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SESSION 1

MONDAY, 3RD MAY, 2004

7.00 P.M.

04.1 OPENING

Within the Elanora Conference Centre, Elanora Heights, on Monday, 3rd May, 2004, at 7.00 p.m., the Synod of Eastern Australia met and was constituted with worship, conducted by the Moderator, the Rev. G. Kinder.

04.2 MODERATOR'S SERMON

Mr Kinder read from the fourteenth chapter of the book of Numbers. He then preached a sermon on the words of verse 41 of Psalm 78 – “Yes, again and again they tempted God, and limited the Holy One of Israel.”

04.3 ROLLS OF PRESBYTERIES

The Certified Rolls of Presbyteries were tendered, with apologies for non-attendance from those marked † hereunder.

Northern Presbytery	Ministers	Commissioned Elders
Armidale	D.P. Smith	K. Dawson†
Brisbane	W.J.W. Hanna	K.G. Anderson
Hastings	A.L. Tripovich†	D. Hamilton
Northern Rivers	R.W. Murray	J.D. Ramsay

Central Presbytery		
Hawkesbury/Nepean	D.K. Muldoon	D.E. Kerr
Hunter/Barrington	Vacant	S. Upton
Manning	W.P. Gadsby	F. N. Robinson
St. George's	J.A. McCallum	A.H. Steel
Synod Appointments: T.I. Leggott (Seconded to A.I.M.)		
S.R. Tamata (Missionary)		

Southern Presbytery		
Geelong	Vacant	D. Manly
Melbourne (Knox/G'Huntly)	R.S. Ward	J. Louden
Melbourne (Narre Warren)	G.D. Ball†	J. Simpson†
Ulverstone	G. Kinder	I. Hamilton
Synod Appointments: E.R. Lee† (retired)		
J. Pateman † (retired)		
I. MacKenzie		

04.4 WELCOMES

The Moderator welcomed Mr. Stewart Upton, commissioned elder from the Hunter-Barrington congregation, to his first meeting of the Synod of Eastern Australia.

04.5 ELECTION OF NEW MODERATOR

The Clerk reported that the Rev. T.I. Leggott was Moderator-elect. It was moved and seconded that this appointment be confirmed. The motion was carried and Mr. Leggott took the chair.

2. Synod note the passing of Mr. M. Hingston, a former member of this Synod, and express its sympathy for his family.
3. Synod note the passing of the Rev. D.E. Nicholds, a former member of this Synod, and express its sympathy for his family.
4. Synod express its sympathy for all those connected with this church who have been bereaved since the last annual meeting of Synod.

The Rev. Dr. D.K. Muldoon led the court in prayer for those who have been bereaved and giving thanks for the lives of those who have passed away.

The Clerk continued to present the Proposed Deliverances. It was resolved that:

5. Correspondence Item 1 be received and noted.
6. Correspondence Items 2, 3 and 4 be received and considered under Inter-Church Relations business.
7. Correspondence Item 5 be considered with Inter-Church Relations business.
8. Correspondence Item 6 be considered with Law and Advisory Committee business.
9. Correspondence Item 7 be received and considered as the next item of business.
10. Correspondence Items 8, 9 and 10 be received and considered with Inter-Church Relations business.
11. Presbyteries and committees be permitted to meet when Synod is not in session.
12. Proposals for changes to the Committee Structure be in the hands of the Clerk by midday on Wednesday.
13. The following examiners of records be appointed: -

Northern Presbytery	Rev. J.A. McCallum and Knox elder.
Central Presbytery	Rev. Dr. R.S. Ward and Hastings elder.
Southern Presbytery	Rev. R.W. Murray and Hunter elder.

04.13 NOTICE ON MOTION

It was moved on notice and seconded that, in future, copies of Overtures, Petitions and References, if not also other correspondence, be provided to Commissioners with the Synod Reports. On being put to the vote, the motion was carried.

04.14 CORRESPONDENCE ITEM 7

This correspondence consisted of a reference from the Northern Presbytery regarding a request from the Rev. J.M. Cromarty for a seat on the Northern Presbytery. The Rev. D.P. Smith appeared in support of the reference. It was moved and seconded that Synod direct the Northern Presbytery's attention to the Faith and Life Committee report to Synod 1984 and

note especially the Act of Synod 1986 as sufficient answer to its Reference, and that Mr. Cromarty not be granted a seat on Presbytery and Synod at this time. On being put to the vote, the motion was carried.

04.15 THE REV. J. PATEMAN

The Clerk introduced a letter from the Southern Presbytery asking that Synod review the seat on Presbytery which had been granted to the Rev. John. Pateman in 1998, since Mr. Pateman was no longer providing supply in Hamilton.

It was moved and seconded that Synod note the minute of Southern Presbytery and now relieve Mr. Pateman of his seat on Presbytery and Synod, recording its appreciation of his service and assurance of our prayers.

04.16 TRAINING OF MINISTRY REPORT

The Convener (the Rev. R.W. Murray) presented the Report of the Committee. It was resolved that the report be received. After discussion, it was resolved that:

1. No further action be taken in recovering the outstanding Bond Money from Mr. Hill.

04.17 APOLOGY

The Rev. W.P. Gadsby, Clerk of the Central Presbytery, apologised for failing to provide a report from the Central Presbytery concerning steps being taken to address the shortage of ministers.

04.18 PRESBYTERY REPORTS

The Clerk presented the reports which had been furnished by the Clerks of the various presbyteries. It was resolved that the Reports be received.

04.19 CHURCH AND NATION REPORT

In the absence of the Convener, the Report of the Church and Nation Committee was presented by the Rev. Graham Kinder. It was resolved that the report be received.

04.20 PRESBYTERIAN BANNER EDITOR'S REPORT

The Editor of *The Presbyterian Banner*, the Rev. Dr. R.S. Ward presented his report. It was resolved that the report be received.

04.21 CHURCH AND NATION REPORT (CONT.)

Mr. Kinder presented the Proposed Deliverances of the Church and Nation Committee. It was resolved that:

1. Synod thank the editor of the Banner for his hard work and diligence during the year.

04.26 INTER-CHURCH RELATIONS REPORT

The Convener (the Rev. W.P. Gadsby) presented the Committee's Report. It was resolved that the report be received. After further discussion, the Convener presented the Proposed Deliverances of the Committee. It was resolved:

(a) Relations With Churches in Australasia

1. Reformed Churches of New Zealand (Sister Church)

1.1 That Synod send warm fraternal greetings to the RCNZ

1.2 That the ICR Committee be charged to discuss with the RCNZ ways in which our unity of faith may be expressed in tangible ways. In particular, the Committee be requested to discuss with them how we may move towards mutual eligibility of members, elders, licentiates and ministers.

