives;
- (j) such other purposes as the Assembly may, from time to time authorise.

**A2.09 Moderator's Expenses.** The payment of Moderator's expenses shall include:

- (a) an honorarium determined by the Assembly;
- (b) where the Moderator travels in his own car, a per kilometre amount at a rate in line with Assembly approved travelling allowances;
- (c) expenses incurred by the Moderator in visiting parishes (presbyteries approved by the Assembly) for official visits, (it being understood that congregations in other presbyteries which request a visit by the Moderator shall be asked to contribute towards the cost of the Moderator's visit including pulpit supply for the Moderator's own parish);
- (d) expenses incurred by the Moderator in attending major functions with country Moderators being encouraged to seek the assistance of ex-Moderators in representing the Church at minor functions;
- (e) provision of accommodation for the Moderator and his wife in



- near proximity to the Assembly venue during its meetings.
- (f) an amount equal to twenty five percent of the basic stipend to be paid to the parish of which the Moderator is a Minister to cover costs to the parish in providing ministry to that parish during the Minister's Moderatorial year.



## **CODE**

**A3.01 Name.** There shall be a Committee of the Assembly named the Code Committee.

**A3.02 Membership.** The Committee shall consist of the Procurator, the Law Agent, the Business Convener, the General Manager, The Deputy Clerk of the Assembly, three persons appointed annually by the Assembly, and the Clerk of Assembly who shall be the convener.

**A3.03 Functions.** The Committee shall:

- (a) assist in drafting rules and regulations for submission to the Assembly,
- (b) advise sessions and presbyteries, bodies appointed by the Assembly, other committees of the church and members of the Church in regard to the procedures and practices of the church including the provisions of The Code.
- (c) attend to all matters referred to the Committee by the Assembly.
- (d) arrange for the publication of The Code and other material relating to the procedures and practices of the Church.
- (e) promote understanding within the Church of the procedures and practice of the Church.

**A3.04 New Regulations.** Any committee or organisation of the church which proposes to submit new constitutions or regulations or amendments to existing constitutions or regulations to the Assembly shall submit a copy of any such proposal to the Committee for its consideration at least one month prior to the meeting of the General Assembly. Committees and organisations of the church shall seek the assistance of the Committee when drafting such constitutions, regulations or amendments thereto.



## CONCILIATION

**A4.01 Name.** There shall be a Committee of the General Assembly named the Conciliation Committee.

**A4.02 Membership.** The membership of the Committee shall comprise three ministers and three elders, including a convener, who are elected by the Assembly. The Committee may also co-opt up to three communicant members for terms that may be up to three years. Members shall have undertaken Peacemaker Training (or equivalent) and/or undertake a commitment to attend this training once elected or co-opted. Elected members shall comprise at least half of any team assigned to any particular conciliation matter.

**A4.03 Functions.** The Committee shall exercise the following powers and functions:

- (a) upon request, to assist parties to any dispute or conflict to resolve those disputes having due regard to the rules of the Church.
- (b) to assist parties to appeals, complaints and petitions to resolve their dispute through negotiations, prior to the hearing of those matters.
- (c) to conduct negotiations between parties to appeals, complaints and petitions, or to assist parties to come before mutually agreed negotiators.
- (d) to report to the Assembly, in cases of unresolved disputes, whether negotiations were held and the general outcomes of such negotiations, while keeping the contents of those negotiations confidential.

**A4.04 Expenses.** Expenses incurred in the operation of the Committee shall be a charge against the Assembly Fund.



## **GOSPEL, SOCIETY AND CULTURE**

**A5.01 Name.** There shall be a Committee of the General Assembly named the Gospel, Society and Culture Committee.

**A5.02 Membership.** The Committee shall consist of nine members and a convener. All members shall be members of the Presbyterian Church of New South Wales. The convener and at least four others shall be ministers or elders. Appointment shall be for a term of three years, unless determined otherwise by the Assembly. Members shall be eligible for re-election at the completion of a term.

**A5.03 Special Members.** The Committee from time to time may appoint up to two extra members who must be members of the Presbyterian Church in N.S.W. and who have expertise or skills to assist the work of the Committee for a term of up to three years as specified by the Committee.

**A5.04 Purpose.** The purpose of the Committee shall be to assist the Church in its mission to proclaim the gospel and live faithfully for Christ, especially as it seeks to present Christ and His gospel to the wider society and culture.

**A5.05 Function.** The Committee shall:

- (a) identify and develop material which assists the Church, especially congregations and ministers, to promote and defend the gospel in public discussion;
- (b) assist the Church to understand and engage with the society and culture and to respond to issues in public life;
- (c) research matters of public interest and debate which relate to the mission and life of the Church and provide the result of research to the Church;
- (d) represent the Church in communications on matters of public interest and debate;
- (e) advise and assist the Moderator in composing and issuing pastoral letters and public statements on matters of public interest and debate;
- (f) make submissions on social and public policy issues to appropriate authorities;
- (g) make appointments to interdenominational bodies as authorised by the Assembly;
- (h) consider all matters referred to it by the Assembly and take appropriate action.

**A5.06 Report.** The Committee shall report annually to the Assembly on its activities, including a report of research on matters of public interest.

**A5.07 Media Advisor.** Where the Assembly appoints a media liaison officer, or the General Manager or Property Trust appoint a media advisor, that person shall be a non-voting member of the Committee.



## **METRO**

**A6.01 Name.** There shall be an ordinary committee of the General Assembly named the METRO Committee. METRO is an acronym for Ministry, Equipping, Training, Recruiting and Organisation.

**A6.02 Functions.** The Committee shall oversee the METRO programme, the object of which is to promote gospel ministry training through structured discipling relationships in local churches shaped by the command of the apostle Paul in 2 Timothy 2:2. This includes curriculum development, appointment of trainees and trainers and funding allocations to training churches. In discharging its role the Committee shall liaise with local congregations, the Presbyterian Theological Centre Committee, the Ministry and Mission Committee and Presbyterian Youth.

**A6.03 Membership.** The Committee shall consist of seven members including the Convener.

- (a) The Convener shall be a minister or an elder of the Presbyterian Church.
- (b) The remaining members shall be ministers, elders or communicant members of the Presbyterian Church.

**A6.04 Quorum.** Four members present (either in person, by telephone or VOIP) shall form a quorum.

**A6.05 Convener Absent.** In the absence of the Convener from any meeting the members of the Committee present shall appoint one of their number as Convener for that meeting.

**A6.06 Advisers and Attendees.** The Committee may invite people to attend meetings of the Committee or may co-opt people for specific purposes but neither the former nor the latter such persons shall have voting rights at any Committee meeting..



## MINISTRY AND MISSION

**A7.01 Name.** There shall be an ordinary committee of the General Assembly named the Ministry and Mission Committee.

**A7.02 Membership.** The Committee shall be made up of 12 persons elected by the Assembly, of whom six will be ministers, not less than three will be acting (sessional) elders, and up to three may be communicants in good standing with their congregations, plus the Superintendent.

**A7.03 Object.** The object of the Committee is to glorify God in the service of his people by advancing the formation, staffing and development of healthy, multiplying Presbyterian churches.

**A7.04 Function.** To achieve its object, the Committee shall be responsible for the governance of the Committee's affairs operating predominantly within the spheres of church revitalisation, church planting and the welfare of ministerial personnel to promote the following ends:

- (a) The denomination will have and pursue an effective ministry strategy.
- (b) Existing churches will grow to maturity and demonstrate ongoing spiritual vitality.
- (c) Healthy new Presbyterian churches will be formed where they do not presently exist.
- (d) Presbyteries, sessions and congregations will be assisted in local mission both within their own culture and across cultures.
- (e) Churches will receive effective ministry.
- (f) Vocational training will be provided to pastoral leaders.
- (g) Supportive networks will be promoted among pastoral leaders.
- (h) The temporal circumstances of ministers and other pastoral workers will be monitored and regulated.
- (i) Grants will be provided to approved applicants for the development of effective ministries.
- (j) Loans to facilitate effective ministry will be made available to approved applicants under defined conditions for capital purposes, the acquisition of reliable cars, short-term assistance on completion of theological training, or the maintenance of stipends in emergencies.

**A7.05 Responsibilities.** Responsibilities that fall within the operation of the Ministry and Mission Committee from time to time include:

- (a) Maintaining a basis of effective interaction with other committees and agencies of the church including the Defence

- Force Chaplaincy Committee of the General Assembly of Australia.
- (b) Promoting, among all relevant church authorities, opportunities for church planting.
  - (c) Assessing potential church planters and proposed church planting projects dependent upon Committee funding.
  - (d) Determining annually, under authorisation from the General Assembly, an appropriate package for the sustenance of ministerial personnel.
  - (e) Approving or disapproving proposed Terms of Call in accordance with the minimum considerations established by the General Assembly.
  - (f) Assessing potential ministry persons (in collaboration with other church agencies as appropriate) and promoting opportunities for suitable pastoral employment.
  - (g) Recruiting, accrediting and superintending home missionaries in their appointments.
  - (h) Appointing to suitable, relationally informed ministry positions, ministry candidates who have received an exit certificate from the College Committee of the GAA, in accordance with The Code II 7.13.
  - (i) Facilitating the appointment of ministers and home missionaries as Chaplains to the Emergency Services in New South Wales.
  - (j) Providing resources, as appropriate, to enhance the personal welfare of ministerial personnel and their at-home families.
  - (k) Facilitating and subsidising the operation of a co-ordinated network of spiritual retreat groups for ministerial personnel.
  - (l) Promoting supportive interaction between ministerial families by organising a biennial Ministers' Family Camp.
  - (m) Maintaining a roll of deaconesses noting their current status as active, inactive, or retired.
  - (n) Administering the Long Service Leave Fund for ministerial personnel (see The Code III F3.01ff).
  - (o) Arranging training of ministerial and non-ministerial personnel for appropriate acts of service.
  - (p) Advising the Trustees, upon request, concerning redundant congregational property issues.
  - (q) Recommending to the Trustees the allocation of grants from the McCaughey Fund in accordance with the regulations of that Fund (see The Code III C1.01ff).
  - (r) Providing loans to various approved recipients for Committee authorised purpose.
  - (s) Promoting, especially within major population centres, the need

- to be effective in winning for Christ people from non-English-speaking backgrounds.
- (t) Enhancing the health and vitality of churches by the development and training of consultants who engage with congregations upon invitation.
- (u) Facilitating the establishment and the maintenance of gospel ministry in appropriate fields of mission through the provision of personnel (both ordained and non-ordained), strategic support, and financial assistance.
- (v) Maintaining the schedule for pastoral assistance (see The Code II 5.38).
- (w) Providing prompt, reliable advice to presbyteries, sessions, ministers and congregational officers in relation to any operational matter affecting congregations or their paid personnel.
- (x) Approving or disapproving proposed variations in status for congregations or their establishment, amalgamation or association in pastoral charges or home mission stations (see The Code II 1.14).
- (y) Maintaining the schedule for use in ordinary presbyterial visitations (see The Code II 5.65).

## SUPERINTENDENT

**A7.06 Qualifications and Appointment.** The Superintendent shall be a minister appointed by the General Assembly to superintend the work of the Committee under the Committee's direction.

**A7.07 Terms of Appointment.** The Terms of Appointment of the Superintendent shall be determined by the General Assembly.

**A7.08 Church Courts.** The Superintendent shall be a member of the Committee and shall have a seat in a presbytery and the General Assembly.

## HOME MISSIONARY

**A7.09 Home Missionary.** A home missionary is a man who has been assessed and accredited as suitable for employment as a home missionary in accordance with the procedures adopted by the Committee from time to time.

**A7.10 Appointment.** The Committee appoints home missionaries to home mission stations or pastoral charges or as assistants to ministers, and at its own discretion may transfer or remove a home missionary in accordance with the

terms of appointment. When a presbytery makes a request for the removal of a home missionary, the Committee shall endeavour to comply with the request within reasonable time.

**A7.11 Presbyterial Oversight.**

- (a) The presbytery is responsible for the spiritual supervision of its home mission stations and of the home missionaries supplying them. The presbytery shall report to the Committee on the work of each home missionary serving within its bounds as required by the Committee.
- (b) Each home missionary must report regularly to the moderator of the home mission station and seek his advice upon all matters of difficulty.

DEACONESS

**A7.12 Deaconess.** A deaconess is a woman who has undertaken the relevant course of training determined by authority of the General Assembly of Australia, been commissioned by a presbytery, and become eligible to be engaged in an appropriate sphere of service (see *The Code II* 7.15-7.19, *CP&P* Articles 2.1(d)).

**A7.13 Functions of Deaconess.** The functions assigned to deaconesses vary widely according to local circumstances but the overall purpose of the role is to exercise an evangelistic, pastoral or educational ministry in one or more of the following spheres:

- (a) a department or committee of the Church,
- (b) a congregation, chaplaincy or school,
- (c) a situation which, while outside the immediate work of the Church, is approved by the Ministry and Mission Committee with the concurrence of the relevant presbytery.

**A7.14 Appointment.** Deaconesses and deaconess candidates may request the Committee to facilitate their deployment to suitable ministry opportunities.

## **PRESBYTERIAN AGED CARE**

**A8.01 Name.** There shall be a Committee of the General Assembly named Presbyterian Aged Care (“the Committee”).

**A8.02 Object.** The object of the Committee is to demonstrate the love of God by providing high quality care and accommodation for older people in a distinctively protestant, evangelical and reformed environment, with a commitment to excellence inspired by the life and teachings of the Lord Jesus Christ.

**A8.03 Functions.** The Committee shall:

- (a) exercise governance responsibility for the oversight and operation of all aged care activities of the Church in New South Wales and the Australian Capital Territory, except the Macdonald Homes Trust properties, and
- (b) raise funds in accordance with the procedures of the Church to finance aged care activities
- (c) if requested by relevant committees in other States cooperate with Presbyterian aged care organisations across Australia to promote development of efficient and effective management of aged care services and activities for the mutual benefit of all Presbyterian aged care committees or agencies.

Except in the case of congregational local aged care programmes where administration shall remain with the management committee established for such purpose by the congregation as defined in regulation A8.16, the Committee shall:

- (d) apply management control of all aged care activities including residential aged care services, community aged care services and retirement housing, and
- (e) administer property transactions and manage real estate where aged care activities are conducted in compliance with the relevant requirements of *The Presbyterian Church (New South Wales) Property Trust Act, 1936* and the *Presbyterian Church Trust Property Act 1971 (ACT)* and their Regulations/Rules acting as agents of the Property Trust.

**A8.04 Membership of Committee.**

- (a) The Committee shall consist of twelve persons, of whom a majority shall be ministers or communicants of the Presbyterian Church of Australia. Any person elected to the Committee who is not a minister, communicant or adherent of the Presbyterian Church of Australia shall hold an equivalent status in a Protestant Church and shall have expertise in aged care management or a relevant professional field.
- (b) The members of the Committee shall be elected by the Assembly

for a period of three years and at the end of that period may be nominated for re-election. Four members of the Committee will retire each year.

- (c) The Committee will report annually to the General Assembly that persons nominated by the Committee for appointment or reappointment to the Committee have provided a current letter signed by the minister and session clerk (or in another Protestant church, the minister and another person holding relevant office in that church) confirming the regular attendance of the nominee at that church and the nominee's Christian life and good character. If a person is nominated by a member of Assembly to fill a Committee position, such a letter must accompany the nomination form.
- (d) If a member of the Committee ceases to be in active fellowship with a Protestant church, that person's position shall be declared vacant by the Committee.

**A8.05 Vacancy.** The Committee shall have the power to fill any vacancy on the Committee. The person so appointed shall subject to the approval of the Assembly at its first meeting after such appointment hold office for the remainder of the term of the person whose position is being filled.

**A8.06 Meetings.** The Committee shall meet at least once every three months.

**A8.07 Quorum.** Four Committee members of whom a majority shall be ministers or communicants of the Presbyterian Church of Australia shall form a quorum.

**A8.08 Pastoral Care.** The Committee shall ensure the provision of pastoral care services to all of its facilities with such services being provided by ministers or communicant members of the Presbyterian Church of Australia where practicable.

**A8.09 Convener.** The Convener, who shall be a minister or communicant of the Presbyterian Church of Australia, shall be appointed annually by the Assembly and in the absence of the Convener from any meeting the members of the Committee shall elect one of their number to be Convener for that meeting. The Convener, as chairman, shall have a deliberative and a casting vote and shall be eligible for re-election.

**A8.10 Report to Assembly.** The Committee shall report annually to the Assembly. The Committee shall forward such report together with a copy of



the statement of financial position and statement of financial performance and official auditor's report to the Clerk of Assembly by the appropriate date. The report and financial statements shall cover the activities of Presbyterian Aged Care for the financial year ending immediately preceding the date for report to the Assembly together with relevant supplementary information concerning the period subsequent to the financial year end.

**A8.11 Report to Trustees.** The Committee shall provide to the Trustees on a regular and timely basis such minutes, reports and financial information as the Trustees may require from time to time.

**A8.12 Limitation of Expenditure.** The Committee shall not incur any expenditure of a capital nature or enter into any contract for repairs, renewals or renovations or enter into any contractual liability exceeding a sum specified by the Trustees from time to time without first obtaining the consent of the Trustees.

**A8.13 Staff.** The Committee shall employ a Chief Executive Officer of Presbyterian Aged Care, and may employ other persons for the management of the aged care services, and may determine the employment terms and conditions of such persons. Staff of services operated by the Committee, are responsible to the Chief Executive Officer of Presbyterian Aged Care. Appointments of managers who report directly to the Chief Executive Officer will require the endorsement of the Committee.

**A8.14 Sub-Committees.** The Committee may establish sub-committees to deal with such matters as it may specify. The Convener shall be an ex-officio member of all such sub-committees.

**A8.15 Power to make rules.** Without limiting the generality of Regulation A8.03 and, subject to the requirements of all relevant legislation, the Committee shall have power to delegate authority, provide direction, set policy and make rules regarding any matter necessary for the efficient management of Aged Care.

**A8.16 Congregational Local Aged Care Programmes.**

- (a) While the Committee has responsibility to the Assembly for the Aged Care programmes envisaged in Regulation A8.03, where a local Aged Care programme is established by a congregation, the administration of such local Aged Care programme shall unless the congregation with the consent of the Trustees otherwise agrees remain with the committee of management of the congregation or such other committee as may be established for this purpose by the congregation in accordance with the rules

- and regulations of the Church and all relevant legislation.
- (b) The committee of management or other committee of the congregation which is responsible for the administration of the local Aged Care programme shall:
    - (i) report regularly to the Committee regarding the local Aged Care programme,
    - (ii) observe such guidelines as the Committee may from time to time issue in relation to the Aged Care programmes it operates, subject to any applicable statutory or regulatory requirements.
  - (c) Nothing in these regulations restricts the rights of the Trustees as contained in regulation C2.3.07.

#### **A8.17 Control of Property.**

- (i) (a) Where an Aged Care programme is carried on within a facility or is otherwise located at real property which is:
  - (i) owned or occupied by the Trustees,
  - (ii) held for the purpose of that programme, and
  - (iii) not property held for a congregation,by these Regulations the General Assembly, without relieving the obligations and duties of the Property Trust, confers upon the Committee all powers of administration and management of that property pursuant to section 13 of *The Presbyterian Church (New South Wales) Property Trust Act, 1936* acting as agent of the Property Trust.
- (b) Where a programme is carried out at property which is property owned or occupied by the Trustees for a congregation, the management of that property is subject to regulation A8.15 (b) carried out with the consent of the Trustees, by the local committee of management in accordance with Section 18 of *The Presbyterian Church (New South Wales) Property Trust Act, 1936* or Section 20 of *The Presbyterian Church Property Trust Act 1971* (ACT) and regulations or rules made by the Assembly under those Acts.

#### **A8.18 Management Committees.**

- (a) Without relieving the Committee of its obligations of management and control which are conferred on the Committee by the Assembly the Committee may establish management committees for any such property (being property which is not congregational property) and the programme conducted thereon, or for other services it operates, in accordance with the regulations for management committees which are set out in

Regulations A8.20 to A8.29.

- (b) The Committee shall establish rules for each programme administered by a management committee, which rules may be varied by the Committee from time to time.

**A8.19 New Programmes for Aged Care.** No congregation or organisation of the Church shall:

- (a) establish or undertake any project or service of the kind which falls within the responsibility of the Committee unless the consent of the Committee is first obtained, and
- (b) take any steps or enter into any obligations in relation to any such Aged Care programme without first obtaining the consent of the Committee, the Presbytery of the bounds (in the case of a congregation) and the Trustees.

