

1 February 1984

WITHIN the St Georges Church building, Castlereagh Street, Sydney on 2 February 1984 at 11.02am, the Synod of Eastern Australia met pro re nata, and was constituted.

The Moderator, the Revd John M. Cromarty, led in worship. Romans 15:1-7 was read and the Court engaged in prayer.

Certified rolls were read as follows:

SOUTHERN PRESBYTERY

Ministers	Elders.
Mr D.R. Nibbs	Mr J.R.B. Webster
Mr R.S. Ward	Mr N.G. Triffett
Mr J.M. Cromarty	Mr G. Cahill
Mr D.E. Nicholds	Mr D. Hamilton
Mr E.R. Lee(Assessor)	

CENTRAL PRESBYTERY

Ministers	Elders
Mr S.N. Ramsay	Mr J.A. Cromarty
Mr J.A. Webster	Mr C.P. King
Mr E.R. Lee	Mr K.H. Kerr
Mr J. Graham	Mr A. Neil
Mr H.C. Varnes	

NORTHERN PRESBYTERY

Ministers	Elders
Dr J.C. Andrews	Mr J.E. Hockett
Mr W.P. Gadsby	Mr R.L. Campbell
Mr P.J. Bloomfield	Mr K.A. Dawson
Mr S.R. Tamata	Mr R. J. Law
Mr K. Macleod	Mr.J.D. Ramsay
Mr A.L. Tripovich	Dr W.J.W.Hanna
Mr J.D. Heenan	

Apologies were tendered on behalf of:

K.A. Dawson, W.J.W. Hanna, Rev.J.A. Webster, Mr R.J. Law, Mr N.G. Triffett and Mr J.E. Hockett.

The Clerk read from the letter calling this meeting, as follows;

‘The purpose of the meeting is to deal with:

1. A dissent and complaint by Mr K. H. Kerr against the decision of the Central Presbytery not to sustain a call from St Georges Congregation to the Rev. Prof. Donald Macleod of Edinburgh;
2. A dissent and appeal by Mr N.A. McPherson against the said decision.

The Moderator has indicated that the necessity for a pro re nata meeting has arisen from his consideration of the reasons of dissent, the time factor involved, together with requisitions

from a number of the members of Synod.’

It was moved and seconded that the action of the Moderator in calling this meeting be sustained. Upon request by several members of the Court, the Moderator expanded upon the above reasons. After some discussion, the motion was carried.

At this juncture, the Complainer and Appellant, together with members of the Central Presbytery were called to the bar of Synod.

Correspondence

The Clerk read documents transmitted to the Court by the Complainer, and by the Appellant. It was resolved that the correspondence be received, and that the Synod proceed to deal with the matters.

The Complainer, Mr K.H.Kerr, addressed the Court, elaborating upon reasons submitted in writing to the Court, namely,

1. Presbytery has acted inconsistently.
2. Presbytery has acted ultra vires.
3. Presbytery has thwarted the carrying out of the basic principle that it belongs to a people to elect their pastor.
4. Presbytery has purposefully inserted an unconscionable delay, viz.3 months, in the process by the congregation of calling a minister.
5. Presbytery by so doing has arrogated to itself the initiative in the call process.

The Appellant, Mr N.A.McPherson, then addressed the Court elaborating upon his reasons of appeal:

1. Prejudice to the peace and harmony of the congregation in that, when the call was signed, dissents were called for but no effort was made to encourage more signatures on the call.
2. Prejudice and partiality in dealing with the dissents in closed court and without making the content known at any time.
3. Prejudice in resolving not to proceed with the call mindful that only 53.5% of the active membership and only 3 of the 7 elders have signed the call, and making this decision by a 44.4% vote of the full membership of the Presbytery (i.e. only 4 of the 9 members voted for the resolution).
4. Personal prejudice shown by the Representative Elder of the Hunter-Barrington charge in using innuendo to slander the orthodoxy of the Minister being called.
5. Personal prejudice shown by the Representative Elder of the Hunter-Barrington charge quoting his use of a cassette recording as evidence that the Minister being called could not be understood.
6. Delaying a further meeting with the congregation until the last week of February, thus prejudicing all possibility of a call reaching Professor Macleod in time for necessary administrative procedures for his replacement in the College in 1984 to be made.
7. The inability or unwillingness of the Presbytery to conform to the required principles of government and their promise not to either directly or indirectly prejudice the same.