2. Free Reformed Churches of Australia

2.1 That the Clerk of Synod thank the FRCA for their letter of 20.02.2004, in which they afforded formal recognition to the PCEA as a true church of the Lord Jesus Christ.

The Convener presented Proposed Deliverance 2.2 of this section of the Report:

2.2 That the ICR Committee be authorized to continue discussions about the FRCA's 'matters of concern.'

An amendment was moved and seconded that the following words be added to the Proposed Deliverance:

“but the Committee also advise the FRCA that, as discussions have progressed so minimally since they began in 1978, the Synod of the P.C.E.A. is not willing to continue discussions indefinitely, the more particularly as we desire to pursue our ecumenical relations, primarily, with members of the I.C.R.C.”

On the amendment being put against the Proposed Deliverance, the Proposed Deliverance was preferred. On being put to the vote, the proposed deliverance became the finding of Synod.

The Convener presented Proposed Deliverance 2.3. It was resolved that:

2.3 That the Committee be authorized to send one delegate to meet with the FRCA to discuss matters of concern between us.

3. Christian Reformed Churches of Australia

No recommendation.

4. Reformed Presbyterian Church of Australia

The Convener presented Proposed Deliverance 4.1.

4.1. That Synod thank the RPCA for their letter of 17 Feb 2003, and endorse the RPCA understanding of certain statements of the Fraternal Relations Act of 1993 as being the Synod's own understanding of them, namely,

- (a) the statement ‘There should be a willingness to accept certificates of communicant membership, normally without personal examination,’ is understood to mean, among other things, that among faithful churches there is confidence that sacramental discipline has been and is being maintained, and that members of churches in fraternal relations who present transfer certificates to sessions can be assumed to be true believers. Aside from this consideration it may also be the practice to ask candidates seeking membership to share with the session their testimony to the working of God’s grace in their lives. The goal of this exercise is purely pastoral and aims to make the new member better known to the elders who will thereafter provide pastoral care for him or her; and
- (b) the statement ‘There should be a willingness to allow ministers of one church access to the pulpits of fraternal churches as a matter of courtesy,’ is understood to mean, among other things, that churches in fraternal relations accept and respect the orthodoxy and giftedness of those appointed to preach their respective churches, and anticipate inviting the other’s ministers to preach in their congregations as circumstances permit. As a matter of practicality this courtesy would extend to ministers upon invitation and as deemed appropriate by a local session.

It was moved as an amendment and seconded that:

Synod thank the R.P.C.A. for their letter of 17th February as recorded in Synod Reports, and note that the R.P.C.A. understanding of our Fraternal Relations Act 1993 is acceptable to the Synod.

On the amendment being put against the Proposed Deliverance, the amendment was preferred and became the proposal before the court. On being put to the vote, it was resolved that:

Synod thank the R.P.C.A. for their letter of 17th February as recorded in Synod Reports, and note that the R.P.C.A. understanding of our Fraternal Relations Act 1993 is acceptable to the Synod.

The Convener presented Proposed Deliverance 4.2:

4.2. That Synod hereby extend formal recognition in terms of the Fraternal Relations Act (Act 93.39, Class 2) to the Reformed Presbyterian Church of Australia, and express to our brothers and sisters in the RPCA the prayerful good wishes of the PCEA, with the hope that in the future we may be able to deepen and strengthen still further the bond of fellowship between us, to the glory of God, and the good of his people.

5. ‘Australian Presbyterian and Reformed Committee’

The Convener presented Proposed Deliverance 5.1.

5.1 That Synod fall from the idea of an ‘Australian Presbyterian and Reformed Committee’ and release the Committee from its remit.

It was proposed as an amendment and seconded:

That Synod note the positive response from the WPC, RPCA and CRCA, direct the Committee also to approach the Presbyterian Reformed Church of Australia, and to liaise with these bodies to form the “Australian and Reformed Committee” to co-operate in sharing information on planned publishing projects and issuing statements on moral and

ethical issues on which there is general agreement, and report progress to next Synod.

On the amendment being put against the Proposed Deliverance, the Proposed Deliverance was preferred. On being put to the vote, the Proposed Deliverance became the finding of Synod.

(b) Relations With Churches Overseas

1. Free Church of Scotland

The Rev. W.P. Gadsby presented Proposed Deliverance 1.1 –

1.1. That Synod, having considered the returns from Presbyteries do now pass Act 1, Class 1 of Synod 2003 into permanent law of this Church, and notify the Free Church of Scotland of this decision.

The Moderator ruled this Proposed Deliverance out of order.

It was moved and seconded that the Moderator's ruling be overturned. On the motion being put to the vote the motion was carried and the Moderator's ruling to disallow the Proposed Deliverance was overturned.

Dr. Ward dissented with the following reasons:

Whereas the proposal to rescind the Federal Relations Act adopted by the Synod 2003 was not based on an overture, since written reasons were not advanced for the proposal, and that this implied requirement for an overture is also expressly required by the Act of Synod 1992, the decision of Synod 2003 to rescind the Federal Relations Act does not comply with the terms of the 'Act anent the method of passing Acts of Assembly of general concern and for preventing innovations', commonly called the Barrier Act of 1697, lacks legal validity and is null and void and proceedings based on it likewise. Therefore I protest in the strongest possible times that the Moderator's ruling was not accepted and that erroneous arguments in the Committee's report were accepted.

Mr. John Ramsay adhered to Dr. Ward's dissent with reasons.

It was moved, seconded and carried that a committee consisting of the Revs. W.P. Gadsby and W.J.W. Hanna be formed to answer Dr. Ward's reasons for dissent.

The Rev. W.P. Gadsby presented Proposed Deliverance 1.1 –

That Synod, having considered the returns from Presbyteries do now pass Act 1, Class 1 of Synod 2003 into permanent law of this Church, and notify the Free Church of Scotland of this decision.