**A8.20 Building Works.** A congregation or organisation proposing to establish or sponsor an Aged Care programme which involves building works must (in addition to obtaining the required approvals under the Property Trust Act, 1936 and the regulations there under) satisfy the Committee that:

- (a) satisfactory financial arrangements are made in respect of the Aged Care programme,
- (b) the Aged Care programme will be adequately supervised, conducted and controlled, and
- (c) the relevant requirements of all applicable governmental authorities shall at all times be complied with,

before seeking approval of the Presbytery of the bounds (in the case of a congregation) and the Trustees.

## **MANAGEMENT COMMITTEES**

**A8.21 Establishment.** The Committee may establish management committees in respect of any property or facility administered and controlled by the Committee as provided for in Regulation A8.17.

**A8.22 Membership.**

- (a) Management committees shall be elected annually after each Assembly by the Committee.
- (b) A management committee shall have a maximum of 12 members and a minimum of four.
- (c) A majority of the elected membership of a management committee shall be communicants or adherents of the Presbyterian Church of Australia who are in active fellowship with their local congregation.

- (d) Casual vacancies on a management committee may be filled by the Committee.
- (e) Employees of local Aged Care programmes shall not be members of management committees for local Aged Care programmes.
- (f) Senior staff may be present at management committee meetings, but shall not have voting rights.
- (g) The Committee shall have power to establish or dismiss the whole of a management committee or any individual at any time.

**A8.23 Position declared vacant.** If a member of any management committee is absent from three consecutive meetings without obtaining leave of absence or supplying valid reasons for such absence from the management committee the Committee shall declare that person's position vacant.

**A8.24 Chief Executive Officer.** The Convener and Chief Executive Officer of Presbyterian Aged Care are ex-officio members of all management committees with full voting rights.

**A8.25 Quorum.** Four members of a management committee shall form a quorum.

**A8.26 Duties.** Management committees shall be responsible for the management of a particular Aged Care programme as nominated by the Committee and shall comply with the rules of the Aged Care programme as established by the Committee.

**A8.27 Officers.** Management committees shall elect from within their number appropriate office bearers and define the duties of those office bearers. The Chairperson, Secretary and Treasurer shall form an executive.

**A8.28 Officers: Limit on service.** Office bearers of a management committee should not hold the same office for more than three years consecutively unless otherwise approved by the Committee.

- A8.29 Reports.** Each management committee shall forward
- (a) all minutes of that management committee and other reports of its activities as requested by the Committee promptly to the Chief Executive Officer for Presbyterian Aged Care for transmission to the Committee, and
  - (b) financial statements and budgets for the Aged Care programme under its control to the Chief Executive Officer for Presbyterian

Aged Care for transmission to the Committee.

- A8.30 Powers.** Management committees shall have the power to:
- (a) co-opt members for particular purposes,
  - (b) form and dissolve sub-committees for particular purposes, and
  - (c) delegate particular duties to senior staff.



## **PRESBYTERIAN THEOLOGICAL CENTRE COMMITTEE**

**A9.01 Name.** There shall be a Committee of the General Assembly on theological education named the Presbyterian Theological Centre Committee.

**A9.02 Membership of the Committee.** The Committee shall consist of six ministers and six elders elected by the Assembly, together with the Principal of the Presbyterian Theological Centre.

**A9.03 Functions.** The Committee shall be the Committee referred to in Article 7.6 of the Articles of Agreement and shall:

- (a) have general responsibility for the provision of training for candidates for the ministry, subject to the requirements of the General Assembly of Australia, and have financial responsibility for such training under the General Assembly of New South Wales.
- (b) exercise governance of the Presbyterian Theological Centre under the Assembly;
- (c) have authority to enter into agreements with other bodies regarding the provision of theological education;
- (d) carry out any other responsibility referred to it by the Assembly.
- (e) Ensure a student file is maintained for every student whether a candidate for the ministry or otherwise and that the file or a full and complete copy of the contents of each student's file including Candidate Review Panel reports is forwarded to the Clerk of Assembly on completion of study at the Presbyterian Theological Centre or within five years of commencing study, whichever is the earlier.

**A9.04 Presbyterian Theological Centre – Its Aims.** There shall be a body known as the Presbyterian Theological Centre (PTC), the aims of which shall be:

- (a) to be the theological college in NSW referred to in Article 7.5 of the Articles of Agreement and to provide the course of training for candidates for the ministry in accordance with the Articles of Agreement and in conformity with the General Assembly of Australia regulations for the College Committee, and under the oversight of the General Assembly of Australia and its College Committee;
- (b)
  - (i) to provide appropriate courses of training for elders, deaconesses and others engaged in diaconal ministries, Christian education workers, other congregational leaders, home missionaries and other

- missionary workers;
- (ii) to provide in-service courses for ministers, elders, deaconesses, home missionaries and other Christian leaders;
- (iii) to provide courses in a broad range of subjects, presented according to the standards of the Presbyterian Church of Australia; and
- (iv) to promote research and scholarship in the fields of Biblical and theological studies, Christian education and the Christian world view.

**A9.05 Governance and Management of the P.T.C..** The governing body of the P.T.C. shall be, under the Assembly, the Presbyterian Theological Centre Committee. Operational management of the PTC shall be the responsibility of the Principal, under the P.T.C.C.

**A9.06 Relationship to Other Committees.** In any case where the work of the PTC affects the area of responsibility of any other Assembly committee, the Presbyterian Theological Centre Committee shall proceed in consultation with such committee.

**A9.07 The Faculty of the PTC.** The Faculty of the PTC Is the Faculty referred to in Article 7.6 of the Articles of Agreement and Code 8.23. It shall through the offering of accredited or unaccredited courses,

- (a) on behalf of the General Assembly of Australia and its College Committee, train and assess candidates for the ministry and direct them in their course of training;
- (b) train and assess other students admitted by the Principal to the PTC.

**A9.08 Membership of the Faculty.** The Faculty of the PTC shall consist of:

- (a) The Principal;
- (b) The Convener of the Presbyterian Theological Centre Committee;
- (c) The Professors or full-time lecturers appointed by the Assembly;
- (d) Two additional lecturers appointed annually by the executive of the Presbyterian Theological Centre Committee.
- (e) The Dean of Women as appointed by the executive of the Presbyterian Theological Centre Committee.

**A9.09 Length of Appointments for full-time staff.** The Principal and



full-time lecturers (if not Professors) shall be appointed for an initial term of up to six years. This may be renewed for further terms of up to six years on the recommendation of the Presbyterian Theological Centre Committee. The Committee may alternatively recommend advertisement and competitive selection.

**A9.10 Other Lecturers.** Part-time and casual lecturing appointments shall be made by the Principal, in consultation with the Faculty, from a panel approved by the Presbyterian Theological Centre Committee and reviewed at least every six years as with the appointment of full-time lecturers.

**A9.11 Vacancy on Faculty.** In the event of a vacancy in any position on the Faculty, the Presbyterian Theological Centre Committee may appoint a person to fill the vacancy until the next meeting of the Assembly.

**A9.12 Relationship of the Faculty to GAA College Committee.** The Faculty shall be responsible (subject to the regulations and the oversight of the College Committee) for all aspects of curriculum planning and development, for recommending to the College Committee the admission of candidates to the course of study and their grading (including the granting of credit for previous studies), and for the planning and direction of research and scholarship.

**A9.13 Field Education Scheme.** The Faculty shall conduct a program to be known as the Field Education Scheme, for the training of candidates in the work of pastoral ministry as an integrated part of the course of training.

**A9.14 Placement of Candidates in Field Appointments.** The Faculty shall, normally at the commencement of each year, ensure that each candidate enrolled in the Field Education Scheme is related to a minister of a pastoral charge, moderator of a home mission station or other appropriate supervisor who undertakes to co-operate in this scheme.

**A9.15 Allowance to Candidates in Field Appointments.** Where the candidate is not otherwise employed in the parish or home mission station, the congregation related to the minister supervising the candidate, or any other congregation supporting the candidate may pay allowances to the candidate in accordance with recommended rates to be determined by the Presbyterian Theological Centre Committee prior to the commencement of each year.

**A9.16 Direction of Candidates in Field Appointments.** Each student related to a minister under the Field Education Scheme shall be required to work under the direction of that minister in accordance with the recommendations as determined by the Faculty prior to the commencement of each year.

**A9.17 Relationship of Faculty to Field Appointments.** In addition to issuing general guidelines for all candidates involved in the Field Education Scheme, the Faculty may, in respect of any candidate, specify requirements relating to that candidate's involvement in the Field Education Scheme, which requirements may supplement or vary the general guidelines.

**A9.18 Variation of Field Appointment of Candidate.** The Faculty may, during the year, vary the period of field appointment of a candidate to a minister.”

## **SOCIAL SERVICE**

**A10.01 Constitution.** There shall be a Committee of the Assembly known as the Social Service Committee. The Committee shall operate as a division of the Presbyterian Church in New South Wales. In accordance with Section 9 of the Property Trust Act 1936, all property under the direct or indirect management and control of the Committee is vested in the Presbyterian Church (New South Wales) Property Trust as referred to in Regulation A10.12. The Property Trust is the legal entity which is trustee for the charitable trusts in respect of any property and legal rights of the Committee. Whilst day to day Committee activities are conducted by and in the name of the Committee of Property Trust Acts for the Committee in respect of real estate matters and other situations requiring an identified legal entity.

**A10.02 Purpose.** The purpose of the Committee is to work with and for Presbyterian Church in New South Wales to demonstrate the character of God by providing fresh hope and care for those who are in need, in a way that seeks justice, shows mercy, and makes Jesus known.

The Committee shall be responsible for the social and community services of the Presbyterian Church of New South Wales and shall:

- (a) co-ordinate the social service activities of the Church,
- (b) inform the Church of social service needs within the community,
- (c) undertake and implement programmes and services to meet social service needs as authorised by the Assembly,
- (d) monitor the effectiveness of its programmes and services, and
- (e) publicise the work of the Committee within the Church and the community.

**A10.03 Powers.** The Committee may, in pursuit of its objects:

- (a) raise funds in accordance with the procedures of the Church to finance its programmes and activities, and
- (b) manage and administer real estate at which programmes of the Committee are conducted.

**A10.04 Membership.** The membership of the Committee shall be:

- (a) three ministers, three elders and three communicant members who need not be elders,
- (b) one minister, one elder, and one other non-ministerial members who shall retire each year.

**A10.05 Special Members.** The Chief Executive Officer (who shall have no voting rights), the Convener of the Dorcas Standing Committee of the

P.W.A. in New South Wales and the Treasurer of the Committee if not already members shall be special members of the Committee.

**A10.06 Chief Executive Officer.** The Assembly shall appoint a Chief Executive Officer who shall be responsible for the administration of the work of the Committee. The initial terms of appointment of a Chief Executive Officer shall be determined by the Assembly. The conditions of appointment of a Chief Executive Officer may subsequently be varied by the Assembly, or by the Trustees upon the recommendation of the Committee.

**A10.07 Staff.** The Committee shall be responsible for the employment of all staff of the Committee and of its programmes and institutions. The Committee may authorise the Director or Management Committees of the enterprises to engage and dismiss staff upon such conditions as the Committee may specify.

**A10.08 Senior Staff.** All senior staff of institutions operated by the Committee shall be appointed by the Committee on the recommendation of the management committee of each institution.

**A10.09 Sub-Committees.** The Committee may establish sub-committees to deal with such matters as may be specified by the Committee. The Convener of the Committee and the Chief Executive Officer (who shall have no voting rights) shall be ex-officio members of all such sub-committees.

**A10.10 Programmes.**

- (a) The Committee shall be responsible for the operation or oversight as appropriate of:
- (i) child care programmes including child care centres and pre-school kindergartens;
  - (ii) welfare and relief activities;
  - (iii) chaplaincy work within hospitals;
  - (iv) chaplaincy work within corrective service institutions and juvenile justice facilities;
  - (v) industrial chaplaincy;
  - (vi) chaplains to the various Emergency Services in New South Wales;
  - (vii) counselling;
  - (viii) disability services;
  - (ix) Allowah Presbyterian Children's Hospital;
  - (x) Conduct Protocol Unit;
  - (xi) other like matters of a social service nature, including any matters specifically referred to the Committee by

- the Assembly.
- (b) In these Regulations each period, service or activity of the Committee whether or not conducted within an institution under the control of the Committee, is referred to as a "Programme".

**A10.11 Local Programmes.**

- (a) Whilst the Committee has responsibility to the Assembly for the Programmes described in Regulation A10.10, where a Programme is established by a congregation, the administration of such Programme shall unless the congregation with the consent of the Trustees otherwise agrees remains with the committee of management of the congregation or such other committee as may be established for this purpose by the congregation.
- (b) The committee of management or other committee of the congregation which is responsible for the administration of the local Programme shall:
- (i) report regularly to the Committee regarding the Programme, and
  - (ii) observe such guidelines as the Committee may from time to time issue in relation to Programmes generally of the same nature as the local Programme.

**A10.12 Control of Property.**

- (a) Where a Programme is carried on within an institution or is otherwise located at real property which is:
- (i) owned or occupied by the Trustees,
  - (ii) held for the purpose of that Programme, and
  - (iii) not property held for a congregation,
- by these Regulations the General Assembly confers upon the Committee all powers of administration and management of that property pursuant to section 13 of the Property Trust Act, 1936.
- (b) Where a Programme is carried out at property which is property owned or occupied by the Trustees for a congregation, the management of that property is subject to regulation A10.11(a) carried out with the consent of the Trustees, by the local committee of management in accordance with Section 18 of the Property Trust Act, 1936 and regulations under that Act.

**A10.13 Management Committees.**

- (a) Without relieving the Committee of its obligations of management and control which are conferred on the Committee by the Assembly pursuant to Regulation A10.12(a) hereof, the

Committee may establish management committees for:

- (i) any such property being property which is not congregational property, and
  - (ii) any property being congregational property whose management has been transferred by the congregation to the Committee under A10.11(a) and the Programme conducted thereon in accordance with the regulations relating to management committees which are set out below.
- (b) The Committee shall establish rules for each Programme administered by a management committee, which rules may be varied by the Committee from time to time.

**A10.14 Property Transactions.** In respect of:

- (a) any proposed expenditure upon properties under its control, and
  - (b) any proposed sale, purchase, lease or other dealing with any land,
- the Committee shall comply with the relevant requirements of the Property Trust Act, 1936 and the Regulations thereunder.

**A10.15 New Programmes.** No congregation or organisation of the Church shall:

- (a) establish or undertake any project or service of the kind which falls within the responsibility of the Committee unless the consent of the Committee is first obtained, and
- (b) take any steps or enter into any obligations in relation to any such Programme without first obtaining the consent of the Committee, the Presbytery of the bounds (in the case of a congregation) and the Trustees.

**A10.16 Building Works.** A congregation or organisation proposing to establish or sponsor a Programme which involves building works must (in addition to obtaining the required approvals under the Property Trust Act, 1936 and the regulations thereunder) satisfy the Committee, the Presbytery of the bounds (in the case of a congregation) and the Trustees that:

- (a) satisfactory financial arrangements are made in respect of the Programme;
- (b) the Programme will be adequately supervised, conducted and controlled; and
- (c) the relevant requirements of all applicable governmental authorities shall at all times be complied with.

**A10.17 Constitutions.** The Committee may approve of a constitution for any Programme. The constitution may include provision for the establishment of the management committee for that programme under Regulation A10.27.

## CONDUCT OF PROGRAMMES

**A10.18 Income.** In accordance with the charitable trust objectives of the Committee, the requirements of administration under the Property Trust Act and Regulations and normal accounting principles, all income derived from any Programme associated with a specific Trust shall be applied for the purposes of that Programme, including any administration costs and other outgoings related to the conduct of the Programme.

**A10.19 Closure** of Programme. If for any reason it becomes impracticable or inexpedient to continue the operation of the Programme, then the committee may close the Programme.

**A10.20 Application of Assets.** If a Programme is closed or otherwise ceases to operate, then the Committee shall make arrangements with the Property Trust to ensure that its assets are applied to other Programmes or activities of the Committee which have in the first instance a similar purpose to the Programme which has been closed and where this is inexpedient to any other purpose of the Committee as determined by the Committee. If required by law, the Committee shall seek the approval of the Property Trust to a variation of trusts pursuant to Section 10 of The Presbyterian Church (New South Wales) Property Trust Act, 1936.

## CHAPLAINS

**A10.21 Control.** The Committee shall exercise supervision over chaplains to hospitals, government and welfare institutions and any Church or other agencies which fall within the responsibility of the Committee. Such supervision shall include appointment, transfer, termination of duty, training and where applicable, payment.

**A10.22 Appointments.** The Committee shall recommend to the Assembly appointments to such inter-denominational agencies as now or in the future may be concerned with the appointment and training of chaplains.

**A10.23 Ministerial Visitations.** The Committee shall recognise the right of ministers of the Church to visit Presbyterian patients in homes and institutions except where Commonwealth or State Acts of Parliament or Regulations require special appointments to be made.

**A10.24 Negotiations.** The Committee shall be responsible for conducting negotiations with Government agencies in relation to the work of Chaplains under its supervision.

**A10.25 Reports.** The Committee shall report to the Assembly annually on the activities of Chaplains under its supervision and shall

- (a) include in its financial estimates such sum as may be required for the payment of salaries, honoraria or supplements from Federal or State grants for the payment of Chaplains, and
- (b) require Chaplains under its supervision to submit to the Committee such reports as it may deem to be necessary to exercise adequate control over their activities.

### **MANAGEMENT COMMITTEES**

**A10.26 Establishment.** The Committee may establish management committees in respect of any property administered and controlled by the Committee as provided for in Regulation A10.13.

**A10.27 Membership.**

- (a) Management committees shall be elected annually after each Assembly by the Committee.
- (b) A management committee shall have a maximum of 12 members.
- (c) At least three quarters of the elected membership of a management committee shall be communicants or adherents of the Presbyterian Church of Australia.
- (d) Casual vacancies on a management committee may be filled by the Committee.
- (e) The Committee shall have power to establish or dismiss the whole of a management committee at any time.

**A10.28 Position declared vacant.** If a member of any management committee is absent from three consecutive meetings without obtaining leave of absence or supplying valid reasons for such absence from the management committee the Committee shall declare that person's position vacant.

**A10.29 Chief Executive Officer.** The Chief Executive Officer and members of the staff of programmes shall not be elected members of management committees or sub-committees thereof.



**A10.30 Convener of Committee.** The Convener of the Committee shall be a member of all management committees by virtue of his office. If the Convener elects not to attend meetings of a management committee, the Committee may appoint a member of the Committee to that management committee with full voting rights.

**A10.31 Chief Executive Officer.** The Chief Executive Officer shall be a member of all management committees and sub-committees thereof, without the right to vote.

**A10.32 Quorum.** Three members of a management committee shall form a quorum.

**A10.33 Duties.** Management committees shall be responsible for the management of a particular Programme as nominated by the Committee and shall comply with the rules of the Programme as established by the Committee pursuant to Regulation 12(b) hereof.

**A10.34 Officers.** Management committees shall elect from within their number a chairman, secretary and treasurer to form an executive.

**A10.35 Officers: Limit on service.** Office bearers of a management committee should not hold the same office for more than three years consecutively unless otherwise approved by the Committee where there are special circumstances.

- A10.36 Reports.** Each management committee shall forward
- (a) all minutes of that management committee and other reports of its activities as requested by the Committee promptly to the Chief Executive Officer for transmission to the Committee, and
  - (b) financial statements and budgets for the Programme under its control to the Chief Executive Officer for transmission to the treasurer of the Committee.

**A10.37 Auxiliaries.** Auxiliaries may be established by management committees under rules provided by them and approved by the Committee to generate funds for the Programme administered by that management committee and to assist in the work of that Programme.

**A10.38 Auxiliary President.** The President of an auxiliary shall be an ex-officio member of the management committee which established that auxiliary.

**A10.39 Powers.** Management committees shall have the power to:

- (a) co-opt members for particular purposes,
- (b) form and dissolve sub-committees for particular purposes, and
- (c) delegate responsibility to senior staff.

## **CLERK OF ASSEMBLY**

**B1.01 Permanent Officer.** The Clerk is a permanent officer of the General Assembly.

**B1.02 Instructed by Assembly.** The Clerk shall receive his instructions from the Assembly. His rights, powers and privileges as a member of Assembly shall in no way be affected by his official position as Clerk.