The Rev. S.N. Ramsay appeared on behalf of the Central Presbytery, and was followed by Mr A. Neil, both putting the Presbytery's case, and responding to the reasons submitted by the Complainer and the Appellant.

The Complainer and the Appellant then spoke in reply.

At this juncture (1.03pm), Synod broke off for lunch, resuming at 1.50pm.

Following prayer, questions were addressed to the parties at the bar by members of Synod. Parties were removed from the bar. Synod then proceeded to deliberate upon the matter before it.

It was moved and seconded that

Synod uphold the dissent and complaint from Mr Kerr and the dissent and appeal from Mr MacPherson; Synod view with grave concern the apparent lack of competence and lack of impartiality with which the Central Presbytery processed the call from St Georges Congregation to Prof. D. Macleod; the Synod deprecate the considerable expense to which their action has subjected the Church at this time; the Synod censure and severely rebuke the Presbytery for their action and direct them now to reverse their decision and sustain the call from St Georges to Prof. Macleod; the Synod now adjourn and direct the Presbytery to meet during the adjournment to give effect to the decision, and report to Synod immediately; the Synod resume its deliberation and direct the Presbytery to place the call in the hands of the Session to afford the opportunity for all other members wishing to adhibit their names to the call and direct that the call be despatched to the Presbytery of Edinburgh no later than Thursday 9th of February.

An amendment was moved and seconded that:

Synod, having heard the parties in the case, resolve that the action of the Presbytery was unreasonable upon the information before that Court, and its procedure such as to have been prejudicial to a right determination of the case;

Accordingly, Synod sustain the complaint by Mr Kerr and the appeal by Mr MacPherson, reverse the decision of the Presbytery and sustain the call to Prof. Macleod,

The Synod further entrust the call to the St Georges Session to procure additional signatures and instruct the Presbytery Clerk to attest the call so subscribed, and to forward same to the Presbytery of Edinburgh within the next 10 days;

Synod further direct the Central Presbytery to exercise much greater care in their proceedings in future, and to meet this day and enter the decision of this Synod in their Minutes.

A second motion was proposed and seconded that:

In view of Presbytery's caution in relation to the sustaining of the call, due to the number of dissents implying a serious division, in accord with the Practice, p.27, Sec.10, and their concern for the harmony of the congregation and endeavour to secure it, and as Synod interference may cause further disharmony, Synod now dismiss the complaint and appeal and uphold the Presbytery's decision, in the prayerful hope that the greater harmony of the congregation will be secured and a settlement be effected in the good providence of God.

Upon being put to the vote, the second motion was eliminated, and the amendment preferred to the original motion. The amendment became the motion, and became the finding of the Court.

The Rev. A.L.Tripovich dissented with reasons:

1. The decision of Synod is not in the best interest of the harmony of the Congregation of St

Georges.

2. The Presbytery was in the process of endeavouring to secure such harmony.

The Rev. D.R. Nibbs dissented for reason:

I believe the Presbytery acted in the best possible manner, taking all factors of the situation into account.

Parties were recalled to the bar, and the decision intimated to them. Messrs Kerr, McPherson, Cromarty, Lee and Graham indicated their acquiescence in the decision. Messrs Ramsay, Varnes, Neil and King indicated their non-acquiescence.

Parties were dismissed from the bar.

The Moderator expressed Synod's appreciation to the ladies for provision of lunch, and morning and afternoon teas.

It was resolved that delegates' expenses be paid.

Synod united in singing Psalm 25: 1-5, and the meeting was closed with the benediction.