04.27 CORRESPONDENCE ITEM 5

At this point, Synod took up consideration of Correspondence Item 5 – an overture from the Southern Presbytery regarding Relations with the Free Church of Scotland and reading as follows:

“The Southern Presbytery respectfully requests the Synod of Eastern Australia to take the following premises into consideration and to enact as follows and remit the same to Presbyteries in terms of the Barrier Act 1697 for their approval or disapproval, *simpliciter*, with numbers voting recorded, with a view to enactment of the decision with the concurrence of the presbyteries or a majority of them, and negotiation/implementation with the Free Church of Scotland accordingly with a view to that church passing similar legislation.

Or to do otherwise for this object as in its wisdom it deems best.

WHEREAS the Presbyterian Church of Eastern Australia has had a close relationship with the Free Church of Scotland since 1846, except for the period 1864-1900 when the Free Church repudiated the PCEA for its refusal to unite with others on a compromising basis; and

WHEREAS the PCEA was greatly helped in its weak and demoralised position in the early years of the 20th century by those in the Free Church of Scotland who declined the 1900 union, which help under God did much to enable the survival of the PCEA; and

WHEREAS this relationship was formalised in 1952-54 by a Federal Relations Act which has been of mutual benefit to both churches particularly in enabling easy interchange of ministers; and

WHEREAS of recent years PCEA students for the ministry have been married men of mature years, and satisfactory training on a Reformed basis has been available in Australia, so that the College in Edinburgh has not been utilised to a great extent since the 1970s; and

WHEREAS the PCEA has been an active member of the International Conference of Reformed Churches since 1985, and envisages developing ecumenical relationships through this means; and

WHEREAS the Free Church of Scotland does not wish to sever the Federal Relations Act but recognises the right of the PCEA to determine its own relationships; and

WHEREAS there is a general view in the PCEA that a somewhat revised relationship with the Free Church of Scotland would be appropriate that could be extended to other faithful churches after due deliberation by Synod;

NOW THEREFORE

The Synod of the Presbyterian Church of Eastern Australia resolves to rescind the Federal Relations Act of 1954 as corrected 1984 and implement a new relationship in terms of Act of Synod 1993 (93.39), which reflects the similar enactment of the Free Church of Scotland (Act 2, Class 2, Assembly 1992), with the following addition:

“The PCEA recognises the identity of constitutional principle between the Free Church of Scotland and itself, and the close historic ties between the two churches over most of the period since the 1840s. In acknowledgement of this it desires to have mutual eligibility of ministers without impinging on the right of the relevant court of each church to require full and satisfactory presbyterial certificates of character and attainments before admission, and assurance that any incoming minister is familiar with the historical position of the church he enters as well as its practice and procedure, so that he is able to subscribe the formula of subscription intelligently and heartily, and participate harmoniously and constructively in the life of the church he enters. This provision applies to inducted ministers of the Free Church of Scotland who may desire to accept a call or appointment in the Presbyterian Church of Eastern Australia, but also applies to ministers resigned from the Free Church of Scotland who are eligible for call in that church, and to probationers, which resigned ministers and probationers shall in addition comply with the

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requirements of Act 20, Class 2 Synod 1986 (which is parallel to Act 1 Class 2 of the Free Church of Scotland 1974).

This Act may be cited as *Mutual Eligibility Act: Free Church of Scotland, 2004.*"

It was resolved that the Correspondence be received.

It was moved and seconded that the overture be sustained and that the prayer of the overture be granted in the terms requested and remitted to Presbyteries for approval or disapproval in terms of the Barrier Act.

04.28 CLOSURE OF SESSION

Notices of motion were read and the session concluded with prayer at 5.55 p.m.

W.J.W. Hanna
Clerk

T.I. Leggott
Moderator

SESSION 4 TUESDAY, 4TH MAY, 2004 7.00 P.M.

The session was opened with prayer and praise at 7.00 p.m. The minutes of session 3 were read and confirmed.

04.29 CORRESPONDENCE ITEM 5

Synod continued to consider Correspondence item 5, the motion that the overture be sustained and that the prayer of the overture be granted in the terms requested and remitted to Presbyteries for approval or disapproval in terms of the Barrier Act, being still before the court. On being put to the vote, the motion was defeated.

Proposed deliverances 1.1 and 1.2 were then put to the vote. It was resolved:

1.1. That Synod, having considered the returns from Presbyteries do now pass Act 1, Class 1 of Synod 2003 into permanent law of this Church, and notify the Free Church of Scotland of this decision.

1.2. That Synod adopt the following explanation for this decision, to be annexed to it, and also conveyed to the Free Church of Scotland and published in our church magazine.

- a. the PCEA has for many years valued its special relationship with the Free Church of Scotland, as formalized in our respective Federal Relations Acts. We have appreciated the provision of theological training at the FCS College in earlier years, and a number of our ministers have come from, and/or served in the Free Church. We have also benefited from the ministry of FCS men, as the Rev. Prof. Douglas Macmillan, Principal Clement Graham, the Rev. A.M.Macleod, and others.

- b. we acknowledge the expressed view of the FCS 2003 Assembly that they prefer that the *status quo* remain, but accept the right of the PCEA to alter the arrangement from its side, and thank our brothers for this.
- c. for over 15 years, the PCEA has been, with other churches including the FCS as a founding member, a part of the International Conference of Reformed Churches. We desire to pursue our ecumenical relations primarily with these churches, and we believe that a 'level playing field' approach is best. On that basis we can proceed to formalize relations with other ICRC churches on the basis of our Fraternal Relations Act of 1993. This is a process that has already begun.
- d. there is a general view within the PCEA that our relationship with the FCS needs to be changed. Various reasons have been advanced for this, and while Synod does not necessarily endorse any or all of them, we believe that the time is ripe to put our fellow ICRC churches on an equal footing before proceeding to negotiate new forms of relationship with them.

The Rev. Dr. R.S. Ward dissented with the following reasons:

1. It is contrary to Scripture and Confession for us not to seek the greatest measure of unity between like-minded churches consistent with their distinctive jurisdiction and geographical location.
2. It is contrary to Scripture and Confession for us to relate to other churches on the basis of absolute purity in practice and discipline, for there is no such absolute purity.
3. It is inconsistent to be abandoning a close relationship with the Free Church of Scotland at the same time as proposing a similar close relationship with the RCNZ and the RCN (Liberated).
4. If a close relationship with the Free Church of Scotland, as proposed by the Southern Presbytery, is not appropriate, then, surely, neither is fraternal relationship as proposed in terms of Act of Synod 1993.
5. The message sent by the decision is not conducive to good relations and co-operation from a number of other overseas Churches who could assist us in our need for ministers.