**B1.03 Declaration.** The Clerk on taking office shall promise to discharge faithfully the duties of the office.

**B1.04 Duties.** The Clerk shall:

- (a) attend each sederunt of the Assembly,
- (b) be Clerk of the Commission of Assembly and of the Committee of the Whole,
- (c) issue all notices, forms and advertisements and do all other things for the forwarding of the business of the Assembly,
- (d) oversee nominations for the Moderator of Assembly,
- (e) prepare a report to the Assembly on ministerial changes that have taken place,
- (f) prepare a report to the Assembly on returns to remits,
- (g) keep a Register of Degrees held by ministers, elders and theological students and report to the Assembly the degrees which have been registered,
- (h) collate and issue reports and other papers to members of the Assembly,
- (i) record the proceedings of the Assembly,
- (j) prepare and publish the minutes of the Assembly,
- (k) keep in safe custody all books of record, minutes and documents which are the property of the Assembly excepting those for the custody of which the Assembly shall make other provision,
- (l) furnish certified copies of documents or extracts from minutes when required to do so by the written order of the Moderator or of the Convener of any committee of Assembly or of the clerk of any presbytery,
- (m) correspond with and supply information to presbyteries, ministers, sessions or committees of management of congregations requiring official information concerning the business of the Assembly,
- (n) hold office as convener of the Code Committee,
- (o) hold ex-officio membership of the Assembly Committees.

**B1.05 Information.** Persons requiring information from the Clerk shall supply the necessary postage stamps and when special extract copies or written forms are required by persons other than those beforementioned the Clerk shall be entitled to make an appropriate charge.

**B1.06 Salary.** The salary and other emoluments of the Clerk shall be determined by the Assembly from time to time.

**B1.07 Vacancy.**

- (a) The Clerk shall not be liable to be superseded or impeached otherwise than by a formal resolution of the Assembly of which due notice shall have been given.
- (b) The Clerk may resign his office at any time by writing under his hand, witnessed and addressed to the Moderator. If the Assembly be not in session at the time of such resignation the Moderator shall not accept the same until the Clerk shall have delivered the books and property of the Assembly in his custody into the hands of such person or persons as the Moderator may authorise in writing to receive the same, it being understood that the Moderator shall make the necessary arrangements within one month from the day of his receiving such resignation. Such resignation shall be subject to the approval of the Assembly.
- (c) In the event of the clerkship being vacated by death or otherwise the Moderator shall make immediate arrangements for the discharge of the duties of the office until the next meeting of Assembly and shall, on the advice of the Business Committee, appoint an Acting Clerk of Assembly.

**B1.08 Deputy Clerk of Assembly.**

- (a) The Assembly may appoint a Deputy Clerk who shall hold office for a period of three years, subject to renewal. Any such appointment shall only be made by ballot conducted according to the rules of the Assembly.
- (b) The Deputy Clerk shall assist the Clerk in the exercise of the Clerk's duties and obey all instructions given by the Clerk. Should the Clerk be unable to act by reason of ill-health, physical or mental incapacity or absence from office for more than four weeks, or should the Clerk so request, the Deputy Clerk shall act in the Clerk's place.
- (c) An honorarium will be paid to the Deputy Clerk as determined by the Assembly.
- (d) Although not precluded from nominating for the position of Clerk of Assembly when a vacancy occurs, the Deputy Clerk

shall not have any right of succession to the Clerkship.



## **LAW AGENT**

**B2.01 Qualifications.** The Law Agent of the Church shall be a solicitor of the Supreme Court of New South Wales and a communicant or adherent of the Presbyterian Church of Australia in the State of New South Wales who is in active fellowship with his local congregation.

**B2.02 Acting Law Agent.** In the event of a vacancy by death or otherwise or in the event of the Law Agent becoming incapacitated by mental or bodily infirmity the Trustees shall if necessary make an appointment of an Acting Law Agent which shall be valid until the meeting of the Assembly. In the event of the Law Agent being absent from Australia the Trustees shall have power to appoint an Acting Law Agent and during such absence the Acting Law Agent shall have all the power and authority of the Law Agent.

**B2.03 Appointment.** On the occurrence of a vacancy by death or otherwise the Law Agent shall be appointed by the Assembly during the first week of the session by a resolution of which notice has been given during at least two sederunts.

**B2.04 Removal.** The Law Agent may be removed from office by the Assembly on an overture from a presbytery or a committee of the Assembly.

**B2.05 Seat in Assembly.** The Law Agent shall in virtue of the office have a seat in the Assembly with full powers if an elder but without the power to vote if not an elder.

**B2.06 Advises presbyteries and Assembly committees.** The Law Agent shall advise all presbyteries and standing and special committees of the Assembly on matters of civil law as these affect the Church and its interests and shall when requested to do so on approach made through the General Manager submit a case for the opinion of the Procurator. The Law Agent may at any time he may deem it advisable consult and obtain the opinion of the Procurator on any matter on which the former is or shall be acting as Law Agent of the Church.

**B2.07 Church Solicitor.** The Law Agent shall act as solicitor for the Church generally. For preparing and examining all deeds and documents (other than providing written opinions and other than cases which involve only the obtaining of the opinion of the Procurator), for investigating titles and for conducting, prosecuting and defending all petitions, actions and suits, and for undertaking the legal work of the Church generally for any congregation, committee, organisation or institution thereof, the Law Agent shall be entitled to charge the usual professional fees.

**B2.08 Legal Work.** The Law Agent may:

- (a) authorise legal work of the Church to be carried out by any firm of solicitors with which he may be associated; and
- (b) with the consent of the Trustees authorise specified legal work to be carried out by another solicitor.

**B2.09 Fees.** Except as hereinbefore provided, no fees shall be charged by the Law Agent.



## **OFFICIAL AUDITOR**

**B3.01 Appointment.** An auditor who shall be a Registered Company Auditor and a member of the Institute of Chartered Accountants in Australia or of the Australian Society of Certified Practising Accountants or of the Institute of Public Accountants, who shall be a communicant or adherent of the Presbyterian Church of Australia in the State of New South Wales or hold a similar status in another protestant denomination and who shall be known as the Official Auditor, shall be appointed for a 5 year period by the General Assembly to audit:

- (a) the books of account of the Church and
- (b) the books of account of other agencies of the Church.

The scope of the audit is to enable the Auditor, to the extent of applicable accountancy standards in Australia and in accordance with the relevant Australian Auditing standards, to provide a financial audit report expressing an opinion whether the annual financial reports materially present fairly the financial position of the Church.

**B3.02 Report.** The Official Auditor shall submit his report thereon to the General Assembly and shall also submit a copy of his report to the Trustees not less than 21 days prior to the meeting of the General Assembly.

**B3.03 Other audit functions.** With the approval of the Trustees, the Auditor may be engaged to undertake other types of audit other than a financial report audit or to provide particular and specific business services.

**B3.04 Rights to examine.** The Official Auditor shall have access to all books and documents relating to the accounts of the Church and to the colleges and other institutions referred to in the preceding regulation and he shall have the right to call for and to examine the same with the accounts and vouchers pertaining thereto.

**B3.05 Legal opinion.** When he deems it advisable, the Official Auditor may request the Law Agent to state a case for the Procurator's opinion and advise the interested parties of this opinion when obtained.

**B3.06 Remuneration.** The remuneration of the Official Auditor shall be fixed by the Trustees unless otherwise determined by the Assembly.

**B3.07 Casual vacancy.** If a casual vacancy occurs in the office of Official Auditor the Trustees shall make a temporary appointment which shall continue until the next annual meeting of the General Assembly.

**B3.08 Report to Assembly.** The report of the Official Auditor shall

be published and distributed with the Assembly papers.

## PROCURATOR

**B4.01 Qualifications.** The Procurator shall be a Barrister-at-law of New South Wales and a communicant or adherent of the Presbyterian Church of Australia in the State of New South Wales, who is in active fellowship with his local congregation.

**B4.02 Acting Procurator.** In the event of a vacancy by death or otherwise or in the event of the Procurator becoming incapacitated by mental or bodily infirmity the Trustees shall, if necessary, make an appointment of an Acting Procurator which shall be valid until the meeting of the Assembly.

**B4.03 Absence overseas.** In the event of the Procurator being absent from Australia, the Trustees shall have power to appoint an Acting Procurator and during such absence the Acting Procurator shall have all the power and authority of the Procurator.

**B4.04 Appointment.** On the occurrence of a vacancy by death or otherwise the Procurator shall be appointed by the Assembly during the first week of the session by a resolution of which notice has been given during at least two sederunts.

**B4.05 Removal.** The Procurator may be removed from office by the Assembly on an overture from a presbytery or a committee of the Assembly.

**B4.06 Seat in Assembly.** The Procurator shall in virtue of the office have a seat in the Assembly with full powers if an elder but without power of voting if not an elder.

**B4.07 Advises Assembly.** The Procurator shall advise the Assembly when in session with regard to all matters concerning which the Assembly by motion duly made and carried may request him to give advice and he shall consider and report upon all matters submitted to him by the Assembly.

**B4.08 Advises presbyteries and Assembly committees.** The Procurator shall advise all presbyteries and ordinary committees and special committees of the Assembly on any appropriate matter on which they desire his opinion on a case being submitted to him by the Law Agent of the Church through the General Manager.

**B4.09 Revises libels.** The Procurator shall revise all libels and no libel shall be deemed relevant that has not been revised by him.

**B4.10 Church Counsel.** The Procurator shall hold a general retainer

for the Church, including its congregations, committees, institutions and organisations and unless he advises the Law Agent to the contrary he shall act as Counsel for the Church in all cases in which any question affecting the rights and interests of the Church shall come before Parliament or the Law Courts and when so acting shall be entitled to the ordinary professional fees.

**B4.11 Fees.** Except as hereinbefore provided, no remuneration shall attach to the office of Procurator.

## **McCAUGHEY FUND**

### **REGULATIONS PURSUANT TO SECTION 12 OF THE PRESBYTERIAN CHURCH (NEW SOUTH WALES) PROPERTY TRUST ACT, 1936 (B.B. 2004 Min. 64(4))**

**C1.01 Name.** There shall be a special fund to be known as the McCaughey Fund (the Fund) which fund is established by resolution of the General Assembly under section 10 of the Property Trust Act (see GANSW BB 2003, Min. 157).

**C1.02 Authority.** The Fund is vested in The Presbyterian Church (New South Wales) Property Trust (the Trustees) pursuant to The Presbyterian Church (New South Wales) Property Trust Act, 1936.

**C1.03 Administration.** The Fund shall be administered by the Trustees. The cost of administration shall be a charge on the Fund. Before making a grant for purposes listed in 1.05(a)-(c), the Trustees must obtain a recommendation from the Ministry and Mission Committee.

**C1.04 The Fund.** The Fund shall consist of the capital received from the estate of the late Sir Samuel McCaughey and the accumulation thereon from time to time.

**C1.05 Objects.** The objects of the Fund, as specified in GANSW BB 2003, Min. 157(9) are to provide financial support:

- (a) to new congregations particularly by assisting in the meeting of superannuation obligations in respect of ministers,
- (b) to meet general expenses of new congregations,
- (c) for the congregations at Narrandera and Griffith, and
- (d) for the Ministry Development Program of the General Assembly.

**C1.06 Conditions.** The Trustees may impose conditions for the approval of grants from the Fund.

**C1.07 Applications.** Applications for grants from the Fund under objects (a) to (c) shall be made in writing through the Ministry and Mission Committee with such information as that Committee may require.



# PROPERTY TRUST REGULATIONS PURSUANT TO SECTION 12 OF THE PRESBYTERIAN CHURCH (NEW SOUTH WALES) PROPERTY TRUST ACT, 1936

## C2.1 DEFINITIONS

**C2.1.01 Definitions.** In these regulations unless contrary to the context or obvious meaning:

"**Act**" means The Presbyterian Church (New South Wales) Property Trust Act, 1936.

"**Assembly**" means the General Assembly of the Church.

"**Approval Table**" means the table of approval requirements in regulation C2.2.02.

"**Board**" means a council, committee or board of directors appointed by the Assembly under Section 13 of the Act.

"**Budget**" means in respect of an Institution the budget submitted by that Institution as referred to in C2.4.02.

"**Church**" means the Presbyterian Church of Australia in the State of New South Wales.

"**Church organisations**" means all committees of the Church including Committees of Management, Sessions, Boards and Governing Committees, but not including the Trustees.

"**Committee of Management**" means in relation to a Congregation the committee of management or deacon's court of that Congregation.

"**Congregation**" means a congregation of the Church as recognised pursuant to the practice and procedures of the Church.

"**General Manager**" means the General Manager of the Church as appointed pursuant to the practice and procedures of the Church.

"**Governing Committee**" means a committee of the Assembly, including any management committee of an ordinary or special committee, which manages Land or other property.

"**in active fellowship**" means giving faithful attendance on gospel ordinances and associating regularly with a congregation in worship.

"**Institution**" means a project or activity of the Church generally in respect of which the Assembly has granted a constitution and/or powers of management and control to a Board under Section 13 of the Act.

"**Land**" means land, both freehold and leasehold, including all buildings and fixtures thereon.

"**Limit for any one item**" means the limit of spending for a thing or series of things which are normally treated as a unit or whole for purposes of the Church, whether or not payable by installments and whether or not invoiced in a series of invoices.

"**Presbytery**" means in relation to a Congregation the presbytery within

whose bounds that Congregation is located.

**"Programme"** means any programme of a Congregation, all such being accountable to the Congregation through the Committee of Management, which is a structured activity of a social welfare or educational nature intended for community use rather than exclusively for Congregational use such as a school, pre-school kindergarten, long day child care centre, retirement village, or hostel for the aged.

**"property"** means Land, personal property and any other tangible asset.  
**"Reporting Table"** means the table of reporting requirements in Regulation C2.2.03.

**"School"** means a congregational school as referred to in regulation C2.3.08(a).

**"Session"** means in relation to a Congregation the session of the pastoral charge which comprises or includes that Congregation.

**"Spending"** means purchase, expenditure, gift or the creation of a liability, cost, debt, lease, contract or promise which generates or satisfies an economic obligation which eventually entails payment of an amount of money for goods, services or any other thing.

**"Spending Table"** means the table in Regulation C2.02.01 and/or C2.2.02 as relevant.

**"Tables"** means each of the Approval, Spending and Reporting Tables.

**"Trustees"** means The Presbyterian Church (New South Wales) Property Trust as established by the Act.

## **C2.2 APPROVAL AND REPORTING TABLES**

### **C2.2.01 Spending other than land and building projects.**

Approvals for major spending are as required in these regulations including this regulation. Without being comprehensive they are:-

	<b>Church Organisation or type of Spending</b>	<b>Limit for any one item</b>	<b>Approving body if Limit exceeded</b>
a	Committee of Management	\$10,000 (unless the congregation resolves to impose a different limit, see The Code Part III C2.3.06(b))	Congregation
b	Congregation	\$50,000	Presbytery
c	Congregation with Presbytery approval	\$100,000	Trustees
d	Programme without	\$100,000	Trustees



	<b>Church Organisation or type of Spending</b>	<b>Limit for any one item</b>	<b>Approving body if Limit exceeded</b>
	Congregation and Presbytery approval		
e	Governing Committee	\$200,000	Trustees
f	Institution with annual income up to and including \$20 million	\$200,000	Trustees
g	Institution with annual income exceeding \$20 million	\$500,000	Trustees
h	All Church organisations employment contracts	\$200,000	Trustees

**C2.2.02 Land and building projects.** Notwithstanding general spending limits authorisation requirements for dealings with land and building projects are as specified in these regulations, including this regulation. Without being comprehensive they are:-

	<b>Church Organisation</b>	<b>Item</b>	<b>Approving body</b>
a	Committee of Management (not including Programmes of Congregation)	Building construction or renovation over \$10,000 but under \$50,000 accompanied with plans, specifications and financial arrangements (unless the congregation resolves to impose a different limit, <i>see</i> The Code Part III C2.3.06(b))	Congregation
b	Committee of Management (not including Programmes of Congregation)	Building construction or renovation exceeding \$50,000 but less than \$100,000 accompanied with plans, specifications and financial arrangements (unless the congregation resolves to impose a different limit, <i>see</i> The Code Part III C2.3.06(b))	Congregation and Presbytery
c	Committee of Management (including Programmes of Congregation)	Building construction or renovation exceeding \$100,000 accompanied with plans, specifications and financial arrangements (unless the congregation resolves to impose a different limit, <i>see</i> The Code Part III C2.3.06(b))	Congregation, Presbytery and Trustees

	<b>Church Organisation</b>	<b>Item</b>	<b>Approving body</b>
d	All Church organisations other than Congregations	Building construction or renovation exceeding \$200,000 accompanied with plans, specifications and financial arrangements	Trustees
e	Committee of Management	All Land dealings including purchase, sale, mortgage or lease.	Congregation, Presbytery and Trustees
f	All Church organisations other than Congregations	All land dealings including purchase, sale, mortgage or lease.	Trustees
g	All Church organisations	Execution of all legal documentation related to dealings in land and/or buildings including contracts, leases, mortgages, plans and specifications.	Trustees or the General Manager authorised under Power of Attorney
h	All Church organisations	All insurance matters	Trustees

**C2.2.03 Reporting.** Reporting requirements for Church organisations are as specified in these regulations, including this regulation. Without being comprehensive they are:-

	<b>Church Organisation</b>	<b>Item</b>	<b>To</b>	<b>Not later than</b>
a	All Church organisations	All bequests	Trustees for dealing with and valid receipting	Immediately when known
b	Session	Annual Report	Congregation	March
c	Session	Statistical Return ('S' Form)	Trustees & Presbytery	March
d	Committee of Management	Auditor Report	Trustees & Presbytery	March
e	Committee of Management	Financial Return ('F' Form)	Trustees & Presbytery	March
f	Committee of Management	Property Report	Trustees	60 days following a Trustees request

	<b>Church Organisation</b>	<b>Item</b>	<b>To</b>	<b>Not later than</b>
g	Programme of Congregation (including School)	Quarterly (calendar) Financial Report	Trustees, Presbytery & Congregation	Each February, May, August & November
h	Programme of Congregation (including School)	Annual Financial Report with budget (including capital expenditure)	Trustees, Presbytery & Congregation	March
i	Programme of Congregation (including School)	Auditor Report	Trustees, Presbytery & Congregation	March
j	Governing Committee	Annual Financial Report with Budget (including capital expenditure)	Trustees	If and as directed from time to time.
k	Governing Committee	Auditor Report	Trustees	If and as directed from time to time.
l	Institution	Monthly Financial Report	Trustees	If and as directed from time to time.
m	Institution	Annual Financial Report with Budget (including capital expenditure)	Trustees	March
n	Institution	Auditor Report	Trustees	March
o	Institution	Governance training report	Trustees	March

**C2.2.04 Exemption from Requirements.** For the purpose of materiality in respect of any Church organisation the Trustees may from time to time determine that a nominated Church organisation is not required to comply with any nominated reporting requirements as contained in the Tables and may have other specific reporting requirements substituted if deemed appropriate.

### **C2.3 CONGREGATIONS**

**C2.3.01 Congregational Property.** All property of a Congregation shall be managed by the Committee of Management subject to the

approval of the Trustees in accordance with Section 18 of the Act. The Trustees at all times have the right to withdraw this approval and undertake direct management of the property of a Congregation, including its funds and bank accounts.

**C2.3.02 Committee of Management.** With respect to its duty in the Code Part II 2.13 (e), (i.e. “exercises oversight in the administration of the temporal affairs of the congregation”) the Committee of Management shall, amongst other things:

- (a) manage the property and liabilities of the Congregation,
- (b) collect, have the custody of and expend all moneys coming into its hands,
- (c) supervise the control and use of funds by any organisation of the Congregation which receives or controls its own funds, and
- (d) take needful steps for the maintenance, improvement, insurance and protection of the property of the Congregation,

subject always to the control of the Congregation and of the Trustees and to the other provisions of these regulations.

**C2.3.03 Obey Directions.** The Committee of Management shall obey such directions relating to property of the Congregation as may properly be given by the Congregation or by the Trustees from time to time. The Committee of Management shall if required by the Trustees present to the Trustees a report of the condition and management of the property under its control, including such duly audited accounts of moneys received and expended, as the Trustees may require.

**C2.3.04 Property Report to Trustees.** The Trustees may from time to time require a Committee of Management to submit to the Trustees such information regarding the property managed by that Committee as the Trustees may require. Each Session and Committee of Management shall submit the reports specified in the Reporting Table to the nominated bodies within the period specified in the Reporting Table.

**C2.3.05 Accounting of Income.** The Committee of Management shall record as income in the congregation’s ordinary account all funds contributed towards ordinary expenses and any assessments imposed by either the presbytery of the Assembly.