Mr. John Loudon tendered simple dissent.

The Rev. W.P. Gadsby continued to present the Proposed Deliverances of the Inter-Church Relations Committee. It was resolved:

2. Reformed Churches of the Netherlands (Liberated) (Sister Church)

2.1 That Synod send warm fraternal greetings to the RCN(L).

2.2 That the ICR Committee be charged to discuss with the RCN(L) ways in which our unity of faith may be expressed in tangible ways. In particular, the Committee be requested to discuss with them how we may move towards mutual eligibility of members, elders, licentiates and ministers.

3. International Conference of Reformed Churches

3.1 That the Committee provide to Synod 2005 details of estimated costs of attending ICRC 2005, together with nomination of delegate/s.

(c) Extension of Mutual Eligibility

1. That Synod take note of, and endorse the view of the Inter-Church Relations Committee that our present structure for ecumenical relations is sufficient for our purposes as a Church.
2. That Synod encourage the Committee to pursue formal Fraternal Relations with churches which are members of the International Conference of Reformed Churches.
3. That Synod confirm that its 1983 Act re Admission of Ministers from Other Churches is an adequate basis to enable ministers to be called from beyond our denomination.
4. That Synod hereby extend formal recognition in terms of the Fraternal Relations Act (Act 93.39, Class 2) to the Free Church of Scotland, and express to our brothers and sisters in the FCS the prayerful good wishes of the PCEA, with the hope that in the future we may be able to deepen and strengthen still further the bond of fellowship between us, to the glory of God, and the good of his people.
5. That the ICR Committee pursue discussion with all those churches with whom we enjoy fraternal relations, with a view to discerning if and how we may proceed to greater unity and cooperation in the work of God's Kingdom.

04.30 YOUTH AND FELLOWSHIP REPORT

The Convener of the Youth and Fellowship Committee, the Rev. Dr. D.K. Muldoon, presented the report of the Youth and Fellowship Committee. It was resolved that the report be received. After discussion, it was resolved that:

1. We praise God for the family camp where folks from almost all congregations enjoyed good teaching and great fellowship.
2. We thank God for
 - ! the dedicated Sunday School superintendents and the children they nurture in the Lord.
 - ! Mrs Irene Steel for her faithful labour in supervising the Search work.
 - ! Mrs Margaret Kinder for kindly sending out birthday cards to the young in our church.

04.31 MISSIONS COMMITTEE REPORT

The Missions Committee Convener, the Rev. D.P. Smith, presented the report, with an additional, supplementary, report concerning the work in Fiji. It was resolved that the report be received. A time of discussion ensued. After discussion, it was resolved that:

1.
 - a. Synod concludes the appointment of the Rev. S.R. Tamata as a Missionary of the P.C.E.A. to minister in the P.F.C.F. in Fiji, and that he be recalled to Australia by the end of July 2004 at the latest.
 - b. Synod agrees that financial support through the Missions Committee for the Rev. S.R. Tamata will continue up to the end of July 2004.
 - c. That Synod express its thanks to the Rev. S.R. Tamata for his diligent endeavours in the work in Fiji over the past eleven months, and assure Sam and Muriel of its prayerful interest in their wellbeing and future ministry.

2. That Synod express its continued prayerful support and interest in the work of Rev Trevor Leggott in his ministry with Australian Indigenous Ministries.
3. That Synod adopt the budget for 2004 and express general agreement with the estimates for 2005.

04.32 CLOSURE OF SESSION

Notices of motion were read and the session was closed with prayer, at 9.00 p.m.

W.J.W. Hanna
Clerk

T.I. Leggott
Moderator

SESSION 5 WEDNESDAY, 5TH MAY, 2004 9.00 A.M.

The session was opened with prayer, praise and devotions at 9.00 a.m. The minutes of session 4 were read and confirmed.

04.33 APOLOGIES

Apologies were received from the Rev. J.A. McCallum and from Mr. D.E. Kerr for absence from this session.

04.34 FINANCE COMMITTEE REPORT

The Convener (Mr. A.H. Steel), presented the report of this committee. It was resolved that the report be received. After discussion, it was resolved that:

1. We record our thanks to God for the adequacy of temporal blessing enjoyed during 2003. This has enabled us to meet all our needs for another year.
2. Adjustment of Minimum Stipend (Excluding Manse, Car and Telephone) for 2004/2005 be made on 1st January and 1st July in line with the movement in the *Average Weekly Earnings, Australia (Full-time adult ordinary time earnings)* as published by the Australian Bureau of Statistics. In the event of a negative movement in any six monthly review period, no adjustment be made.
3. Stipend Relief for 2004/2005 be granted to the following Deacons' Courts, on a strictly needs basis:

- ! \$18,000 - Armidale (Approximately 50% of minimum stipend)
- ! \$17,000 - Hawkesbury-Nepean
- ! \$10,000 - Narre Warren
- ! \$18,000 - Ulverstone (Approximately 50% of minimum stipend)

4. Synod confirm the Committee's resolution to provide additional Stipend Relief to Armidale Deacons' Court of up to \$10,900 on a needs basis until 31/5/04.

The Convener presented Proposed Deliverance 5:

5. The bequest received from the Estate of the late SN Ramsay be disbursed as follows:

- \$40,000 – Hunter/Barrington congregation (to reduce the debt on their church/hall/manse complex at Cardiff.)
 - \$25,000 – Armidale congregation.(\$15,000 to reduce their 8:14 Foundation debt and \$10,000 to pay for fire safety upgrade in the church/manse building (Also see – 8:14 Foundation and General Treasurer's report)
 - \$ 5,000 – Synod Missions General Funds. (To assist in meeting shortfalls in the funding of TI Leggott's stipend and/or other expenditure.)
 - \$30,000 – Synod General Funds. (The balance of bequest and interest since earned for future needs as they arise.)
- \$100,000 (Approximately)

An amendment was moved and seconded that:

The bequest received from the Estate of the late SN Ramsay be disbursed as follows:

- \$30,000 – Hunter/Barrington congregation (to reduce the debt on their church/hall/manse complex at Cardiff.)
 - \$40,000 – Armidale congregation.(\$30,000 to reduce their 8:14 Foundation debt and \$10,000 to pay for fire safety upgrade in the church/manse building (Also see – 8:14 Foundation and General Treasurer's report)
 - \$ 5,000 – Synod Missions General Funds. (To assist in meeting shortfalls in the funding of TI Leggott's stipend and/or other expenditure.)
 - \$25,000 – Synod General Funds. (The balance of bequest and interest since earned for future needs as they arise.)
- \$100,000 (Approximately)

On the amendment being put against the Proposed Deliverance, the amendment was preferred and became the motion before the court. On being put to the vote, the motion was carried.

04.35 GENERAL TREASURER'S REPORT

The General Treasurer, Mr. A.H. Steel, presented his report. It was resolved that the report be received. It was resolved that:

1. The General Treasurer's action in permitting up to \$10,000 of the proceeds of the bequest of the late S.N. Ramsay to be used by Armidale Deacons' Court, to pay for the upgrading of Fire Safety Measures in the Church buildings, be confirmed.

04.36 8: 14 FOUNDATION REPORT

The Convener (Mr. A.H. Steel) presented the report of the 8: 14 Foundation. It was resolved that the report be received. After discussion, it was resolved that:

1. Net rents received from the student accommodation in the Armidale Church/manse building, be used by the Deacons' Court, to assist in payment of ministerial Stipend and Superannuation contributions, if required, the position to be reviewed and reported to Synod annually.

04.37 THANKS TO GENERAL TREASURER

The Moderator expressed the thanks of Synod to the General Treasurer for his work. The Synod members supported the Moderator's words with applause.

04.38 PROVIDENT FUNDS COMMITTEE REPORT

The Convener of the Provident Funds Committee (the Rev. Dr. R.S. Ward) presented this report. It was resolved that the report be received. After discussion, it was resolved that:

1. Synod note the legal requirement for quarterly contributions to Superannuation and note the levy for 2004 is in the order of \$1,340 per quarter payable by the end of February, May, August and November.

The Convener presented Proposed Deliverance 2:

2. Noting that
 - (a) the Superannuation Fund has superseded the provisions of the Widows and Orphans and Aged and Retired Ministers Funds both General and NSW as currently recorded in the Synod Treasurer's accounts; and
 - (b) the terms of the D.K.McIntyre Bequest, the James Ross Bequest and the Susan McIntyre McDonald Bequest are such that there is no objection to their combination in the accounting records as one, or their investment with other funds devoted to the same objects;Synod approve the combination of the superseded funds into one called the Superannuation Support Fund (Bequests) with effect 1/1/2004, and its investment together with the funds arising from non-vested contributions forfeited by past members and other non-bequest items.

An amendment was proposed and seconded that the proposed change in the application of the D.K. McIntyre, James Ross and Susan McIntyre McDonald bequests as outlined in the Synod Provident Funds Committee's Proposed Deliverance 2(a) be referred to the Trustees of the Synod of Eastern Australia for consideration and report to Synod 2005. Copies of the relevant wills to be provided by the Provident Funds Committee.

On the amendment being put against the Proposed Deliverance, the amendment was preferred and became the motion before the court. On the motion being put to the vote, the motion was carried.

The Convener presented Proposed Deliverance 3. It was resolved, none opposing, that:

3. Synod approve a revision of insurance arrangements in the Superannuation plan so as to provide Life and TPD cover as outlined in the Report at a fixed cost of \$156pa with effect 1/7/2004.

The Convener presented Proposed Deliverance 4.

4. That Synod authorise an addition of \$9,702.22 to TMPF as at 1/1/2004 to bring the total to \$100,000.

On being put to the vote, the Proposed Deliverance was defeated.

The Convener presented Proposed Deliverance 5. It was resolved that:

5. Synod remind Presbyteries to ensure ministers take their leave entitlements regularly.

04.39 QUEENSLAND TRUST CORPORATION

The Clerk presented the report on behalf of the Trustees. It was resolved that the report be received. There were no Proposed Deliverances attached to this report.

04.40 NEW SOUTH WALES TRUST CORPORATION

The Clerk presented the report on behalf of the Trustees. It was resolved that the report be received. After discussion, it was resolved that:

1. The Clerk write to the Attorney General of New South Wales, expressing the thanks of the Synod for his co-operation in assisting the Church by the introduction of The Synod of Eastern Australia Property Amendment Bill 2004, and asking him to pass on the Synod's appreciation of the work done by the officers of his Department to accomplish this – especially to Ms Jenny Atkinson, whose freely given assistance and guidance was so welcome.
2. The Clerk write to the Honourable the Rev. Dr. Gordon Moyes, thanking him for the sentiments expressed in his second reading speech in support of The Synod of Eastern Australia Property Amendment Bill 2004.

04.41 VICTORIAN TRUST CORPORATION

The Secretary (Mr. A.H. Steel) presented the Report of the Trustees for Victoria of the Presbyterian Church of Eastern Australia. It was resolved that the report be received. A time of discussion ensued. There were no proposed deliverances attached to this Report.

04.42 CLOSURE OF SESSION

There being no notices of motion, the session was closed with prayer at 12.30 p.m.

W.J.W. Hanna
Clerk

T.I. Leggott
Moderator

SESSION 6 WEDNESDAY, 5TH MAY, 2004 7.00 P.M.

The session was opened with praise and prayer in the St. Georges Church Building, Castlereagh Street, Sydney, at 7.30 p.m. It was resolved that the reading of the minutes of session 5 be deferred until the next session.

04.43 MISSIONS EVENING

The Convener of the Missions Committee, the Rev. D.P. Smith, gave an outline of the programme for the evening. He then introduced the Rev. Dr. Dennis Muldoon to the Moderator who welcomed him and asked him to address the Synod. Dr. Muldoon then gave an account of the Mission work in India and of his visit to that country. The Moderator expressed the thanks of the Synod to Dr. Muldoon.

Mr. Smith then introduced Dennis and Glenys Tranter of Australian Indigenous Ministries to the Moderator who invited them to address the Synod. Mr. Tranter then spoke about the work in which he and his wife were involved among indigenous Australians. The Convener thanked Mr. and Mrs. Tranter on behalf of the Synod.