**C2.3.06 Spending.**

- (a) A Committee of Management shall not enter into a Spending commitment in excess of the amounts specified in the Spending Table without first obtaining approval for such proposed Spending including the terms and conditions from the

- Congregation, Presbytery and Trustees as specified in the Spending Table.
- (b) The spending limit placed on a Committee of Management by a Congregation shall be the limit shown in the Spending Table unless a different amount is adopted by resolution at a congregational meeting. A congregational meeting cannot adopt a different amount beyond the limit shown for a Congregation in the Spending Table unless the Congregation obtains the approval specified in the Spending Table.
  - (c) In seeking such approval the Committee of Management will comply with the provisions of these regulations, including C2.7.01.

**C2.3.07 Congregational Programmes - other than Schools.**

- (a) A Congregation may in accordance with the rules and regulations of the Church establish and operate a Programme on Land vested in or leased by the Trustees on behalf of the Congregation. In accordance with Section 18 of the Act, the Committee of Management of the Congregation may exercise the functions of management of the Programme including financial management and management of the Land used for the Programme.
- (b) The Committee of Management in exercising management and control of the Programme is subject at all times to the overriding authority of the Trustees as provided for by Sections 16 and 18 of the Act.
- (c) The Trustees may at any time give directions relevant to the operation of a Programme, either general or specific, to the Committee of Management that operates that Programme and the Committee shall comply with such directions.
- (d) The Trustees may if they have concerns regarding the finances and/or management of a Programme by the Committee of Management by resolution suspend the powers of management of the Committee of Management in respect of that Programme and assume direct control of the Programme including the Land that is used for that Programme. Unless there are in the opinion of the Trustees special circumstances the Trustees will not take such action without first requesting and considering a report from the Presbytery.
- (e) The Congregation through the Session or Committee of Management shall ensure that all requirements for any Programme of the Congregation in the Tables are complied with.

- (f) Any licence, permit or authority required by law for the Programme shall be held by the Trustees or as they direct, subject to the requirements of the relevant law and/or regulatory authority.

**C2.3.08 Congregational Programmes – Schools.**

- (a) A Congregation may in accordance with the rules and regulations of the Church (including obtaining the prior consent of the Trustees) establish and operate a low fee Christian school (including junior and/or secondary school classes) as part of its ministry.
- (b) All property (including any contracts) which are assets of a School vest in the Trustees in accordance with Section 9 of the Act. All such assets are congregational property impressed with a trust for the educational outreach of the Congregation, being a trust which has as its overall objective the advancement of religion in accordance with the tenets of the Church.
- (c) In accordance with Section 18 of the Act, the Committee of Management of the Congregation is responsible for the management of the School including financial management. The Committee of Management may establish a separate committee to undertake those duties on its behalf, which separate committee may be established by a constitution for the School.
- (d) The Congregation may establish a constitution for the School, which constitution must be approved by the Trustees before its adoption as a constitution of the School.
- (e) Subject always to the overriding requirement of Trustees' approval in Regulation C2.3.08(d), the Congregation may seek to associate the School with Christian Schools Australia Limited (CSA), or a similar body, in which case it will adopt governance procedures and a constitution similar to that recommended by CSA or as otherwise approved by the Trustees.
- (f) The constitution of the School shall include articles which provide that:
  - (i) the object of the School shall be to provide high-quality, Christ-centered education in accordance with the tenets of the Presbyterian Church,
  - (ii) the School is an activity of the Church and is subject to the authority of the courts and committees of the Church as an activity of the Congregation,
  - (iii) the Moderator shall be the visitor to the School, and receive at least one invitation to visit the School each

- year, and
      - (iv) the requirements in this regulation C2.3.08 shall be complied with.
- (g) The School may appoint only staff who:
  - (i) declare that they accept the doctrinal standards of the Church,
  - (ii) strive to consistently live a Christian life, and
  - (iii) are in active fellowship with a Christian church.
- (h) The School shall comply with the requirements of all relevant State and Federal government bodies.
  - (i) The School shall not enter any Spending commitment without obtaining all approvals required for congregational expenditure under these regulations, particularly regulations C2.3.06, C2.6.01 and C2.6.02 except that the limit in regulation C2.3.06 shall be as specified in the Spending Table.
  - (j) The School shall provide reports on the financial, educational and spiritual progress of the School in accordance with the Reporting Table. It shall provide a copy of each such report to the Session and the Presbytery.
  - (k) The School must be established to operate financially upon a basis that does not and will not become a financial liability of the Trustees. The Congregation is responsible for any debts or other liabilities of the School. Accordingly liabilities of a School are to be met firstly out of the revenue of the School, secondly out of the assets of the School, thirdly out of the revenue of the Congregation, and fourthly out of the assets of the Congregation and only when these sources have been exhausted out of other property held by the Trustees.
  - (l) The School must ensure that all insurances required by the Trustees to be maintained are effected and kept up to date.
  - (m) The School must ensure that the Trustees have approved the terms and conditions of any obligation contained in a contract required to be executed to facilitate the receipt of a grant from entering into such agreement or accepting such funds.

## **C2.4 INSTITUTIONS**

**C2.4.01 Financial Supervision.** Notwithstanding the provisions of any constitution and/or powers of management and control granted by the Assembly to a Board, the Trustees may in pursuit of their duty as trustee of all the property, and responsibility for all debts and liabilities of, the relevant Institution and by resolution of the Trustees:

- (a) give directions to the Board in respect of the financial and/or property management of the Institution, and/or
- (b) appoint up to two additional members to the Board of the Institution for such period as the Trustees may determine, and/or
- (c) assume direct control of the management of the Institution until the next meeting of the Assembly provided that the Trustees first resolve that the financial situation of the Institution requires such action. The Trustees shall subsequently report to the Assembly on any action taken pursuant to this power.

**C2.4.02 Budget.** Each Board shall provide to the Trustees its proposed budget in a form required by the Trustees for each calendar year (being the financial year for the Institution) not later than the period specified in the Reporting Table. When providing the Budget the Board shall provide supporting material to justify assumptions made within the Budget, particularly on the income side of the Budget.

**C2.4.03 Financial Reporting.** Each Board shall provide reports regarding the financial performance of the Institution within the periods specified in the Reporting Table in such form as the Trustees require from time to time. The Trustees may require such reports upon request and may state the format for such reports to improve consistency of reports from all Institutions. Each Board shall procure that the relevant Institution responds properly to any queries or requests from the Trustees regarding any aspect of financial or property management within the Institution.

**C2.4.04 Auditor and Annual Management Reports.**

- (a) Each Board shall engage the Official Auditor to be the auditor of the Institution.
- (b) The Auditor shall submit an annual audit report to the Trustees through the Board. Such report shall deal with the financial affairs of the Board for the financial year just ended.
- (c) Each Board shall obtain an annual management report from the Auditor, and shall report in writing to the Trustees on steps being taken regarding any management recommendations of the Auditor within the period specified in the Reporting Table.

**C2.4.05 Spending.** A Board shall not enter into any Spending commitment in excess of the following Limits for any one item:

- (a) an Institution with an annual budget in excess of \$20M - as per Spending Table
- (b) an Institution with an annual budget of less than \$20M - as per Spending Table



(or such higher amount as the Trustees may approve from time to time in respect of a particular Institution) without first obtaining approval for such Spending and its terms and conditions from the Trustees.

**C2.4.06 Non Recourse Loans.** The Trustees may as a condition of approval for a proposed borrowing by an Institution require that the lender acknowledge that the rights of the lender to recover any borrowed moneys (including pursuant to any securities) are limited to the property held by the Trustees for and on behalf of the relevant Institution.

**C2.4.07 Training for Board.** The Trustees shall make or approve arrangements for the establishment and ongoing management of relevant training opportunities so that all members of Boards receive training regarding their duties as Board members, such as:

- (a) principles of good governance, especially as they apply within the field of activity of the Institution,
- (b) financial management,
- (c) risk management and insurance,
- (d) OH&S, industrial relations, anti-discrimination and other State and Federal laws relevant to the Institution,
- (e) the requirements of the Church as contained in these regulations and the Code generally, and
- (f) formulating and advancing the mission of the Institution as an activity of the Church with a Christian world view.

Each Board will report annually to the Trustees in accordance with the Reporting Table on training undertaken by that Board for its members. The Trustees may accept such training at Board level as satisfying training requirements to such extent as the Trustees may determine. The Trustees shall take into account any professional qualifications held by individual Board members in determining the minimum training requirements for those Board members.

**C2.4.08 Minimum Training.** Each Board shall ensure that each member of the Board undertakes such training as provided for in regulation C2.4.07, both as to content and time, as may be directed by the Trustees from time to time as the minimum training for each Board member. A Board, when nominating members of the Board for re-election, must state in its report to the Assembly that the nominated Board members have completed the minimum training requirements.

**C2.4.09 Foundation.** Any Institution which intends to establish a fundraising Foundation shall first consult the Trustees. Any Foundation must, in accordance with Section 9 of the Act, be established by a trust deed with the Trustees as trustee of the Foundation. Any such trust deed must be in a form

approved by the Trustees. The Board shall procure that the Foundation so established operates in accordance with the approved trust deed.

**C2.4.10 Funding and Grant Contracts.** The Board must ensure that the Trustees have approved the terms and conditions of any obligations contained in a contract required to be executed to facilitate the receipt of a grant from any outside authority or body prior to entering into such agreement or accepting such funds.

## **C2.5 GOVERNING COMMITTEES**

**C2.5.01** The Trustees may direct a Governing Committee to comply with such of the obligations of Boards under regulation C2.4 as the Trustees may specify in respect of any Property or Land and activity thereon managed by that Governing Committee as the Trustees may nominate. A Governing Committee shall comply with all such directions from the Trustees, including regulation C2.4, to the extent required by the Trustees.

**C2.5.02** In the absence of any other direction from the Trustees, each Governing Committee will comply with the requirements specified for Governing Committees in the Tables.

## **C2.6 BUILDING WORKS AND OTHER CAPITAL EXPENDITURE**

**C2.6.01 Expenditure on Congregational Land.** In respect of any proposed expenditure for the erection or purchase of new buildings or effecting repairs, renovations or additions to existing buildings of a Congregation which is estimated to or will cost in excess of amounts specified in the Approvals Table the Committee of Management shall:

- (a) submit the plans and specifications together with the financial arrangements for the proposed expenditure to bodies specified in the Approvals Table,
- (b) call for tenders (if required by the Trustees),
- (c) obtain the approval of the bodies as specified in the Approvals Table before proceeding with the work.

**C2.6.02 Expenditure on Congregational Property other than Land.** In respect of any proposed purchase or sale of any property other than Land including goods and chattels, items of office equipment, works of art, furniture and electronic equipment in excess of the Spending limits in the Spending Table a Committee of Management shall submit the proposal together with the financial arrangements to the Congregation, and the Presbytery and the Trustees to obtain

the approval of these bodies before proceeding if and as required by the Tables.

**C2.6.03 Expenditure on Land Other Than Congregational Land.**

A Board or Governing Committee shall in respect of any proposed expenditure for the erection or purchase of new buildings or additions to existing buildings which is estimated to cost in excess of the amount specified in the Approvals Table:

- (a) have plans and specifications prepared by a registered architect, a reputable project building company or other person acceptable to the Trustees,
- (b) submit the plans and specifications together with financial arrangements for the proposed expenditure to the Trustees,
- (c) call for tenders (if required by the Trustees),
- (d) details in (a), (b) and (c) should be submitted to the Trustees with the Budget or before proceeding with the work, and
- (e) obtain the approval of the Trustees for items not included in the Budget.

**C2.6.04 Insurance.** In any case in which any Church organisation is proposing to carry out works whether under a building contract or as owner builder which involves a value of work and materials in excess of \$500,000 the relevant organisation shall verify with the Trustees the insurances required to be obtained and shall effect all insurance required by the Trustees.

**C2.6.05 Endorsement of Plans.** If the plans and specifications for any building work exceeding in value \$100,000 are not prepared by a registered architect the Trustees may require that the proposed contract documents, including the plans and specifications, be endorsed by a registered architect as adequate and complying with all relevant government requirements.

**C2.6.06 Civil Approvals.** The Committee of Management, Board or Governing Committee shall not undertake any building works without first obtaining the consent of the local government authority and all other consents which may be required from any other governmental authority for the carrying out of such works.

**C2.6.07 Supervision of Works – Congregational Projects.** In respect of all works to be undertaken by a Congregation for which the approval of the Trustees is required, arrangements for supervision of the works acceptable to the Trustees shall be made by the Committee of Management. Upon completion of the works the Committee of Management shall provide to the Trustees a certificate showing that all work has been completed in accordance with the approved plans and specifications.

## **C2.7 DEALINGS IN LAND**

**C2.7.01 Purchase/Sale/Lease.** The Trustees may as to any Land held or to be held for any particular use, activity, service or object of the Church (including use by any Congregation) upon request by the Committee of Management, Board or Governing Committee of such activity or service:

- (a) purchase such Land,
- (b) lease, mortgage, sell, grant or release easements, exchange and otherwise deal with such Land, and
- (c) negotiate resumption claims in respect of such Land.

Where such Land is held for a Congregation, the Congregation shall obtain the consent of the Presbytery prior to submitting its request to the Trustees.

**C2.7.02 Supporting Documents.** In respect of any request to the Trustees under regulation C2.7.01 to purchase, lease, mortgage, sell, exchange, act on a resumption or otherwise deal with Land the relevant Committee of Management, Board or Governing Committee shall provide to the Trustees:

- (a) a plan of the Land proposed to be dealt with which is acceptable to the Trustees,
- (b) a certificate of valuation by a licensed real estate valuer or other evidence of value acceptable to the Trustees,
- (c) a survey identification report,
- (d) a building inspection report (in the case of a purchase), and
- (e) a pest report (in the case of a purchase).

The Trustees may if there are special circumstances upon request by the Committee of Management, Board or Governing Committee agree to waive any of these requirements.

**C2.7.03 Evidence of Consent to Deal with Land.** Where on any dealing with Land the consent of the Congregation is required such consent shall be:

- (a) given at a meeting of such Congregation duly convened for the specific purpose, and
- (b) evidenced by a copy of the minute passed at such meeting giving the numbers voting for and against the motion carried and signed by the chairman and secretary of such meeting.

A copy of such minute shall be provided to the Presbytery and the Trustees when any request of the kind referred to in regulation C2.7.01 is submitted to the Presbytery and the Trustees.

**C2.7.04 Investment in Land.** The Trustees may as to Land to be purchased as an investment for the funds of the Church generally or for the funds

of any particular activity or service of the Church, purchase or acquire the same with or without the consent or request of any persons or body but before doing so shall obtain and consider:

- (a) a registered valuer's valuation, a report of a licensed real estate valuer familiar with values in the area or such other evidence of value acceptable to the Trustees, and
- (b) the report of the Law Agent as to any current legal restriction on uses to which such Land may be put.

The Trustees may as to any Land so purchased or acquired or otherwise held as an investment, manage, deal with, lease, mortgage and with the like evidence of value sell, exchange and negotiate resumptions and do any of such things on such terms as the Trustees shall consider proper.

**C2.7.05 Custody of Titles.** The Trustees shall have safe custody of all documents of title for all Land vested in the Trustees.

**C2.7.06 Heritage Affectation.** A Committee of Management shall not enter into any arrangement with the Heritage Council of NSW (or any successor) whereby any restriction or covenant is placed on any Land owned on behalf of the Congregation without the prior approval of the Trustees.

## **C2.8 INSURANCE**

**C2.8.01 Indemnity and Insurance.** The Trustees shall be responsible to provide advice and assistance in and attend to matters of insurance and compensation for loss, injury or damage and shall:

- (a) effect insurance of all property held by or in trust for some or all of the purposes of the Assembly, any Church organisation or fund in connection with the Church against loss or damage subject always to the terms and conditions legally imposed by underwriters in their policies of insurance,
- (b) arrange workers compensation insurance,
- (c) arrange any other insurance or risk management service,
- (d) receive commissions and charge fees.

**C2.8.02 Reserve Fund.** The Trustees may create an emergency reserve fund the purpose of which shall be to assist the Church or any part thereof in any circumstances that may arise that are outside the scope of normal insurance protection.

**C2.8.03 Payment of Premiums.** The General Office on behalf of the Trustees may from time to time notify each Church organisation that has the control and/or management of property vested in the Trustees of the insurance

premium required to be paid in respect of such property. The relevant body responsible for the property shall ensure that payment of the premium is made by the due date as notified.

**C2.8.04 Failure to Pay Premiums.**

- (a) In the case of congregational property the General Office on behalf of the Trustees shall notify the Presbytery that a Committee of Management has failed to pay insurance premiums as required by the Trustees. The Presbytery shall take all steps necessary to ensure that the Committee of Management of such Congregation pays the insurance premiums within a period of two months.
- (b) If premiums are payable by a Congregation in accordance with regulation C2.8.03 and the Presbytery has been unable to secure payment of the premium by the Committee of Management in accordance with regulation C2.8.04(a), the Trustees may, in accordance with its general powers and its specific authority under Section 18 of the Act, take steps to procure payment of the premium including taking control of bank accounts or other property of the Congregation.

**C2.8.05 Maintenance of Insurances.** The Trustees may take steps to ensure that:

- (a) all land and other property are adequately insured, and
- (b) insurance policy payments are from time to time up to date.

**C2.8.06 Custody of Policies.** The Trustees shall have the safe custody of all policies of insurance.

**C2.8.07 Indemnity to Church Officers.**

- (a) Notwithstanding any insurance that may be in place the Assembly on behalf of the Church and by the enactment of this regulation under Section 12 of the Act hereby indemnifies all Officers of the Church and the Trustees against any Liability where such Liability does not arise out of conduct attributable to a lack of good faith on behalf of the Officer.
- (b) For the purposes of paragraph (a) “Liability” extends to any liability, costs, damages, fees, expenses, demands, suits, actions, proceedings or claims incurred by the Officer in or arising out of being an Officer for the Church or the Trustees including legal costs incurred by the Officer in connection with claims or threatened proceedings, whether or not the Officer is receiving any remuneration of any kind or is acting in an honorary capacity. Such indemnity:

- (i) is limited to property and assets of the Church,
  - (ii) does not extend to any Officer or person for a Liability arising from their personal provision of any legal, financial or professional advice, goods and services,
  - (iii) does not extend to any claim or circumstance where to do so would involve a breach of law or defending or resisting criminal proceedings in which the Officer is found guilty.
- (c) For the purposes of this regulation C2.8.07 an Officer shall mean any formally appointed person who holds office under the rules of the Church or any committee or board of the Church and who is duly authorised to make or participate in making decisions that substantially affect any duly constituted part of the Church. Officers shall include any former, current or future member of a governing body, ministers, elders, directors, executive heads, senior managers, treasurers, clerks, deputy clerks, secretaries, moderator, chairman or convener and members of any committee, subcommittee, session, court, trust, board, council or foundation, but shall not include any contractor or provider of goods or services in respect of Liability arising from the provision of such goods and services.
- (d) The Trustees in respect of any claim against an Officer:
- (i) reserve the right to give directions and take over conduct of the claim
  - (ii) reserve the right of subrogation.
- (e) If an Officer becomes aware of a claim which could result in a Liability or circumstances that could give rise to such a claim, then that Officer must notify, or procure that the committee of which the Officer is a member notifies, the Trustees of the relevant circumstances as soon as is reasonably practicable.
- (f) An Officer must not make any admissions or seek to settle a claim without written consent from the Trustees.

## **C2.9 VARIATIONS OF TRUST**

### **C2.9.01 Unused Congregational Property.**

- (a) If:-
- (i) the property of a Congregation ceases to be used by that Congregation for a period of not less than four months, and
  - (ii) it is unlikely that regular use of the property by the Congregation will be resumed,
- then the Committee of Management exercising jurisdiction over

that property and/or the Presbytery shall report to the Trustees that the property has become inactive. In presenting such a report the Committee of Management or Presbytery should indicate whether there are any plans for the future use of the property and whether the Presbytery sees the property as being part of any future ministry activity.

- (b) After:-
- (i) considering a report from the relevant Committee of Management and/or Presbytery as referred to above, and
  - (ii) undertaking such enquiries (if any) which the Trustees regard as necessary or desirable in the circumstances, the Trustees may declare that the inactive property is redundant church property and proceed to ask the Assembly to make relevant declarations about the inactive property pursuant to section 10 of the Act as provided for in C2.9.02.

#### **C2.9.02 Redundant Property of a Congregation.**

- (a) If the Trustees resolve to proceed to ask the Assembly to make relevant declarations about an inactive property pursuant to section 10 of the Act then the Trustees shall require the Presbytery of the bounds in which the inactive property is situated ("the relevant Presbytery") to present the report on the matter required by section 10(2) of the Act ("the relevant Presbytery report") within 16 weeks after date of request.
- (b) The relevant Presbytery report may adopt, confirm or expand the existing report provided by that Presbytery or the relevant Committee of Management pursuant to C2.9.01(a).
- (c) When submitting a report to the Trustees under Section 10(2) of the Act, the Presbytery shall provide to the Trustees by way of extract minute evidence that the report is the report of the Presbytery or is a report to the Presbytery which has been approved and adopted by the Presbytery.
- (d) The Trustees shall also procure promptly a report by the Ministry and Mission Committee as to possible alternative uses of the inactive property together with a review of possible new trusts which are or might be considered as being as nearly as practicable the same as the existing trusts which shall include a review of whether all or part of the property shall be:
  - (i) held for the benefit of a Congregation or Congregations continuing to function in or adjacent to the area of the Congregation or former Congregation for whose benefit the property was held,



- (ii) held for the benefit of any special interest Congregations which then function or are expected to function in the area, or
- (iii) transferred to the Parish Development Fund to be applied for parish development in accordance with the regulations for that Fund.

Such a report by the Ministry and Mission Committee shall be prepared only after consultation with the Presbytery and shall include a recommendation with reasons as to the proposed new trust or trusts upon which the property should be held and, if the proposed new trust or trusts are not trusts which are as nearly as practicable the same as the existing trusts, an explanation of the circumstance with reasons as to why the Committee is of the opinion that it is impossible or inexpedient for the proposed new trusts to be as nearly as practicable the same as the existing trusts in the circumstances arising since the creation of the trusts upon which the inactive property is held at the date of the report.

- (e) If the Trustees resolve to recommend that the Assembly make the further declaration described in section 10(4) of the Act then the Trustees may recommend to the Assembly that the Assembly declare pursuant to section 10(1)(b) of the Act that the net proceeds of sale of the inactive property be held upon trust for the use, benefit and purposes of the Presbyterian Church of Australia in New South Wales by being divided equally between:

- (i) the Parish Development Fund, to be applied for parish development in accordance with the regulations for that Fund,
- (ii) the Ministry and Mission Committee, to be applied by that Committee in accordance with its regulations to assist in the revitalisation of Congregations or the establishment of new Congregations within the bounds of the relevant Presbytery, and
- (iii) if within 5 months after receipt of the proceeds of sale of the inactive property the relevant Presbytery and the Ministry and Mission Committee cannot reach agreement on how the said proceeds might be applied within the relevant Presbytery then the one-half share described in (ii) shall be transferred to the Parish Development Fund, to be applied for parish development in accordance with the regulations for that Fund.

## **C2.10 GENERAL REQUIREMENTS**

**C2.10.01 Bequests.** A Committee of Management, Board or Governing Committee shall forward to the Trustees any bequests that it may receive so that the Trustees may deal with such bequests, including the giving of a valid receipt therefore pursuant to Section 23 of the Act.

**C2.10.02 Reports and Information.** Notwithstanding any provision in the constitution of any body under the jurisdiction of the Church, the right of the Trustees to require any reports or information it may deem necessary in the exercise of its general oversight of the financial affairs of the Church is expressly reserved.

**C2.10.03 Employment Contracts.** If a Church organisation proposes to establish an employment contract with any person which:

- (a) is for a period exceeding five years, or
- (b) creates annual Spending which exceeds the sum specified in the Spending Table or such higher amount determined by the Trustees from time to time then the Church organisation shall seek the approval of the Trustees with respect to the period or the annual liability prior to entering into the contract. Such approval may be granted by the Trustees up to a pre-determined limit prior to a committee commencing its search to fill a position.

## **C2.11 TRUSTEES**

**C2.11.01 Execution of Documents.** The Trustees may by resolution authorise:

- (a) the General Manager,
- (b) a nominated Trustee or Trustees, or
- (c) any other person or class of persons,  
to execute any specified document or class of documents for and on behalf of the Trustees.

**C2.11.02 Appointment of Attorneys.** The Trustees may, in exercise of the power of delegation under Section 21C of the Act, appoint:

- (a) the General Manager,
- (b) a nominated Trustee or Trustees, or
- (c) any other person or class of persons,  
to be attorneys for the Trustees to execute such documents as the Trustee may specify pursuant to the power or powers of attorney.

**C2.11.03 Common Seal.** No deed or documents shall be signed by or on behalf of the Trustees or have the common seal affixed thereon unless such deeds or documents shall have been approved by the Law Agent or his appointee.

**C2.11.04 Membership of Trustees.** The Trustees will report to each Assembly that persons other than ministers nominated by the Trustees for election or re-election to the Trustees have provided a current letter from the nominee's minister or session confirming that the nominee is in active fellowship with the nominee's Congregation. If a person is nominated by a member of the Assembly to fill a position or the Trustees, such a letter must accompany the nomination form.

**C2.11.05 Management Committee.** In connection with any property held by the Trustees where there is no Congregation or any Committee of Management, Board or Governing Committee to take charge, the Trustees may appoint a management committee to manage and administer such property with such powers as the Trustees may confer. Such committee shall hold office during the pleasure of the Trustees.

## **C2.12 TRUSTEES INVESTMENT FUND**

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**C2.12.01 Establishment of Investment Fund.** The Trustees may establish or continue the operation of a blended fund for the investment of all moneys held by the Trustees known as the Trustees Investment Fund.

**C2.12.02 Composition of Funds.** The TIF shall comprise such of the following funds as the Trustees elect to place within the TIF:

- (a) funds placed by Church organisations with the Trustees for investment,
- (b) funds which are held by the Trustees on specific trusts, including for different purposes or activities of the Church,
- (c) funds managed by the Trustees which are held upon a general trust for the Church.

**C2.12.03 Blending of Funds.** The blending of these Funds held on separate trusts is authorised under Section 21B of the Property Trust Act. These TIF regulations are not intended to narrow the power of the Trustees (including power to make advances) under section 21B of the Act or the Trustees' other powers under the law.

**C2.12.04 Funds Exempted.** The Trustees may exempt particular funds from being invested through the TIF.

**C2.12.05 Trustees' Discretion.** The Trustees shall manage the TIF

as they think best and in accordance with their obligations under the law. In managing the TIF the Trustees may take appropriate investment advice from qualified investment advisers.

**C2.12.06 Risk Considerations.** In investing the TIF the Trustees shall consider the capital growth, investment income and risk profile of the TIF.

**C2.12.07 Distribution after Provision for Reserve.**

- (a) The Trustees shall from time to time, and until the next determination at such time as the Trustees think fit, determine an appropriate rate of distribution on Funds.
- (b) In determining the Rate the Trustees shall apply a practice which will have considered the likely impact on Funds including total return (capital growth and income) based on an investment strategy including a prudent risk management strategy with provision for an appropriate level of funds set aside (Buffer Reserve) to support the Rate and to assist the smoothing out of market fluctuations.

**C2.12.08 Rate of Return.**

- (a) Each Church organisation which places Funds with the TIF is by these regulations promised the Rate applicable from time to time on the Funds placed by that Church organisation with the TIF.
- (b) The amount of return representing in money the Rate which each Fund receives will be calculated daily and allocated monthly (or as otherwise determined by the Trustees) and will thereafter be treated as part of the Fund unless and until:
  - (i) in the case of Funds lodged by a Church organisation, the Church organisation which placed Funds with the TIF notifies the Trustees in writing that the Church organisation wishes to receive the Rate by payment, or the Funds are withdrawn
  - (ii) in the case of other Funds, the Trustees otherwise determine.
- (c) The Trustees may from time to time circulate a form of notice in writing which is required substantially to be complied with to give the notice required under paragraph (a). If no form of notice has been circulated then any form of notice in writing will be sufficient.
- (d) The entitlement of each Fund to a distribution on that Fund is limited to the amount of return representing in money the Rate from time to time.

**C2.12.09 Fees.**

- (a) The Trustees may levy a fee or fees upon the TIF for managing and administering the TIF including managing the way in which the TIF is from time to time invested.
- (b) The TIF management fee shall be a percentage per annum of the total of all moneys held in the TIF and shall be reported at each General Assembly.
- (c) The Trustees may vary the percentage of the management fee with effect from the first day of any month.
- (d) The management fee shall be calculated as one-twelfth of the annual management fee on the last day of each month, or as otherwise determined by the Trustees from time to time.
- (e) The Trustees may withdraw from the TIF the management fee by monthly installments in arrears upon or after the last day of each month, or as otherwise determined by the Trustees from time to time.
- (f) In addition to the general management fee or fees, the Trustees may impose a transaction handling charge or fee in respect of each transaction involving a placement in or return of moneys from the TIF.

**C2.12.10 Surplus Funds.** The Trustees shall use any Buffer Reserve for the purposes described in C2.12.07(b) and, after meeting the requirement to pay the Rate and to return Funds when requested, any additional funds in the TIF are available for such purposes as the Trustees may determine from time to time.

**C2.12.11 Placement of Funds.**

- (a) The Trustees may require that a representative of each Church organisation seeking to place funds with the TIF signs an application in such form and containing such requirements (including as to warranty of authority) as the Trustees may from time to time require.
- (b) Each placement of Funds with the TIF is subject to these TIF Regulations.
- (c) Repayment of capital is not guaranteed unless stated for a particular placement of Funds.

**C2.12.12 Managing the TIF.**

In managing the TIF:

- (a) The Trustees may enter into arrangements with banks or other major financial institutions for the funds in the TIF to be held by such financial institutions or their nominees as investments such

that the cash in the TIF is not custodially held by the Trustees, but are recorded as investments by the Trustees in the forms of investments agreed from time to time by the Trustees.

- (b) In particular the Trustees may consent to arrangements with the financial institution whereby the custodian of the TIF is not the same as the institution which is determining the investment of those funds.
- (c) The Trustees may delegate to any such bank or other financial institution the management of the TIF, including the day to day decision making regarding the appropriate investment of moneys held within the TIF.

**C2.12.13 Definitions.** In these regulations C2.12:

Buffer Reserve means the reserve fund referred to in regulation C2.12.07(b).

Fund/s means monies placed with the TIF as referred to in regulation C2.12.02.

Month/ly means a calendar month.

Rate means the notified return for each Fund from time to time as referred to in regulation C2.12.07(a).

TIF means the Trustees Investment Fund as recognised in regulation C2.12.01.

**THE PRESBYTERIAN FOUNDATION  
REGULATIONS PURSUANT TO SECTION 12 OF  
THE PRESBYTERIAN CHURCH (NEW SOUTH WALES) PROPERTY  
TRUST ACT, 1936**

**C3.01 Name.** There shall be a special fund entitled The Presbyterian Foundation (hereinafter referred to as the "Fund").

**C3.02 Authority.** The Fund is vested in The Presbyterian Church (New South Wales) Property Trust (hereinafter referred to as the "Trustees") pursuant to The Presbyterian Church (New South Wales) Property Trust Act, 1936.

**C3.03 Administration.** The Fund shall be administered by the Trustees. The cost of administration shall be a first charge on the Fund.

**C3.04 The Fund.** The Fund shall consist of money and property of any other nature which is either a gift to the Fund, or on deposit with the Fund, or which is made available to the Fund to provide security for advances from the Fund.

**C3.05 Interest.** Deposits with the Fund may be free of interest or at such rates of interest as may be agreed upon by the Trustees.

**C3.06 Committee.** The Trustees may appoint a committee, which may include persons who are not Trustees, to deal with such aspects of the Fund as the Trustees may decide.

**C3.07 Use of Fund.**

- (a) The object of the Fund is to provide a source of finance and credit for capital expenditure in the work of the Church.
- (b) The Fund shall be applied, both as to capital and income, in making available advances or credit or gifts for capital expenditure in the enterprises of the Assembly, including its committees, councils and boards and congregations as may be approved from time to time by the Trustees.

**C3.08 Repayment.** All advances or extensions of credit from the Fund shall be subject to such arrangements for repayment or for meeting the liability, as the case may be, as are approved by the Trustees.

**C3.09 Donations Specific Purpose.** Donations to the Fund for a specific purpose shall be subject to prior approval by the Trustees and, if accepted,

shall be applied only for such purpose.

**C3.10 Invested Funds.** When not immediately required for the purposes of the Fund, the assets of the Fund shall, in the discretion of the Trustees, be invested by the Trustees in appropriate investments.

**C3.11 Applications.** Applications for advances or assistance from the Fund shall be made in writing to the General Manager with such information as the Trustees may require.



**PARISH DEVELOPMENT FUND  
REGULATIONS PURSUANT TO SECTION 12 OF  
THE PRESBYTERIAN CHURCH (NEW SOUTH WALES) PROPERTY  
TRUST ACT, 1936**

**C4.01 Name.** There shall be a special fund to be known as the Parish Development Fund (“the Fund”).

**C4.02 Authority.** The Fund is vested in The Presbyterian Church (New South Wales) Property Trust (“the Trustees”) pursuant to The Presbyterian Church (New South Wales) Property Trust Act, 1936.

**C4.03 Administration.** The Fund shall be administered by the Ministry and Mission Committee (“the Committee”). The cost of administration shall be a charge on the Fund.

**C4.04 The Fund.** The Fund shall consist of money and property of any other nature which is either a gift to the Fund or on deposit with the Fund or which is made available to the Fund to provide security for advances from the Fund, or which is otherwise transferred or contributed to the Fund pursuant to a Law or Regulation of the Church or the general law.

**C4.05 Deposits and Advances.** Deposits with the Fund and advances from the Fund will be at rates of interest determined by the committee which rates may be reduced to zero.

**C4.06 Repayment of Deposits.** A reserve fund, being a minimum of ten per cent (10%) of total deposits, will be maintained to enable repayment of deposits if called upon at short notice.

**C4.07 Use of Fund.** The objects of the fund are to:

- (a) provide a source of finance and credit by way of capital expenditure for the development of new congregations and the expansion of existing congregations; and
- (b) to provide a source of grants for non-capital purposes for the development of new, ethnic or special interest ministries or congregations or for the expansion of existing congregations such grants to be made over a period not exceeding five (5) years.
- (c) provide a source of financial capital for the purchase of property for viable church plants and in so doing maintain partial or complete beneficial ownership of the property purchased within the fund, such ownership to be in direct proportion to the

financial assistance provided.

**C4.08 Conditions.** The Committee may impose conditions for the approval of loans or grants.

**C4.09 Repayment of Loans.** All loans from the Fund shall be subject to repayment at the earliest practical opportunity pursuant to terms approved by the Committee. Should a borrower be unable to repay the loan, the Trustees can require the property to be sold and the total proceeds returned to the Fund.

**C4.10 Donations Specific Purpose.** Donations to the Fund for a specific purpose shall be subject to prior approval by the Committee and, if accepted, shall be applied only for such purpose.

**C4.11 Invested Funds.** When not immediately required for the purposes of the Fund, the assets of the Fund shall be invested by the Trustees in appropriate investments.

**C4.12 Applications.** Applications for loans or grants from the Fund shall be made in writing to the Superintendent with such information as the Committee may require.

## **PRESBYTERIAN CHURCH PROPERTY TRUST ACT (ACT)**

**C5.01** The regulations from time to time enacted by the General Assembly pursuant to Section 12 of the Presbyterian Church (New South Wales) Property Trust Act, 1936 in respect of Church property in New South Wales shall apply to Church property in the Australian Capital Territory as though such regulations were enacted as rules for the Australian Capital Territory subject to the amendments effected hereafter.

**C5.02** In Regulations C2.1.01 the following definitions are replaced as follows:

‘the Act’ means the Presbyterian Church Trust Property Act 1971 (ACT);

‘the Trustees’ means the Presbyterian Church (Australian Capital Territory) Property Trust as established by the Act.

**C5.03** In the definitions of Board and Institution in C2.1.01 the words “under Section 13 of the Act” and “pursuant to Section 13 of the Act” respectively are deleted.

**C5.04** Regulation C2.3.01 shall be amended by replacing “Section 18” with “Section 20”.

**C5.05** Regulation C2.3.07(a) shall be amended by replacing “Section 18” with “Section 20”.

**C5.06** Regulation C2.3.07(b) shall be amended by deleting “as provided for by Sections 16 and 18 of the Act”.

**C5.07** Regulation C2.3.08(b) shall be amended by adding “Section 8” before “Section 9”.

**C5.08** Regulation 2.3.08(c) shall be amended by replacing “Section 8” with “Section 20”.

**C5.09** Regulation C2.8.04(b) is amended by replacing “Section 18” with “Section 20”.

**C5.10** Regulation C2.8.07(a) is amended by replacing “Section 12” with “Section 11”.

**C5.11** Regulation C2.10.01 is amended by replacing “Section 23” with “Section 22”.

**C5.12** Regulation C2.11.02 is deleted.



## **ASSEMBLY AUDIT**

**D1.01 Name.** There shall be a Committee named the Assembly Audit Committee (hereinafter called the AAC) responsible to recommend the rate of assessments for the Ministry Development Program (MDP), the Conduct Protocol Unit (CPU) and the Assembly Fund and, further, to review the operation of the Assembly's committees and recommend to the Assembly the allocation of MDP funds among its committees.

**D1.02 Objects and Functions.** The objects and functions of the AAC shall be to:

- (a) Review the operations of each Assembly committee that receives funding from Assembly assessments for the purpose of refining annual plans and budgets favourably for both income and expenditure.
- (b) Assess the efficiency and effectiveness with which each of the above Assembly committees both fulfils its constitutional purpose and cooperates with other Assembly committees in so doing.
- (c) Provide assistance to identify and implement committee savings where available.
- (d) Report to each meeting of the General Assembly those committees that have been reviewed and the results of those reviews.
- (e) Receive proposals for MDP funding from committees seeking to establish new programs or initiate new activities in order that the AAC might consider the impact that any such proposal might have on the MDP and report thereon to the Assembly, it being understood that new initiatives may only be financed within a triennium from accumulated surpluses in the MDP.
- (f) Recommend any variation in the rate of any of the assessments to be applied for the ensuing triennium.
- (g) Ensure that total allocations to committees shall not exceed MDP funds raised during each triennium.
- (h) Make triennial recommendations to the Assembly (commencing in 2013) on the apportionment of MDP funds among the Assembly's committees.

### **D1.03 Membership.**

- (a) The Committee shall consist of all members of the Audit Committee of the Trustees from time to time, plus
- (b) Three members of the Assembly who have business management, accounting, audit or finance experience, each being elected for a three year term.
- (c) The convener of the Trustees Audit Committee shall be the convener of the AAC or, in his absence or at his request, the Chairman of Trustees shall fulfil this role.

- (d) Casual vacancies occurring in any of the three positions determined by the Assembly may be filled by the AAC subject to ratification at the next meeting of the Assembly.
- (e) No person shall be a member of the AAC who is also a convener or head managing or executive officer of an MDP-funded committee. While honorary treasurers of MDP-funded committees shall be eligible for membership of the AAC, they may not move or second a motion or vote on any matter concerning their own Assembly committee.

**D1.04 Duties of committees receiving funding from an Assembly assessment.** Each committee shall:

- (a) Appoint a treasurer to attend to the financial affairs of the committee, prepare annual budgets and regular forecasts, and report to the AAC at a time and in a manner determined by the AAC.
- (b) Liaise constructively with the AAC.
- (c) Utilise MDP funds only for purposes for which they have been allocated.
- (d) Prepare and submit to the AAC a proposal with business case for any new initiative or program prior to seeking approval from the General Assembly.
- (e) Report to the AAC, to the Trustees of the Property Trust and to the General Assembly in the event that it records a deficit in the revenue account and is not in possession of capital funds to meet that deficit.

**D1.05 MDP Assessment.** The MDP shall be administered by the Trustees on recommendations from the AAC in accordance with these regulations and any relevant resolutions of the General Assembly in order to finance, in whole or in part, those works of the Church which extend beyond the tasks and resources of individual congregations. The MDP shall derive income from assessments determined by the Assembly and levied annually upon the ordinary income of all pastoral charges and home mission stations as that income is reported on Form F for the immediately preceding year and from additional contributions from congregations.

**D1.06 Assembly Fund Assessment.** The Assembly Fund provided for in The Code II 8.26 shall consist of monies derived from assessments determined by the Assembly from time to time and levied upon all pastoral charges and those home mission stations that commission an elder to the Assembly pursuant to The Code II 8.02(f). Assembly Fund assessments shall be calculated on a pastoral charge's or home mission station's ordinary income as reported in Form F for the immediately preceding year.