The Rev. Sam Tamata was then presented to the Moderator who welcomed him and asked him to speak to the Synod about the work in Fiji. Mr. Tamata did so and was thanked by the Moderator.

Mr. Smith then introduced Paul Morris of Christian Witness to Israel and Nicole Thornburrow, a Jewish Christian, to the Moderator who welcomed them and invited them to address the Synod. Nicole spoke about her background and about how the Lord had led her to know Christ. Mr. Morris spoke about the work in which he was engaged among the Jewish people. The Moderator thanked both Mr. Morris and Miss Thornburrow on behalf of the Synod.

04.44 CLOSURE OF SESSION

There being no notices of motion, the session was closed with the singing of Psalm 121, and the benediction at 9.10 p.m.

W.J.W. Hanna
Clerk

T.I. Leggott
Moderator

SESSION 7 THURSDAY, 6TH MAY, 2004 9.00 A.M.

The session was opened with praise and prayer at 9.00 a.m. The minutes of sessions 5 and 6 were read and confirmed.

04.45 LAW AND ADVISORY COMMITTEE REPORT

The Convener (the Rev. Dr. W.J.W. Hanna) presented the report of this committee. It was resolved that the report be received. The Convener presented Proposed Deliverance 1: -

1. That Synod adopt the revised "Procedures for Dealing with Allegations of Sexual Misconduct" set out in Appendix A of this Report.

04.46 CORRESPONDENCE ITEM 6

At this point, Synod took up consideration of Correspondence Item 6, an overture from the Southern Presbytery and reading as follows:

"WHEREAS The Christian Church has always been required by Christ to maintain the highest standards of sexual propriety, but has often been overly protective of itself, and has not acted with the transparency, fairness and wisdom that should be expected; and

WHEREAS of recent years the community has become much more sensitive to sexual abuse issues, particularly in churches; and

WHEREAS the Presbyterian Church of Eastern Australia as a Christian church committed to the Holy Scriptures should be in the forefront of measures to not only prevent cases of sexual abuse but to ensure proper investigation of complaints against ministers and licentiates concerning matters of a sexual nature; and

WHEREAS considerable reflection on the peculiar difficulties of sexual abuse cases has occurred and suitable advice has been sought; and

WHEREAS it is desirable to enact a well-considered Protocol and have same in place against the day an issue may arise, rather than being faced with a situation without such a Protocol;

NOW THEREFORE the Southern Presbytery respectfully overtures the Synod of Eastern Australia to take these premises into consideration and *remit the following two Protocols for Dealing with Complaints of a sexual Nature, to presbyteries for approval under the Barrier*

Act, and meantime enact the same as an Interim Act, or to do otherwise for this object as the Synod may consider best.

PROTOCOL FOR INVESTIGATING COMPLAINTS AGAINST MINISTERS & LICENTIATES CONCERNING MATTERS OF A SEXUAL NATURE

The nature of sexual abuse/misconduct is such that while great care needs to be exercised in judging the credibility of accusers, yet special rules are appropriate because of the peculiarities of the offence. Therefore, in the case of allegation of sexual harassment or abuse against a minister the procedure in the Handbook 7.29-7.42 is varied and takes the following form.

Some principles

1. Ministers are expected to be examples and models of Christian faith and conduct. This protocol seeks to apply to the ministerial relationship the standards God expects of all people. It also aims to express justice to those who have been victimised. It is the unambiguous duty of any person in ministry not to use the influence and authority of that position for personal gain, whether financial gain or in terms of sexual gratification or otherwise. It is also recognised that allegations against a minister are not to be rashly entertained, and the possibility of false accusation is recognised.

2. The principles of natural justice, including ‘innocent until proven guilty’, lie at the basis of the complaint procedure. Natural justice means, *inter alia*, that all who investigate or adjudicate must act fairly, in good faith, without bias, and in a dispassionate manner; the accused must be given the opportunity of adequately stating their case and correcting or rebutting any relevant statement prejudicial to the person’s case, and no information shall be relied on which is not before the Presbytery or investigating body; relatives or close friends of any of the parties shall disqualify themselves from the case, so that justice is done and is seen to be done so far as it is possible for human tribunals.

Nevertheless, where initial investigation suggests there is a case to answer, the accused shall be stood down from active ministry on paid leave pending the outcome even before a libel (formal charge) is served on him. Where resignation is tendered the resignation may be accepted so far as the functions of the ministry are concerned but otherwise the provisions of Handbook 7.41 apply, and thus procedure to establish the truth or otherwise of the allegation/s continues. [See also G. 2 (c) below.] Note also the possibility of a verdict of not proven but with serious concerns [F 2 (d) below].

3. When listening to an accused those listening must be aware of the difference between remorse and repentance. Normally remorse is the initial expression of regret or sorrow in response to the matter being discovered. Repentance involves an often slow and deeply personal process of accepting responsibility for the consequences of one’s actions.

4. Those dealing with allegation of sexual abuse and harassment need to recognise that sometimes reconciliation appears improbable and may be impossible or unwise to attempt.

5. Applications from those desiring admission to the ministry of the church must subscribe a declaration in specified form related to past history of abusive conduct or allegations of it, and must agree to police checks being made. They must also accept the principles of this protocol and lawful amendments of it, pledge their co-operation with any investigation under it, and their readiness to attend any education process sponsored by the church to promote ministry free from abuse.

6. No Presbytery certificate as to a minister's status or service is to be issued which does not disclose the existence of all past allegations of sexual offences and the result.

Sexual harassment or abuse described

1. Sexual harassment, abuse or misconduct contravenes God's word and is unethical and unacceptable behaviour. It may also be unlawful according to the laws of the land, even criminal.

2. Sexual harassment and abuse covers a range of unwelcome, unsolicited, manipulative and unreciprocated behaviour that constitutes deliberate or unintended verbal or physical contact. It includes gestures, display of offensive material, comments and suggestive remarks through to physical contact such as pinching, touching, caressing, inappropriate kissing, sexual intercourse and more hostile conduct. It may be perpetrated by an individual or a group towards a person of the same or the other sex, or by an adult toward a child.