**D1.07 CPU Assessment.** The CPU Assessment, which will finance, in part, the operations of the CPU, shall consist of monies derived from

assessments determined by the Assembly on a triennial basis and levied annually upon the ordinary income of all pastoral charges and home mission stations as that income is reported on Form F for the immediately preceding year.

**D1.08 Payment of Assessments.** All pastoral charges and home mission stations shall pay the combined value of all annual assessments in four equal quarterly instalments by 30 April, 30 June, 30 September and 30 November each year or as otherwise agreed by the Trustees. A fee of \$80 shall apply to any payment received after the due date, which fee shall be credited to the pool of available MDP funds. If a congregation fails to lodge a Financial Return, assessments shall be calculated on an assumed ordinary income 10% higher than the year preceding that for which the Financial Return was not lodged.

**D1.09 Promotion of MDP.** MDP shall be promoted by the Trustees after consultation with the various spending committees.

**D1.10 Contributions to MDP from Congregations.**

- (a) The committee of management shall, prior to the annual congregational meeting, consider the financial needs of the wider work of the Church and shall recommend to the congregation the amount which it will endeavour to contribute to MDP in addition to the Assembly assessment during the current year and a financial objective for attainment in the following year.
- (b) The congregation at the annual meeting in considering the wider work of the Church, having received a report and/or recommendation from the committee of management on the financial aspects, shall decide the amount which it shall endeavour to contribute to MDP during the current year in addition to the Assembly assessment; shall also decide a financial objective for contributions during the following year and shall inform the presbytery and the Trustees accordingly.
- (c) Presbyteries shall encourage congregations within their bounds to contribute significantly towards MDP and shall assist all committees in making known to congregations the nature, extent and needs of the wider work of





## **BALLOT**

**D2.01 Name.** There shall be a committee of the General Assembly named the Ballot Committee.

**D2.02 Membership.** The Committee shall consist of four members, including a convener, appointed annually by the Assembly on the nomination of the Business Committee.

**D2.03 Function.** The Committee shall prepare and conduct all ballots during the Assembly.

**D2.04 The Ballot.** The Committee shall:

- (a) cause a ballot paper to be prepared for all elections to be determined by ballot during an Assembly,
- (b) employ the equal value system in counting the ballot,
- (c) insert an asterisk on the ballot paper before the name of retiring members elected by a previous Assembly and who have been nominated by a Council or Board,
- (d) insert the title, first name and, if necessary, the middle name of persons on the ballot paper.

**D2.05 Nominations.**

- (a) Nominations shall close at 2.00 p.m. on the Wednesday of the first week of the Assembly unless otherwise determined by the Assembly.
- (b) Nominations of their own members by Committees shall be printed in Assembly papers.
- (c) All other nominations shall be on the official nomination form and shall be handed to the Clerk of Assembly who shall mark them with his stamp before handing them to the Convener of the Committee.
- (d) Nominations received before noon on Wednesday shall be posted on the notice boards as soon as possible thereafter.
- (e) The names of all persons nominated for election shall be posted on the notice boards at 5.00 p.m. on Wednesday.
- (f) The list of persons nominated may include such qualifications, supplied by the nominator, as the committee shall approve and the list shall indicate by whom each person has been nominated.

**D2.06 Report.** The Committee shall report the results of the ballot to the Assembly as soon as the results are known.

**D2.07 Election.**

- (a) In the ballot where the number of nominations is not greater than the number of positions to be filled no person shall be elected to a position for which that person has been nominated unless the nominee receives at least one half of the formal votes cast.
- (b) Should a ballot fail to result in the filling of the vacant positions the Assembly may, when receiving the report of the Committee, resolve to conduct a second ballot. Fresh nominations shall be called for the second ballot. Any person who was unsuccessful in the first ballot shall be deemed to have been re-nominated unless that person chooses to withdraw from the second ballot.

## **MEDIA LIAISON OFFICE**

### **D3.01 Media Liaison Office.**

- (a) There shall be a Media Liaison Office of the General Assembly.
- (b) The Media Liaison Office shall be under the supervision of the Clerk of Assembly.
- (c) The duties of the Media Liaison Office shall be to facilitate media contacts for the General Assembly and its agencies, and to be able to provide such services to other Presbyterian bodies.
- (d) The Media Liaison Office does not have authority to issue statements in its own name or to speak on behalf of the Church.
- (e) The Media Liaison Office shall be funded through the Assembly Fund.
- (f) The Clerk shall have authority to engage such technical assistance and staff as may be necessary from time to time.



## PASTORAL RELATIONS COMMISSION

**D4.01 Name.** There shall be a Commission of the General Assembly named the Commission on Pastoral Relations.

**D4.02 Membership.**

- (a) The Commission shall consist of two ministers and two elders, including a chairman, elected annually by the Assembly and one member appointed by the presbytery within whose bounds any parish under discussion may be situated.
- (b) The Chairman may when a member of the Commission is unable to attend on a specific occasion invite another minister or elder (as the case may be) to be an alternate for that meeting of the Commission.

**D4.03 Functions.** The Commission shall exercise the following powers and functions to:

- (a) confer with any presbytery when the state of a pastoral relationship within its bounds in the judgement of the commission would appear to call for such action, either in the interests of the congregation, or the minister, or the church as a whole,
- (b) exercise whatever powers may be entrusted to the Commission by a presbytery in relation to a particular pastoral situation, including the power to dissolve the pastoral tie, or remove any office-bearer or bearers when the vital interests of the congregation necessitate such action,
- (c) advise presbyteries when invited to do so,
- (d) endeavour to facilitate the translation of any minister who may desire a change of parish.

**D4.04 Expenses.** Expenses incurred in the operation of the Commission shall be a charge against the Assembly Fund.

**D4.05 Minutes and Reports to Assembly.** The Pastoral Relations Commission shall confirm its own minutes and may report to the Assembly on any of its activities if appropriate.



## **PRESBYTERY RECORDS**

**D5.01 Name.** There shall be a committee of the General Assembly named the Presbytery Records Committee.

**D5.02 Membership.** The Committee shall consist of four members of the Assembly, including a convener, appointed annually by the Assembly.

**D5.03 Duties.** The Committee shall:-

- (a) report to each presbytery at least every six months concerning the examination of its minutes.
- (b) report annually to the General Assembly on the examination of the minutes of presbyteries.

**D5.04 Presbyteries.** It shall be the responsibility of each presbytery to ensure that the Presbytery sights and holds evidence that the Clerk of Presbytery:

- (a) forward one copy, by mail, of the Minutes of each meeting to the Clerk of Assembly immediately after such Minutes are confirmed.
- (b) Forwards two copies by mail or an emailed copy, of the Minutes of each meeting to the Convener of Presbytery Records Committee immediately after such Minutes are confirmed.
- (c) Presents the Minutes of the Presbytery for the preceding calendar year at each General Assembly for annual inspection and attestation by the Moderator.
- (d) Forward all files reports and extract minutes pertaining to each matter regarding every student for the ministry, minister, missionary, person employed as home missionary or pastoral assistant, ministerial appointment or deaconess to the Clerk of Assembly for inclusion in that person's confidential personal file.

It shall be the responsibility of the Clerk to:

- (a) prepare and insert a comprehensive Index at the end of each Minute Book, using either page numbers or paragraph numbers, to facilitate research.
- (b) retain each Minute Book of the Presbytery for a period of up to 10 years and then forward it to the Ferguson Memorial Library for preservation.

**D5.05 Reports to the Assembly.** The Presbytery Records Committee shall report to the Assembly each year.





## WOMEN'S MINISTRY

**D6.01 Name** There shall be a special committee named the Women's Ministry Committee.

**D6.02 Purpose** The Women's Ministry Committee shall be responsible to:

- (a) Establish and maintain a framework to promote the ministry of women on a complementarian basis consistent with determinations of the General Assembly of Australia.
- (b) Maintain effective communication with other committees and organisations of the Church whose work may impact on the ministries of women, particularly (but not exclusively) Christ College, the METRO Committee, the Ministry and Mission Committee, and the PWA.
- (c) Assist women's organisations within the PCNSW to work together on training and equipping women for effective gospel ministry on a complementarian basis.
- (d) Promote effective networking among women within the PCNSW.
- (e) Support and resource women's ministry groups in local Presbyterian churches.
- (f) Provide a forum to discuss issues relevant to congregational women, women's ministry leaders, employed women's ministry workers and ministry wives.
- (g) Oversee the employment of a Women's Ministry Facilitator to support women employed in ministry and to encourage training and resourcing for women's groups throughout the PCNSW.

**D6.03 Constraints** The Women's Ministry Committee will take no action and engage in no conversation to promote the ordination of women to the ministry.

**D6.04 Composition** The Committee shall consist of nine members, at least three of whom must be members of the Assembly with the remaining six members being at least communicant members of the Church, and always provided that at least four members of the Committee shall be women.

**D6.05 Finances** The accounts of the Women's Ministry Committee shall be administered through the General Office in accordance with a budget to be submitted to the Assembly Audit Committee.



## **ELDERS' ASSOCIATION**

**E1.01 Name.** The name of the Association shall be the Elders' Association of the Presbyterian Church of Australia in the State of New South Wales.

**E1.02 Objects.** The objects of the Association shall be:

- (a) to promote a closer acquaintance and fellowship among elders,
- (b) to keep elders informed of the significance of Assembly business,
- (c) to confer on matters affecting the spiritual welfare of the Presbyterian Church in New South Wales,
- (d) to further generally the extension of Christ's cause and kingdom.

**E1.03 Members.** Membership in the Association shall be open to all elders of the Presbyterian Church of Australia in the State of New South Wales.

**E1.04 Executive.** The executive shall consist of six (6) elders nominated by the annual general meeting of the Association and submitted to the Assembly for its approval; any vacancy or casual vacancy occurring at any time to be filled by the Executive. The Executive shall have power to co-opt members for specific purposes.

**E1.05 Quorum.** Five members of the executive shall constitute a quorum.

**E1.06 Patron.** The Moderator shall be invited to be the Patron of the Association.

**E1.07 Office-bearers.** The office-bearers shall consist of a President, Vice-President, Honorary Secretary and Honorary Treasurer elected by and from the executive.

**E1.08 Annual Meeting.** The Annual General Meeting shall be held each year at the time of the meeting of the Assembly, and when possible at 5:00 p.m. on the day of the opening of the Assembly. The Association shall report to the Assembly annually through its executive.



## **FRIENDS OF THE FERGUSON LIBRARY**

**E2.01 Name.** The Society shall be called the “Friends of the Ferguson Library”. The Ferguson Memorial Library is the official records repository of the Presbyterian Church in the State of New South Wales and of the Presbyterian Church of Australia.

**E2.02 Aims.** The Objects of the Society shall be:-

To promote, encourage and foster the study of the history of the Presbyterian people and allied subjects.

To collect for preservation by the Ferguson Memorial Library of the General Assembly of NSW material relating thereunto.

To assist financially in the work of the Library.

**E2.03 Membership.** Membership shall be open to individuals or groups who subscribe to the aims of the society and pay the appropriate membership fee. Membership fees shall be as determined by the Annual General Meeting of the Society.

**E2.04 Annual Meeting.** The Annual Meeting for the election of officers shall be called by the Council with one month’s notice given to members of date, time and place.

**E2.05 Council.** The Council shall consist of seven (7) persons nominated by the annual general meeting of the Society. At least five members of the Council shall be members of the Presbyterian Church of Australia in the State of New South Wales. The General Manager or his nominee, the Convener of the PWA Heritage Committee or another member of the Heritage Committee as her nominee, and the Archivist, by virtue of their office, shall be ex-officio members. Patrons of the Society are non-voting members of the Council. Any vacancy or casual vacancy occurring at any time in the Council members may be filled by the Council.

**E2.06 Administration.** The administration of the Society’s affairs shall be generally conducted by the Council who shall report to, and be responsible to, the General Meetings of the Society.

**E2.07 General Meetings.** General Meetings shall be held at least twice a year at a time and place notified by the Council.

**E2.08 Quorum.** A quorum in a General Meeting shall consist of seven members, and at least two-thirds of the total members present shall be members of the Presbyterian Church of Australia. A quorum in a Council meeting shall

consist of three councillors, and at least two-thirds of the total councillors present shall be members of the Presbyterian Church of Australia in the State of New South Wales.

**E2.09 Patron.** A General Meeting may invite to the position of Patron or Patrons persons whose respected influence and known support for the Society will promote the aims of the Society.

**E2.10 Funds.** The funds of the Society shall be deposited in a bank in the name of the “Friends of the Ferguson Library”. Signatories to the account to be appointed from the office bearers elected from time to time. No funds shall be distributed directly or indirectly to members of the organisation except as bona fide compensation for services rendered or expenses incurred on behalf of the Society.

**E2.11 Foundation.** The Society may establish a Foundation to raise funds to support the long term financial operation of the Library. The Foundation shall be established under a Deed of Trust of which the Property Trust shall be the Trustee. The Society shall ensure that all requirements for the operation of the Foundation as contained in the Trust Deed are observed by the Society and the Council.

**E2.12 Amendment.** The Constitution may be amended at any General Meeting subsequent to members having received prior notice of such amendment. Changes to the Constitution shall be ratified by the Assembly.

**E2.13 Dissolution.** If upon the winding up or the dissolution of the organisation there remains, after the satisfaction of all debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members of the organisation but shall be transferred to the Presbyterian Church in NSW Property Trust for the use and benefit of the Ferguson Memorial Library.

## **NORTHERN RIVERS CONFERENCE CENTRE**

**E3.01 Name.** There shall be a committee known as the Northern Rivers Conference Centre committee.

**E3.02 Property.** The Committee shall have management and control of the property known as "Camp Drewe", being the Presbyterian conference centre at Lennox Head.

**E3.03 Object.** The object of the Committee shall be to provide, maintain and develop the Conference Centre and to promote Christian education at the Conference Centre through Church and community organisations.

**E3.04 Members.** The Committee shall consist of nine members, all of whom shall be active members of an evangelical church. Members shall be empowered to:

- (a) recruit and appoint the committee's members;
- (b) maintain a spread of interest from all groups of the Presbyterian Church in the Northern Rivers district; and
- (c) appoint up to three members (within the total of nine members) from local evangelical churches which are not part of the Presbyterian Church of NSW.

**E3.05 Advisers.** The Committee may associate consultants and/ or advisers with the Committee but such persons shall have no voting rights.

**E3.06 Annual Meeting.** The Committee shall hold an annual meeting as soon as practicable after the commencement of each calendar year. The business of the annual meeting shall be to:

- (a) receive a report from the Secretary,
- (b) approve an annual report for submission to the General Assembly,
- (c) receive and confirm audited financial statements,
- (d) elect office bearers,
- (e) appoint an auditor(s) for the year, and
- (f) deal with all other business notified to members in the notice of meeting.

**E3.07 Office-bearers.** The office bearers of the Committee shall include Chairman, Vice-Chairman, Secretary and Treasurer, all of whom will be elected at the annual meeting. A vacant position may be filled by the Committee at any time.

**E3.08 Chairman.**

- (a) Meetings will be presided over by the Chairman or in his absence by the Vice-Chairman, or in the absence of both, by a member appointed by the Committee.
- (b) The Chairman shall have a casting vote but not a deliberative vote.

**E3.09 Meetings.** Meetings of the Committee shall normally be held monthly but may be held at such other frequency as may be decided by the Committee provided that not more than three months shall elapse between meetings. Notice of meeting shall be given to each member of the Committee at least three business days prior to the meeting.

**E3.10 Special Meetings.** A special meeting shall be convened by the Chairman (or in his absence or incapacity by the Vice-Chairman or Secretary) within seven days of receiving a request from any four members of the Committee that a special meeting be held.

**E3.11 Quorum.** A quorum for the Committee shall consist of four members of whom at least three shall be members of the Presbyterian Church.

**E3.12 Bank Accounts**

- (a) The Committee shall maintain a bank account styled "Northern Rivers Presbyterian Conference Centre Account".
- (b) The Committee may also establish a bank account styled "Northern Rivers Presbyterian Conference Centre Expense Account" the purpose of which shall be to provide funds to the manager of the Conference Centre for working expenses. This account shall be established and maintained in accordance with such rules as the Committee may determine from time to time.
- (c) The Committee may establish and maintain such other bank accounts as it may determine to be necessary or desirable from time to time. All such accounts shall be maintained in accordance with such rules as the Committee may determine from time to time.
- (d) Cheques shall be signed by two members of the committee duly authorised to do so. Operations on an account by electronic banking or debit card may be made by one person so authorised, provided that any such payment shall have been approved by the committee or any two members so authorised.

**E3.13 Expenditure.** Expenditure above \$50,000 on any single project, improvement, repair or alteration shall require the prior approval of the



Ministry and Mission Committee and, if above \$100,000, the approval of the Trustees in addition.

**E3.14 Accounts.**

- (a) Copies of the audited financial statements together with a signed copy of the report of the Auditor shall be forwarded to the Ministry and Mission Committee and to the Trustees within 30 days after each annual meeting.
- (b) The Trustees may determine from time to time the form of the report to be made by auditors appointed under this condition.

**E3.15 Staff.** The Committee shall have power to employ, and terminate the employment of, staff upon such terms and conditions as may be determined by the Committee from time to time and in accordance with the relevant award conditions relating to such employment.

**E3.16 Amendment of Constitution.**

- (a) This constitution may be amended by a special resolution which is passed at any meeting of the Committee. Any such amendment shall not take effect unless and until it is approved by the General Assembly but the Trustees may upon request by the Committee give any amendment interim authority where there are special circumstances justifying such action.
- (b) A resolution of the Committee shall be a special resolution if;
  - (i) one month's written notice is given to all members of the Committee which specifies details of the meeting and the proposed resolution, and
  - (ii) at least six members of the Committee vote in favour of the resolution.

For the purpose of this clause, written notice shall include notification by email or fax.

**E3.17 Report to Assembly.** The Committee shall report to the Assembly through the Ministry and Mission Committee.



## **PRESBYTERIAN YOUTH**

***VISION: Through God's strength, PY aims to equip the Church to disciple all youth for Christ***

### **E4.01 Values.**

- (a) We value the grace given to us by God in Jesus Christ, who is our Saviour and Lord and the only way to salvation to God by His life, death and resurrection for us.
- (b) We value the Bible as God's authoritative revelation to us.
- (c) We value all people, who are made in the image of God.
- (d) We value the character and spiritual growth of people as the Holy Spirit works in each person to bring them to maturity in Christ.
- (e) We value the process of learning that God takes us through as we grow together in maturity, not just the end results.
- (f) We value service to young people that presents Christ to them, encourages their commitment to Him and that disciples them to love God with their whole lives and love others as themselves.
- (g) We value belonging to our denomination, the Presbyterian Church in NSW, as an expression of the body of Christ.
- (h) We value working in partnership with our Church both at a state and local Church level as we together serve God to reach and disciple all youth for Christ.
- (i) PY holds to the child protection policies as developed by the Conduct Protocol Unit of the Presbyterian Church and set out in the document "Breaking the Silence". These policies apply to all PY staff, members of PYC and volunteers with PY ministries.
- (j) We value working with other denominations and ministries in partnership with the Presbyterian Church.

### **E4.02 Aims.**

- (a) PY shall aim to:
  - (i) present to youth the Gospel of Jesus Christ as the only way of salvation and call them to an obedient acceptance of Christ as Saviour and Lord;
  - (ii) help youth to mature in their understanding of the life, death, resurrection and teaching of Jesus Christ through study of the Bible, prayer and fellowship;
  - (iii) encourage youth to commit themselves to Him as Lord, to join the membership of His universal church and to devote their lives to the service of God through love

and service of other people. This will involve vigorous and faithful activity for His Kingdom in collaboration with all who work for the advancement of that Kingdom.

- (b) With respect specifically to the Church, and recognising that the primary responsibility for youth ministry within the local church rests with Sessions, PY shall aim to:
- (i) assist the courts of the Church and especially Sessions and, where appropriate, Presbyteries, to fulfil their responsibility to reach, disciple and place into Christian service youth within the context of the Church;
  - (ii) promote outreach, mission, discipleship, learning, and fellowship among youth, and foster an ongoing concern for these things within the context of the Church;
  - (iii) unite the youth of the Church in a fellowship of worship, study, recreation and service;
  - (iv) facilitate the integration of youth into the life of the Church;
  - (v) facilitate ministry training and other support mechanisms for youth leaders;
  - (vi) provide a state wide Christian camping ministry;
  - (vii) assist the Church to develop effective strategies for youth work; and
  - (viii) partner with other denominations and para-church organisations to pursue strategies to promote outreach, mission, discipleship, learning and fellowship among youth and to provide ministry training for youth leaders, always operating in accordance with the tenets of the Presbyterian Church of Australia in the state of NSW.

#### **E4.03 Interpretation.**

This Constitution is to be read in the light of the Code of the Presbyterian Church of Australia in the State of New South Wales. In this Constitution, except where the context shall otherwise determine:

**“Annual Conference”** means the governing body of PY as defined in Section 6.

**“Assembly”** means the General Assembly of the Presbyterian Church of Australia in the State of New South Wales.

**“Church”** means the Presbyterian Church of Australia in the State of New South Wales.

**“Code”** means the Code of the Presbyterian Church of Australia in the State of New South Wales.

**“Joint Session”** means where there is more than one congregation in a pastoral charge and two or more of the congregations have each a separate session they can have only one representative in the presbytery and Assembly.

**“Non-Voting Participant”** means a person who, at a meeting of Annual Conference, supports the aims of PY, but who has not been appointed by a Session as a voting delegate.

**“Ordinary Committee Member”** means a member of the PYC who does not hold office as Convener, Assistant Convener, Secretary or Treasurer.

**“Ordinary Meeting of Annual Conference”** means the regular yearly meeting provided for under this Constitution.

**“PY”** means Presbyterian Youth.

**“Presbyterian Youth Committee”** (PYC) means the Committee duly elected from time to time pursuant to this Constitution.

**“Session”** means a session is a court of the church, established by the presbytery of the bounds, consisting of the minister or ministers and elders of a congregation.

**“Special Meeting of Annual Conference”** means an additional meeting of the Annual Conference for any given year, as provided for under the constitution of PY.

**“Voting Delegate”** means a communicant or adherent member of the Church chosen by their Session to represent the parish at a meeting of Annual Conference.

**“Youth”** means children of school age and young adults up to 24 years of age.

**“Youth ministry”** or **“Youth work”** mean any activity directed towards youth which is exercised under the authority of the Church.

#### **E4.04 Name.**

The youth organisation of the Presbyterian Church of Australia in the State of New South Wales shall have the name "Presbyterian Youth". The organisation was formerly known as “The Presbyterian Fellowship of Australia in New South Wales”.

#### **E4.05 Membership.**

Membership of PY shall be open to all persons who support the aims of

PY and who participate regularly in youth activities, and a local congregation.

#### **E4.06 Annual Conference.**

##### **Function**

Annual Conference shall be the governing body of PY.

#### **E4.07 Composition**

PY Annual Conference shall consist of:

- (a) the members of the PYC appointed by Assembly or the previous ordinary meeting of Annual Conference;
- (b) up to three delegates from each charge or home mission station, appointed from the membership of that charge or home mission station by the Session, and two of whom must be communicant members, while one may be an adherent; and
- (c) non-voting participants who may speak to a motion but not move or second any motion or amendment or vote on any issue.

#### **E4.08 Business.**

- (a) Time shall be devoted at Annual Conference to worship, fellowship, Bible study, recreation and the consideration of business.
- (b) Annual Conference may serve as the conduit through which the concerns of youth can be presented to the committees and courts of the church.
- (c) The business conducted at an Ordinary Meeting of Annual Conference shall include:
  - (i) the reception of reports from the PYC outlining work done during the past year, including the financial statements and the Auditor's report;
  - (ii) consideration of the progress of the PYC in achieving the goals set by Annual Conference;
  - (iii) a review of the statement of vision and goals which shall be reported to the Assembly at its next meeting;
  - (iv) the election of persons to serve on the PYC in terms of clause 10(a)(i);
  - (v) the nomination of persons to serve on the PYC in terms of clause 10(a)(ii);
  - (vi) the election of a Convener of the PYC.
  - (vii) the consideration of any other business which may be brought forward in accordance with this Constitution;
  - (viii) the approval of a financial budget for PY for the coming year; and
  - (ix) the consideration of proposals for projects to be undertaken by the PYC.

#### **E4.09 Meetings.**

- (a) The ordinary meeting of Annual Conference shall be held annually at least 3 calendar months before the Assembly, at such time and place as the preceding Annual Conference determines.
- (b) Should no date or place be determined, or circumstances change to make it impossible or inexpedient to hold the Annual Conference as proposed, the PYC shall determine the date and place of the next meeting of Annual Conference.
- (c) A Special Meeting of Annual Conference may be called by:
  - (i) the PYC at any time, or,
  - (ii) the Secretary of the PYC who will call a special meeting within 90 days of reception of a request in writing, signed by at least 10 Voting Delegates appointed by sessions in at least 3 presbyteries.
- (d) Notice of the proposed business of meetings of Annual Conference must be given in writing, to the Session Clerk of each pastoral charge or home mission station, at least 30 days before such meetings.
- (e) The quorum for meetings of Annual Conference will be 16 Voting Delegates representing pastoral charges or home mission stations in at least 4 presbyteries.

#### **E4.10 Presbyterian Youth Committee.**

- (a) The PYC shall consist of the following persons:
  - (i) A Convener and seven persons elected by Annual Conference, all of whom must be communicant members of the Church and not more than four of whom may be a youth worker employed by a local church; and
  - (ii) Four persons, being ministers or elders, appointed by Assembly annually.
- (b) Should Assembly fail to make an appointment under clause 10(a)(ii), the vacant positions may be filled by a minister or elder appointed by the PYC.
- (c) Those members of the PYC elected by Annual Conference shall hold office for 2 years and are eligible for re-election, except for the Convener who holds office for three years and is eligible for re-election.
- (d) Four of the members elected by Annual Conference to the PYC shall retire each even numbered year and three shall retire each odd numbered year.
- (e) The PYC shall meet at least six times a year at times and places convenient to its members.



**E4.11 Office Bearers.**

- (a) The PYC shall have the following office bearers:
  - (i) Convener;
  - (ii) Assistant Convener;
  - (iii) Secretary; and
  - (iv) Treasurer.
- (b) The PYC shall have an executive consisting of the Convener and an Assistant Convener, Secretary, Treasurer and one other PYC member appointed by the PYC.
- (c) The Convener and Assistant Convener shall be ex-officio members of all sub-committees and working groups.

**E4.12 Function.**

- (a) The function of the PYC is to represent Annual Conference in fulfilling its governance responsibilities by:
  - (i) ensuring that PY achieves its aim as outlined in clause 2;
  - (ii) setting boundaries and limitations for the General Manager that ensure that PY avoids unacceptable actions and situations;
  - (iii) ensuring that policies adopted by PYC are consistent with the duties and responsibilities conferred on PYC by this Constitution, the contract between the General Manager and PYC and relevant laws;
  - (iv) setting key performance indicators for the General Manager;
  - (v) measuring and reviewing the performance of the General Manager against key performance indicators;
  - (vi) providing for the pastoral care of the General Manager;
  - (vii) reporting to Annual Conference.
- (b) In performing these functions the PYC will have power to delegate authority, provide direction, set policy and make rules regarding any matter necessary for the efficient management of PYC.

The PYC is governed by the PYC Policy Handbook, which PYC is responsible to make available to Annual Conference.

**E4.13 Reporting.**

- (a) The PYC shall report annually to the Assembly. The Committee shall forward such reports together with a copy of the statement of financial position and statement of financial performance and official auditor's report to the Clerk of Assembly by the appropriate date.

- (b) The report and financial statements shall cover the activities of PYC for the calendar year ending immediately preceding the date for report to the Assembly together with relevant supplementary information concerning the period subsequent to the financial year end.
  - (c) The report and deliverance of the PYC to the Assembly must be approved by PYC before it is submitted for inclusion in the White Book. Any recommendation in any report will not be held as adopted by the Assembly unless it is definitely set forth in the deliverance which has been approved by the Assembly.
  - (d) The PYC is to keep minutes of each of its meetings. Minutes of meetings of the PYC will be sent to the clerk of each presbytery for the information of members of presbytery within one month of each meeting of the PYC.
  - (e) The PYC will provide to the Trustees on a regular and timely basis such minutes, reports and financial information as the Trustees may require from time to time.
- The PYC will produce to the Assembly all records of the PYC which have been duly called for by the Assembly.

#### **E4.14 Administration.**

- (a) The PYC shall be entitled to invite any person to its meetings that it deems appropriate. Invited members shall not have voting rights and may be requested to leave the Committee meetings at any time.
- (b) The PYC may declare vacant the seat of any elected member who is absent from three consecutive meetings of the PYC without obtaining leave of absence or supplying valid reason for such absence to the PYC.

In the event of a vacancy in the elected membership or the convenership of the PYC occurring, the PYC shall have power to fill such vacancy on a temporary basis until the next meeting of the Assembly or Annual Conference.

#### **E4.15 Finance.**

Except with the consent of Annual Conference, the PYC, General Manager of PY and any working group cannot make any recommendation to the Trustees to:

- (a) borrow money on security or otherwise, or mortgage or charge any assets of PY; or
- (b) enter into any contract or arrangement for the acquisition or disposal of any real estate or for the erection of, or substantial

additions or improvements to, buildings or property.

#### **E4.16 Employers.**

- (a) The PYC has authority to appoint full time employees to PY. The PYC must report to the Annual Conference in relation to all appointments made to PY.

The General Manager of PY has the authority to appoint all other employees. The General Manager must report to the PYC on all these appointments.

#### **E4.17 General Manager.**

- (a) The PYC will appoint a General Manager of PY who will be responsible for:
- (i) achieving the vision of PY;
  - (ii) the communication and practical implementation of Biblical principles and the teaching, counselling and provision of spiritual and practical guidance and support to those involved in the ministries of PY, especially those who are in leadership;
  - (iii) facilitating local churches to evangelise young people in their community, disciple young people in their congregation and encourage and develop their young people into the ministries of the church;
  - (iv) providing leadership of PY ministries, providing the ministry teams and individuals involved with spiritual direction on matters of doctrine, religious teaching and practice;
  - (v) developing leaders within PY providing teaching, pastoral care, guidance, counselling and support of those involved within the PY ministries;
  - (vi) building relationships with other ministry arms within and outside the Church;
  - (vii) promoting youth ministry as a vital part of the ministry of the local church within the Church; and
  - (viii) the employment, oversight, direction, and providing for the pastoral care of any employees.
- (b) The General Manager is required to sign a contract of employment that will set out the terms and conditions of the General Manager's employment.

The General Manager is to report to the PYC on the performance of his duties on a regular basis or as requested by the Convener or PYC.

#### **E4.18 Terms of Employment.**

- (a) The employment of any full time or part-time person is to be by written service contract approved by the General Manager and signed by both parties.
- (b) All employees are subject to the direction to the General Manager of PY.
- (c) All matters relating to the terms of appointment shall be communicated to the employee by the General Manager or his delegate. The General Manager will be responsible for allocating tasks and ensuring that performance reviews are conducted with all employees. Performance reviews will be completed at least every 6 months or as the need arises.
- (d) An employee may be suspended from duty by the General Manager for breach of the employee's employment contract. The General Manager must notify without unreasonable delay the suspension to the Convenor and PYC.
- (e) Where an employee has been suspended and, in the opinion of the General Manager, the employee has breached his or her employment contract, the contract may be terminated by the PYC at a meeting which has been called for that purpose as long the relevant employee has been provided written notification at least one week prior to the meeting of the time and date of the meeting and the purpose of the meeting.
- (f) An employee subject to disciplinary action under clause 18(e) shall have the right to present their case to the PYC when the PYC receives a report concerning the suspension or considers a recommendation for the termination of the employment contract.

If the PYC upholds the suspension or termination of the employment contract, an appeal may be made to the Annual Conference.

#### **E4.19 Regulations.**

Annual Conference may enact regulations binding on the PYC. Such regulations shall not form part of this Constitution.

#### **E4.20 Amendments to Constitution.**

- (a) This Constitution may be amended by a resolution passed by a two-thirds majority at any meeting of Annual Conference and ratified by the Assembly, provided that notice of such amendments has been given to the Recording Secretary of the PYC at least 2 months before Annual Conference.
- (b) Notice of proposed amendments of the Constitution of PY shall be given in writing, to the Session Clerk of each parish, at least thirty days before Annual Conference.



**THE PRESBYTERIAN LADIES' COLLEGE, SYDNEY AND THE PRESBYTERIAN LADIES' COLLEGE, ARMIDALE. (Hereinafter referred to collectively as "the Colleges")**

**E5.01 Name.** The Sydney College shall be called The Presbyterian Ladies' College Sydney and the Armidale College shall be called the Presbyterian Ladies' College Armidale.

**E5.02 Governance.** The Colleges shall be separate legal and financial reporting entities but governed by the one Constitution.

**E5.03 Object.** The object of the Colleges shall be to provide high-quality education from a Christian world view for boarding and day scholars in accordance with the standards of the Presbyterian Church of Australia.

**E5.04 Pupils.** Students of good character, irrespective of the religious denomination to which they belong, shall be eligible for enrolment as pupils. All enrolments shall be at the discretion of the Colleges.

**E5.05 Council.** The governance of the Colleges and the oversight of effective management of the Colleges shall be vested in a Council consisting of no more than fifteen persons (both men and women) appointed by the General Assembly. No fewer than 10 members appointed by the General Assembly shall be, and continue to be, either ministers or communicants of the Presbyterian Church, the balance of members so elected shall have, and shall continue to maintain, an equivalent status in another Protestant Church. There shall be no fewer than three members of Council who reside in the New England Region of New South Wales.

**E5.06 Reporting to the General Assembly.** The Council will report annually to the General Assembly that persons nominated by the Council for appointment or re-appointment to the Council have provided a current letter signed by the minister and session clerk (or in another Protestant church, the minister and another person holding relevant office in that church) confirming the regular attendance of the nominee at that church and the nominee's Christian life and good character. If a person is nominated by a member of Assembly to fill a Council position, such a letter must accompany the nomination form. If a member of the Council ceases to be in active fellowship with a Protestant church, that person's position shall be declared vacant by the Council.

**E5.07 Meetings and Quorum.** The Council shall meet at least once every quarter; and no less than six members form a quorum.

**E5.08 Chairman of Trustees.** The Chairman of Trustees or his nominee, who shall be a Trustee, shall be an extra member ex officio.

**E5.09 Members Retire.** One third of members of the Council shall retire annually, though eligible for re-election.

**E5.10 Seat Forfeited.** Any member of the Council who shall be absent from three consecutive meetings without having obtained leave from the Council shall forfeit his seat, and his seat may be declared vacant accordingly.

**E5.11 Vacancy.** The Council shall have the power to fill any casual vacancy on the Council and the person so appointed shall, subject to the approval of the Assembly at its first meeting after such appointment, hold office for the remainder of the term of the person whose place he fills.

**E5.12 Chairman.** The Council shall annually elect a Chairman from its own number who shall have a deliberative as well as a casting vote. The Chairman shall be, and continue to be, either a minister or a communicant of the Presbyterian Church.

**E5.13 Executive Officers.** The Council may, in its absolute discretion, appoint an Executive Principal and/or Principal(s) hereinafter referred to as "Executive officer(s)" to provide effective management of the Colleges.

**E5.14 Qualification of an Executive Officer.** An Executive officer shall be a minister or communicant of the Presbyterian Church (or of equivalent status within another Protestant denomination) who is in active fellowship with the congregation and who adheres to one or more of the historic Reformed Protestant creeds. The appointment, suspension or dismissal of an Executive officer shall be with the Council, but such an appointment, suspension or dismissal shall be made only at a meeting specially convened for the purpose at seven days' notice and at such meeting the motion for an appointment, a suspension or a dismissal must be carried by an absolute majority of the Council.

**E5.15 Remuneration of an Executive Officer.** The remuneration and terms of appointment of an Executive Officer shall be fixed by the Council.

**E7.16 Annual Reports.** Annual Reports regarding the Colleges, signed by the Chairman and an Executive Officer, shall be presented to the General Assembly.

**E5.17 Visitor.** The Moderator shall be the Visitor to the School.

**E5.18 Chaplain.** The Council in consultation with the Executive Officer(s) may appoint a School Chaplain. If such a Chaplain is to be a minister then the Chaplain must be a minister of the Presbyterian Church in which case the proposed appointment of the Chaplain must first be approved by the Presbytery.

**E5.19 Local Presbyterian Church.** The Council shall seek to develop and maintain close relationships between the Colleges and the local congregations of the Presbyterian Church in order that each shall assist the other in ministry work. Any long term arrangement whereby the Minister of the local Presbyterian Church is requested to assist the Colleges must be approved by the Presbytery.





## **THE PRESBYTERIAN MINISTERS' AND HOME MISSIONARIES' WIVES ASSOCIATION OF NEW SOUTH WALES**

**E6.01 Name.** The name of the Association shall be The Presbyterian Ministers' and Home Missionaries' Wives Association of N.S.W.

**E6.02 The Aims.** The aims of the Association are:

- (a) to unite in a spirit of fellowship, service and prayer, the wives and widows of Presbyterian Ministers and Home Missionaries.
- (b) to promote the welfare of the Church.
- (c) to aid the widows of deceased Ministers.

**E6.03 Membership.** All wives and widows of ordained ministers and home missionaries of the Presbyterian Church shall be eligible for membership.

**E6.04 Office Bearers.** The Executive shall consist of the following, namely:

- (a) The President, who shall be the wife of the Moderator,
- (b) Two Vice-Presidents, one of whom shall be the retiring President,
- (c) Honorary Secretary,
- (d) Honorary Treasurer, and
- (e) Two other members, to be elected at the Annual Meeting.

**E6.05 Meetings.**

- (a) The Association shall meet at least three times a year.
- (b) The Executive shall have power to fix the time and place of their own meetings and may whenever necessary call a general meeting of the Association.
- (c) The Annual Meeting shall be held not later than 31 March each year.
- (d) The business of the Annual Meeting shall be to:
  - (i) receive the Annual Report,
  - (ii) elect office bearers,
  - (iii) determine any other relevant business.

**E6.06 Membership Fees.** The Membership Fee shall be determined by the Annual Meeting.

**E6.07 Amendment.** This constitution may be amended by the Annual Meeting and subsequently ratified by the General Assembly. Notice of any amendment must be given at least 14 days before the Annual Meeting.



## **PRESBYTERIAN THEOLOGICAL FORUM**

**E7.01 Name.** The name of the society shall be the Presbyterian Theological Forum of New South Wales.

- E7.02 Objects.** The purpose of the Forum shall be to:
- (a) promote within the Church the sharing of theological thought and expression.
  - (b) further the life and work of the Church in accordance with the standards of the Presbyterian Church of Australia.

**E7.03 Membership.** Membership shall be open to all ministers, communicants and adherents of the Presbyterian Church of Australia.

**E7.04 Executive.** There shall be an executive of the Society which shall be elected and determined at the Annual Meeting, and shall include at least a president and secretary.

**E7.05 Annual Meeting.** The Annual Meeting shall be held normally in Sydney at a time to be arranged.

**E7.06 Meetings.** General meetings may be called by the President of the Forum and must be called upon request of at least seven members.

**E7.07 Quorum.** The Quorum at the Annual and general meetings (where matters are to be voted upon) shall be 25% of the total voting members, but not less than seven.

**E7.08 Subscription.** The annual subscription shall be determined at the Annual Meeting.

**E7.09 Power to Vote.** Financial members, and those granted honorary membership by the Annual Meeting shall be empowered to vote.

**E7.10 Journal.** The Forum shall publish a periodical for the promotion of contributions and comments.

**E7.11 Amendment.** This constitution may be amended by a simple majority at the Annual Meeting, such amendment to be approved by the General Assembly. Members prevented from attending the Annual Meeting are entitled to make their vote by post. Notice of all amendments must be given to the secretary in order that they may be sent to all members at least six weeks before the Annual Meeting.



## **PRESBYTERIAN WOMEN'S ASSOCIATION OF AUSTRALIA IN THE STATE OF NEW SOUTH WALES**

**E8.01 Name.** The name of the Association shall be the Presbyterian Women's Association of Australia in the State of New South Wales and it shall be the State Unit of the Presbyterian Women's Association of Australia.

**E8.02 Aim.** The aim of the Association shall be:

- (a) to unite women of the Presbyterian Church throughout the State in friendly comradeship for worship, mutual help and inspiration and for united service to Christ and His Church in the local congregation, at home and abroad, by spreading the knowledge of God as revealed in His Son Jesus Christ, and to provide a channel of information, expression of opinion and action in all matters which concern women;
- (b) to extend the range of Presbyterian Women's influence by co-operation and/or affiliation with other organisations (other than political organisations) of a religious, educational, social, national and international character, working for the advancement of God's Kingdom, upon such conditions and subject to such provisions as the State Conference may approve.