C. Initial complaint

It is anticipated that allegation of sexual abuse may be verbal in the first instance, although it should be made in writing as soon as practicable and must be signed. In any event, allegations however made known, even as rumours, are not competently dealt with by Session but must in every case be reported to the Clerk of the Presbytery of the bounds forthwith (or the Moderator if the Clerk is a party. The Presbytery Clerk (or Moderator) is to advise the Law & Advisory Committee of Synod forthwith in writing, and he is also to assure the complainant that a proper examination of the complaint will be made. **IF THE ALLEGATION INVOLVES CRIMINAL BEHAVIOUR IT MUST BE REPORTED TO THE POLICE FOR THEIR INVESTIGATION AND NO INVESTIGATION IS MADE BY THE CHURCH UNTIL THE RESULT OF THE POLICE INVESTIGATION IS AVAILABLE. THE CHURCH ENCOURAGES THE COMPLAINANT TO REPORT THE MATTER TO THE POLICE BUT IF THE COMPLAINANT WILL NOT THE CHURCH DOES SO FORTHWITH.**

D. Intervention Team – preliminary investigation

1. An Intervention Team (IT) appointed by the Presbytery consisting of three to five practising Christians in communicant membership of a Christian Church who are not members of the congregation involved, or relatives or friends of any of the parties, or members of the Presbytery of the bounds, is formed without delay. At least one must be the same gender as the complainant, and at least one must be trained or experienced in issues associated with boundary violations and misconduct and/or a professional eligible for membership of the Australian Psychological Society or the Australian Association of Social Workers or equivalent body. If there is no standing arrangement in the presbytery the Intervention Team must be formed within 2 weeks of receiving the complaint.

2. The Intervention Team meets with the complainant to hear the story, provide guidance and support, including copies of this protocol, and to determine if the complaint warrants further investigation. A video or audio recording should be made if the party consents. A minuted record is kept.

3. The Intervention Team will advise the accused of the substance of the complaint and hear his response as soon as practicably possible. A video or audio recording should be made if the party consents. A minuted record is kept. The IT will direct that the accused not conduct his own investigation or approach the complainant. If he does he will be disciplined by the Presbytery for contumacy. Support and guidance may be supplied to the accused from a list of Advisers supplied by the Presbytery and/or the Law and Advisory Committee.

4. The report and recommendations of the Intervention Team are sent to the Presbytery in every case, including as to whether the accused should be stood down without prejudice.

E. Report to Presbytery

1. If the complaint is deemed not to warrant further investigation the Intervention Team may recommend to the complainant an appropriate helping professional to provide support and counselling, but at the complainant's expense unless otherwise determined by the Presbytery. The complainant has the right to refuse such a recommendation, and may appeal the decision of the Intervention Committee to the Presbytery having jurisdiction over the accused. The report is submitted to the Presbytery.

2. (a) If the complaint is deemed worthy of further investigation the matter is taken up by the Presbytery at the earliest opportunity and the following procedure applies:

(b) If the complaint falls under the jurisdiction of the criminal law, and criminal proceedings are instituted the Presbytery monitors them. If a conviction is recorded the Presbytery dissolves the pastoral tie and removes the minister from office. This action is not of itself an acknowledgement by the Church of the guilt of the accused but recognises an essential qualification for office (a good reputation with outsiders) is now lacking.

(c) If the complaint does not fall under the jurisdiction of the criminal law, or if it does but the police decline to proceed, or if proceedings occur but no conviction is recorded, the presbytery proceeds to investigate the complaint, framing a libel in the usual manner. Complaints or appeals to Synod on technical issues are to be disregarded until after the judgement is reached by the Presbytery so that if there is an appeal against the sentence also, all outstanding matters may be dealt with by the Synod at the one time. If at any stage fresh evidence of criminal sexual abuse comes to light or admissions of criminal sexual abuse are made, the Police are to be informed, and the Presbytery meantime suspends further proceedings and co-operates with the Police investigation.

(d) It may appear in the course of the case that an appropriate outcome would be mediation. However, the complainant cannot be forced to enter into mediation, nor may it be appropriate for certain kinds of abuse.

F. Finding in a Case

(a) The finding in a case of sexual misconduct, if mediation has not resolved the matter, is either not guilty, guilty, or not-proven but with serious concerns.

(b) A *not-guilty* verdict means that the complaint is held to be unfounded and no action against the accused is required. The finding is made known as far as practicable as widely as was the original allegation.

(c) A *guilty* verdict is based on the criminal standard of 'beyond reasonable doubt'.

(d) It is common in sexual abuse cases for the evidence to appear inconclusive. Presbytery must therefore decide whether it is more probable or not that the conduct complained of took place. If the evidence duly considered appears inconclusive, the Presbytery shall so resolve and then take previous history and/or records into account. If the accused has had complaints about him previously it may be reasonable to point to a pattern of behaviour and so make a finding of *not proven but with serious concerns*. However, this situation should be approached with extreme caution, so that the accused is not denied natural justice.

(e) The presbytery will document its finding in its ordinary minutes, providing a copy to both parties and to others interested. The complete record, kept in a record apart, will be sealed, and retained in secure form by the Presbytery Clerk with a summary abstract furnished to the Clerk of Synod and the Law and Advisory Committee to be held in perpetuity.

(f) When the complaint is upheld the penalty must take into account the nature of the offence and the impact on the victim/s involved. A minister shall be deposed from the ministry or a licentiate deprived of his licence and prohibited from pastoral duties or eldership for *inter alia*, sexual intercourse outside of marriage by a married minister/licentiate, or physical sexual activity with more than one person, or with a minor or a person of the opposite sex.

G. Relationship with Parties

1. (a) All contact with **the victim** must be pastoral in intent. The complainant must be affirmed in his or her right and freedom to make the allegations, and has the right to be kept informed of both the process being entered into and the possible outcomes, and to make a submission on the outcome.

(b) The Presbytery may suggest that the complainant enter into appropriate therapeutic counselling that is confidential to the complainant and his or her choice of therapist. Costs for counselling may be borne by the guilty party. Support and assistance for the complainant and or his or her spouse and family may be made by the church.

2. (a) Confronting **an accused** should be carried out pastorally. Genuine confession should be heard and honoured. Those ministering to the accused must remind him, and be reminded themselves, of the depth of God's grace and the cost of God's forgiveness in Christ. Confession is a vital first step, but it is important to recognise that confession and forgiveness does not imply restoration to pastoral ministry. The nature of pastoral responsibility and perceived authority, combined with the intimate access of the minister to vulnerable people facing emotional, mental and spiritual struggles, requires a high level of maturity and emotional health, especially in sexual matters.