**E8.03 Definition.** "Parish" wherever appearing includes sanctioned charges and home mission stations.

**E8.04 Membership.** The members of the Association shall be women who are members of the Presbyterian Church and other interested women who join branches of the Association formed within parishes as hereinafter provided, except that only members who are either communicants or adherents of the Presbyterian Church shall be eligible to hold office. Where Presbyterians are in a co-operative situation with another Church, they may seek affiliation for their women's group.

Women who are unable to attend Branch meetings, may become associated members of a Branch. A register of Associate Members may be kept by the P.W.A. State Council.

A register of Associate Members may be kept by P.W.A. State Council.

**E8.05 Organisations.** The Association shall be organised into local branches within parishes, and into Presbytery groups, and a State Conference, together with State Council and such standing and special committees as are hereinafter provided.

**E8.06 Local Branches.** A local branch or branches may be formed in each congregation within a parish with the approval of the Kirk Session. Local

branches shall make whatever arrangements seem best for them in so far as days, times, regularity of meetings, finance etc., are concerned.

There may be more than one Branch in a parish and there may be both day and evening branches in a congregation, but where there is more than one Branch in a congregation, it is desirable that they meet together at least once a year.

At the Annual Meeting of each Branch there shall be elected from among the Branch members, a President, one or more Vice-Presidents, a Secretary and a Treasurer, and one member for each of the Standing (and Special) Committees of the Association (see E11.10). The members thus appointed to the Committees shall attend, as far as is possible, the meetings of the Standing (or Special) Committees of the Association to which they are appointed, and shall be responsible for keeping their Branch aware of and, where opportunity offers, promoting within their Branch, the work of the Standing (and Special) Committees. They shall, should their Branch so decide, act as conveners of appropriate Branch Committees.

Each Branch shall elect annually two voting delegates to the State Conference and shall also make nominations to the Presbytery Group for the Presbytery Group Representative to the State Council.

**E8.07 Presbytery Groups.** Presbytery Groups shall be established by the State Council on the authority of the State Conference. A Presbytery Group shall consist of all branches in a Presbytery except when it shall be competent for a Presbytery Group to be formed within a defined part only of the Presbytery.

Each Presbytery Group shall elect annually from those nominated by constituent local branches a Representative who shall represent that Presbytery Group on the State Council. No person shall hold the office of Representative for more than three consecutive years at any one time. Should a vacancy occur during the year the State Council shall have power to appoint (in conjunction with the Presbytery Group) an acting Presbytery Group Representative to hold office until the next Presbytery Group Rally.

Presbytery Groups may elect annually an organising committee to assist the Presbytery Group Representative in arranging an Annual Rally and any other functions which the Presbytery Group may determine to hold. The Annual Rally may vary in place and form, but emphasis must be given to the total task of the Church.

The Representative shall, if possible, visit and give encouragement and assistance to the constituent local branches. A Presbytery Group shall meet at least once a year and otherwise as it may resolve. Members from one-quarter of the branches shall form a quorum.

Should a vacancy occur during the year the State Council shall have power to appoint (in conjunction with the Presbytery Group) an acting Presbytery Group Representative to hold office until the next Presbytery Group Rally.

**E8.08 State Conference.** There shall be a State Conference held at least annually and on such dates and at such times and places as the State Council shall determine.

The State Conference shall be the ruling body of the Association and it shall deal with all matters of general policy and its decisions shall govern all organisations and members within the Association.

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

Any member of the Association may attend the State Conference, but only duly elected delegates and members of State Council may vote on any question.

The first business of the State Conference shall be the election of a State President, four State Vice-Presidents (two from metropolitan areas and two from country areas - one each from Northern and Southern country areas) - State Secretaries, State Treasurers, the Sales Manager, and 12 members to the State Council.

Representatives from one quarter of the branches shall form a quorum.

**E8.09 State Council.** There shall be a State Council which shall consist of the State President, the three State Vice-Presidents, the State Secretaries, the State Treasurers, the Sales Manager, the immediate past State President (for one year only), the Conveners of Standing Committees or their deputies, the Conveners of Special Committees or their deputies, the representatives of Church enterprises appointed under clause (b) hereof, the representatives of Presbytery Groups, one other representative or her alternate of each Standing and Special Committee, and 10 members elected by the State Conference. The State Council shall:

- (a) appoint its own Executive Committee;
- (b) appoint special representatives, conveners and/or committees as required to represent Church enterprises and deal with publications and matters not already covered by the work of the standing committees; such representatives and conveners to report to Council as Council shall determine and keep branches acquainted with these activities;
- (c) appoint representatives to the Presbyterian Women's Association of Australia;
- (d) appoint representatives to such outside bodies as are not directly concerned with the work of any Standing Committee;
- (e) arrange the business for the State Conference;
- (f) In the case of a vacancy occurring in any position elected by State Conference, have power to fill such vacancy which appointment shall hold good until the next meeting of the State



Conference.

**E8.10 Standing Committees.** There shall be four Standing Committees of the Association.

- (a) The P.W.M.U. concerned with matters relating to World Mission.
- (b) DORCAS concerned with all Social Services of the Church.
- (c) HOME MISSION AND CHURCH EXTENSION concerned with the Church's witness and pastoral care in enterprises of Ministry and Mission.
- (d) CHRISTIAN EDUCATION concerned with the spiritual development and Christian maturity of members and others.

Each Standing Committee shall consist of the Convener, State President, State Vice-Presidents, State Secretary, State Treasurer, one member appointed by each Branch in accordance with the provisions of (E9.06), and other interested P.W.A. members.

Each Standing Committee shall:

- (a) appoint its own Convener;
- (b) appoint its own Executive on which shall be ex-officio the State President;
- (c) control its own finances and send annual financial statements to the State Treasurer;
- (d) appoint one representative or her alternate to the State Council;
- (e) appoint its own office-bearers and sub-committees which must each include at least one member of the standing committee;
- (f) nominate representatives to Assembly committees or other bodies as required;
- (g) report to the State Conference and to the State Council as determined by the Council.

**E8.11 Special Committees.** Special Committees are committees set up by the Council to fulfill a special function. An example of a Special Committee is the Market Committee which organises the Annual Presbyterian Market. The appointment of the Special Committee's Convener is made by Council. The Committee has the right to recommend to Council a suitable nominee.

**E8.12 Finances.** Each local branch shall pay an annual subscription fixed by the State Conference to the State Council, for the general costs of administration of the Association.

**E8.13 Amendment of Constitution.** This constitution may be amended by a two-thirds majority of those voting at an annual State Conference provided that written notice of the proposed amendments has been forwarded to

the State Secretary in time to be circulated to all Branches two calendar months before the first day of the State Conference.

All amendments shall be deemed to be provisional only until confirmed by the General Assembly of the Church.

**E8.14 By-Laws.** The State Conference may make by-laws not inconsistent with this constitution providing for matters of order of business and procedure at meetings, the conduct and method of elections and voting, quorums at meetings, finance and subscriptions, the giving of notice, and generally to give effect to this constitution.

Unless otherwise expressly provided for in the by-laws the conduct of business and of meetings shall be, as far as possible, in accordance with the practice and procedure of the General Assembly.

By-laws may be disallowed by the General Assembly.



## THE SCOTS COLLEGE

**E9.01 Name.** The name of the college shall be The Scots College.

**E9.02 Object.** The object of the College shall be to provide high-quality education from a Christian world view for boarding and day scholars in accordance with the standards of the Presbyterian Church of Australia.

**E9.03 Pupils.** Children of good character shall be eligible for enrolment at the College irrespective of religious affiliation. All enrolments shall be at the discretion of the College.

**E9.04 Council.** The governance of the College and the oversight of effective management of the College, educational and financial, shall be vested in a Council. The Council shall have full power to make regulations for, and to act generally in the management of, the College.

**E9.05 Membership.** The Council shall consist of thirteen persons as follows:

- (a) twelve persons elected by the General Assembly each for a term of three years; and
- (b) the Chairman of Trustees or his deputy who shall be a Trustee.

At least nine persons elected by the Assembly shall be ministers or communicants of the Presbyterian Church. All other persons (being up to three in number) elected by the Assembly must have status in another Protestant Church equivalent to a minister or communicant member of the Presbyterian Church. The Council will report annually to the General Assembly that persons nominated by the Council for appointment or reappointment to the Council have provided a current letter signed by the minister and session clerk (or in another Protestant church, the minister and another person holding relevant office in that church) confirming the regular attendance of the nominee at that church and the nominee's Christian life and good character. If a person is nominated by a member of Assembly to fill a Council position, such a letter must accompany the nomination form. If a member of the Council ceases to be in active fellowship with a Protestant church, that person's position shall be declared vacant by the Council.

**E9.06 Seat Forfeited.** Any member of the Council appointed by the Assembly who shall be absent from meetings of Council over three consecutive months during which meetings are held without having obtained leave from the Council shall cease to be a member and that person's position may be declared vacant by the Council.

**E9.07 Office Bearers.** The Council shall appoint a Chairman, Deputy

Chairman and Secretary who shall be elected annually by the members of Council. Each office bearer must be a member of the Presbyterian Church. The Chairman shall have both a deliberative and a casting vote and shall be, and continue to be either a minister or a communicant of the Presbyterian Church. This requirement shall apply in full to any person deputised to act as Chairman.

**E9.08 Quorum.** Six members of the Council shall constitute a quorum, except as hereafter specified.

**E9.09 Members retire.** Four members of the Council elected by the Assembly shall retire annually but shall be eligible for re-election.

**E9.10 Vacancy.** The Council shall have power to fill any casual vacancy on the Council. The person so appointed to fill the vacancy shall, subject to the approval of the Assembly at its first meeting after such appointment, hold office for the same term as the person whose place the person appointed fills.

**E9.11 Visitor.** The Moderator shall be the Visitor to the College.

**E9.12 Principal.** The Principal of the College shall be a minister or communicant of the Presbyterian Church (or of equivalent status within another Protestant denomination) who is in active fellowship with his congregation and who adheres to one or more of the historic Reformed Protestant creeds. The Council shall have the power of appointment and dismissal of the Principal. Such appointment or dismissal shall only be made at a meeting specially convened for that purpose, and at such special meeting the quorum shall be nine. The remuneration and terms of agreement in the appointment of the Principal shall be fixed by the Council. The Principal shall provide effective management of the College.

**E9.13 Teachers.** All teachers shall be appointed by the Principal, subject to the approval of the Council.

**E9.14 Chaplain.** The Council may appoint a College Senior Chaplain. If such a Senior Chaplain is to be a minister then the Chaplain must be a minister of the Presbyterian Church in which case the proposed appointment of the Chaplain must first be approved by the Presbytery. The Principal may appoint other persons in chaplaincy roles in the College, subject to the approval of the Council.

## THE SCOTS SCHOOL, BATHURST

**E10.01 Name.** The School shall be called The Scots School, Bathurst, and shall operate under the authority of the General Assembly.

**E10.02 Object.** The object of the School shall be to provide high-quality education from a Christian world view for boarding and day scholars in accordance with the standards of the Presbyterian Church of Australia.

**E10.03 Board.** The Governance of the School and the oversight of effective management of the School shall be vested in a Board consisting of:

- (a) twelve persons, not less than seven of whom shall be ministers or communicants of the Presbyterian Church, elected by the General Assembly, each for a term of three years. Any who are not members of the Presbyterian Church must have an equivalent status in another Protestant Church;
- (b) The Chairman of Trustees who shall be a member by virtue of his office, or his nominee who is a Trustee.

The Board will report annually to the General Assembly that persons nominated by the Board for appointment or reappointment to the Board have provided a current letter signed by the minister and session clerk (or in another Protestant church, the minister and another person holding relevant office in that church) confirming the regular attendance of the nominee at that church and the nominee's Christian life and good character. If a person is nominated by a member of Assembly to fill a Board position, such a letter must accompany the nomination form. If a member of the Board ceases to be in active fellowship with a Protestant church, that person's position shall be declared vacant by the Board.

**E10.04 Meetings and Quorum.** The Board shall meet at least once every quarter and seven members shall form a quorum except as provided in Clause E11.08(b).

**E10.05 Seat Forfeited.** Any member of the Board appointed by the Assembly who shall be absent from three consecutive meetings without having obtained leave from the Board shall cease to be a member and that person's position may be declared vacant by the Board.

**E10.06 Vacancy.** If through death, resignation or otherwise there is a vacancy in the membership of the Board elected by the Assembly the Board may fill the vacancy by appointing a new member. The person so appointed shall, subject to the approval of the Assembly at its first meeting after such appointment, hold office for the same term as the person whose position is being filled.

**E10.07 Chairman.** The Board shall from its members who are

members of the Church annually elect a Chairman. The Chairman shall have both a deliberate as well as a casting vote and shall be and continue to be either a minister or a communicant of the Presbyterian Church. This requirement shall apply in full to any person deputed to act as Chairman.

**E10.08 Principal.**

- (a) The Principal of the School shall be a minister or communicant of the Presbyterian Church (or of equivalent status within another Protestant denomination) who is in active fellowship with his congregation and who adheres to one or more of the historic Reformed Protestant creeds. The remuneration and terms of agreement in the appointment of the Principal shall be fixed by the Board.
- (b) Any appointment, suspension or dismissal of a Principal shall be made only at a meeting specially convened for the purpose at not less than fourteen days' notice and for which not less than 75% of Board members shall form a quorum. At such meeting a motion for appointment, suspension or dismissal of a Principal can be carried only if 75% or more Board members present vote in the affirmative.
- (c) The Principal shall provide effective management of the School.

**E10.09 Local Congregation.** The Board shall seek to develop and maintain close links with Bathurst Presbyterian Church in order that each shall assist the other in ministry work.

**E10.10 Annual Reports.** An annual report regarding the School signed by the Chairman and the Principal shall be presented to the General Assembly each year.

**E10.11 Visitor.** The Moderator shall be the Visitor to the School.

**E10.12 Chaplain.** The Board may appoint a School Chaplain. If such a Chaplain is to be a minister then the Chaplain must be a minister of the Presbyterian Church in which case the proposed appointment of the Chaplain must first be approved by the Presbytery.

## ASSEMBLY

**F1.01 Business of the Assembly.** The Assembly shall conduct its business in accordance with the following regulations:

- (a) The hours of meeting of the Assembly shall be as recommended by the Business Committee and approved by the Assembly.
- (b) Morning and afternoon tea breaks may be taken for up to 20 minutes, the timing of such recesses to be at the Moderator's discretion.
- (c) During the Assembly there will be three periods of 30 minutes each of expository Bible teaching at times to be determined by the Business Convener.
- (d) Speeches shall be limited in time as follows:
  - \* Conveners of Committees and the Chairman of Trustees speaking to the Report ..... 15 minutes
  - \* All other Conveners speaking to the report..... 10 minutes
  - \* Overturists and Petitioners (per overture or petition)  
10 minutes
  - \* Appellants and Complainants (per party)..... 15 minutes
  - \* All other speeches ..... 5 minutesAll speeches may be extended by resolution of the House.
- (e) The total time for questions during the presentation of each report, overture, petition, appeal or complaint shall be limited to 30 minutes subject to extension by resolution of the House.
- (f) Notices of Motion must be submitted to the Business Convener in duplicate.
- (g) Video and/or audio recording of Assembly business (except for the opening service, the communion service, and the Assembly expositions) shall not be permitted for the purposes of reproduction or broadcasting without the express permission of the Assembly.





## CONDUCT PROTOCOL UNIT

**F2.01 Establishment of Unit.** There shall be an activity of the Assembly known as the Conduct Protocol Unit.

**F2.02 Functions of Unit.** The functions of the Conduct Protocol Unit shall be to:-

- (a) maintain policy and procedures for dealing with and preventing abuse within the church, (subject to the requirements of the general law and the church's Code of Discipline) including child abuse, risk of significant harm, reportable conduct, sexual misconduct and/other such conduct that breaches the Breaking the Silence Code of Conduct,
- (b) maintain, distribute and promote the Breaking the Silence Policy Statement and Code of Conduct as adopted and amended by the Assembly from time to time,
- (c) implement and manage compliance with child protection and other relevant obligations within the church, ensuring that all relevant systems are integrated and adhered to including the conduct of regular internal quality assurance audits,
- (d) establish and monitor the procedure of reporting, investigating, considering and dealing with allegations of abuse within the church,
- (e) assist with, organise and/or review investigations, risk management, employment screening and reporting of relevant employment proceedings as appropriate within the church,
- (f) advise and assist supervising bodies within the church in disciplinary matters which relate to allegations of a breach of Breaking the Silence Code of Conduct,
- (g) initiate education programmes for all congregations and organisations within the church, and its personnel in relation to matters covered by the Conduct Protocol Unit,
- (h) provide assistance for personnel, congregations and organisations within the church in relation to abuse matters, including the provision of resources, confidential help in relation to Community Services and civil authorities, and an effective 'help line' for support when dealing with these matters,
- (i) provide access to a counselling referral service (or provide details of other counselling services) appropriate for people affected by abuse within the church,
- (j) promote interdenominational cooperation for dealing with and preventing abuse,
- (k) make representation where appropriate to government, ombudsman, Commission for Children and Young People and Community Services regarding the review and amendment of relevant legislation in those

- States and Territories where Breaking the Silence has been formally adopted by the relevant State General Assembly,
- (l) act when necessary as delegated head of agency function for the purposes of the Ombudsman Act 1974 in New South Wales, facilitate effective media communication on abuse issues,
  - (m) advise and assist supervising bodies within the church, upon their request, in matters that may not be dealt with under Breaking the Silence but involve similar moral failure.

**F2.03 Management of Unit.** The Conduct protocol Unit shall be administered under the authority of the Social Service Committee by a manager appointed by the Social Service Committee and will report to the Assembly through the Social Service Committee.

**F2.04 Support Staff.** Support staff for the Conduct Protocol Unit will be appointed by the Social Service Committee when needed.

**F2.05 Funding.** Funding for the Conduct Protocol Unit will be provided by the Assembly on an annual basis

## **LONG SERVICE LEAVE**

**F3.01 Name.** There shall be a fund entitled The Long Service Leave Fund (The Fund) which shall be administered by the Ministry and Mission Committee (The Committee).

**F3.02 Beneficiaries.** Beneficiaries of The Fund shall be ministers, home missionaries and deaconesses for whom contributions have been paid annually at the rate set by the Assembly and who have completed the qualifying period of service.

**F3.03 Contributions.** Contributions to The Fund shall be paid to the committee in each calendar year by any agency of the church which has employed a minister, home missionary or deaconess as at 1 July of that year. The amount of the annual contribution shall be determined from time to time by the Assembly but shall not be less than 1.6% of the basic stipend determined by the Assembly for ministers or the full salary determined for home missionaries or deaconesses as at 1 July of that year. The Committee shall have discretionary powers to vary the contribution for cases of fractional appointments, provided always that the relevant agency of the church will be responsible for any unfunded liability.

**F3.04 Period of Leave and Qualifying Period.** The amount of long service leave provided shall be two months in respect of each ten years of unbroken service with the Presbyterian Church of Australia in the State of New South Wales. This qualifying period shall include reasonable sick leave and, in the case of a minister, any full-time service rendered to the church prior to ordination. It shall exclude, in all cases, any period of service outside of New South Wales, provided that The Committee shall have authority to enter reciprocal arrangements with the churches in other States to provide for portability of long service leave.

**F3.05 Annual Leave Not Affected.** Long service leave shall not affect normal annual leave.

**F3.06 When Taken.** Long service leave shall be taken as soon as practicable after it is due. Before long service leave may be taken, however, it must be approved by the relevant session or other church agency, and The Committee. When required by The Code II 5.28, the proposed leave must also be approved by the relevant presbytery.

**F3.07 Procedure.** The Committee shall notify persons becoming eligible for long service leave and encourage them to take it as soon as possible. When the proposed leave has been approved by the session, and, when required by The Code II 5.28, the presbytery, the person concerned shall notify The

Committee of the agreed leave period. When the leave period has ended, the Committee shall pay to the congregation or other agency an amount equivalent to the stipend or salary being paid to the person who has taken long service leave, provided that such an amount shall not exceed the basic stipend for that period.

**F3.08 Death of a Beneficiary.** If a beneficiary of The Fund dies during service, any long service leave entitlement shall be paid to that person's estate.

**F3.09 Discretionary Powers.** Notwithstanding the provision of these regulations, The Committee shall have discretionary powers to deal with exceptional cases not provided for therein and with all matters pertaining thereto.