(b) The Presbytery may suggest that a **guilty party** (either an accused or an accuser) enter into appropriate therapeutic counselling that is confidential to the guilty and his/her choice of therapist. Costs for counselling may be borne by the guilty party, Support and assistance for the guilty party and or his or her spouse and family may be made by the church. The willingness of the guilty person to make such restitution as may be recommended by the Presbytery will be taken into account.

(c) The **resignation of a minister** for *any* cause cannot be accepted without the presbytery appointing one or more of its number to preside at a congregational meeting to discuss the proposed resignation and meeting also with the elders to *inter alia* ensure that there is no known suggestion of impropriety or scandal in regard to the minister whose resignation has been submitted, and specific report on this aspect *must* be entered in the Presbytery minutes.

(d) **Restoration to the ministry** after deposition or restoration of licence after being found guilty for the offences noted in F. 1 (e) is not generally to be even contemplated. Any proposal for restoration must be made through the Presbytery having jurisdiction at the time of deposition and must be approved by a minimum 75% vote of the Synod.

3. All contact with **the congregation** involved should be carried out pastorally. The complainant must be affirmed in his or her right and freedom to make the allegations. An announcement of the results of the finding should be made to the congregation. The fact that a perpetrator of sexual abuse has confessed his wrong-doing must not be used as a means of silencing those who want to express anger, pain or confusion as a result of being victimised.

PROTOCOL FOR INVESTIGATING COMPLAINTS CONCERNING MATTERS OF A SEXUAL NATURE NOT INVOLVING MINISTERS OR LICENTIATES

In regard to complaints of a sexual nature against persons not ministers or licentiates, the protocol in respect of ministers is followed, except that the IT reports to the Session with a

copy to the Presbytery, but the Session refers the matter to the Presbytery for advice before proceeding further. If the matter is judged by the presbytery as one that can be readily handled by the Session it gives appropriate instructions and the principles in the Protocol for Ministers are applied. It is competent for the Presbytery to take over the handling of the matter in line with the Protocol for ministers, particularly if an elder is involved, or to appoint assessor elders to assist the Session.”

It was moved and seconded that the overture be sustained and its prayer granted in the following terms:

The overture be referred to the Law and Advisory Committee for consideration and report to Synod 2005: and that interested individuals and church courts be invited to submit comments to the Committee, the closing date for these submissions to be the 31st December 2004.

On being put to the vote, the motion was carried.

04.47 LAW AND ADVISORY COMMITTEE REPORT

The Convener continued to present the Proposed Deliverances of the Law and Advisory Committee. It was resolved that:

1. Synod adopt the revised “Procedures for Dealing with Allegations of Sexual Misconduct” set out in Appendix A of the Report.
2. In the *Handbook of Practice and Procedure*, a new sub-section (e) be added to paragraph 4.51, as follows:

4.51 (e) his suitability to work with minors, as shown by his having been approved to do so by the civil authorities in the State in which he resides, or, if the applicant resides outside Australia at the time of application, the State in which he intends to take up residence.

3. In the *Handbook of Practice and Procedure*, a new Section 4.49 (c) be inserted as follows:

4.49(c) The candidate shall be required to satisfy the requirements of the State in which he resides with regard to approval to engage in employment involving contact with minors.

and that the present sections 4.49 (c) and following, become sections 4.49 (d), (e), etc.

4. In the *Handbook of Practice and Procedure*, the present section 50.3 (d) be amended to read:

4.50 (d) The presbytery must be assured that the character and conduct of the student are in accord with his desire to enter the Christian ministry. As part of this assurance, the Presbytery must ensure that the candidate for licence has satisfied the requirements of the State in which he resides with regard to approval to engage in employment involving contact with minors. A statement to this effect should be recorded in the Presbytery Minutes.

5. In the *Handbook of Practice and Procedure*, the following statement be added to follow the second paragraph of section 4.48:

No minister may be inducted to a charge (or licentiate ordained and inducted) unless he has satisfied the requirements of the State in which the charge to which he is to be ordained/inducted is situated with regard to approval to engage in employment involving contact with minors. A statement regarding this approval should be recorded in the Presbytery Minutes.

6. That the “Caring for the People Guidelines” adopted by Synod 2003 be rescinded and that the following revised “Guidelines for Church Workers” be adopted to replace them and that these Guidelines be publicised within the Church:

GUIDELINES FOR CHURCH WORKERS

General

1. Those activities of the congregation not the prerogative of the minister are under the ultimate supervision of the Session. The Session should know what is happening in the various areas. If necessary, Session will appoint a liaison person to report on a particular activity.

Guarding against Sexual Misconduct

1. Where there is to be regular contact with minors, those persons appointed by the session should have been approved under local State Government laws as people suitable to be in such situations.
2. The supervision of others should be carried out by appropriately experienced people who are well known to the Congregation, and have been connected with it for at least six months. No person with a previous record of sexual molestation may be involved in a supervisory position, except with the express authorisation of Presbytery. This will be granted only in the most exceptional circumstances where the risk of reoffending will be completely eliminated.
3. When children are involved out of the sight or hearing of others, at least two adults should supervise. Those leading camps or outings should be registered under local State laws regarding approval to work with minors. They should also sign a declaration that they have never been convicted of sexual abuse or of trafficking in illicit substances.
4. Church workers should avoid one-to-one counselling of the opposite sex, or of any minor. In any counselling, church workers, including ministers, should be ready to seek specialist help where necessary.
5. Ministers/elders should exercise great care in visiting women or children unaccompanied. In most circumstances it will be prudent for another person to be present, or available nearby.

6. Leaders of church activities must report any suspected physical or sexual abuse to the Session immediately and the Synod's procedures followed. No allegation may be trivialised.
7. In the case of persons from other congregations applying for membership, the Session should check with the previous church to ensure that there are no outstanding issues or adverse history. Sessions should also be careful concerning history of those who apply for membership by confession of faith.
8. A Session shall not issue a Disjunction Certificate if there is any suspicion/allegation of abuse without first investigating the matter. The result of the investigation must be duly minuted, and the Certificate qualified if necessary.

Protection of Those Working on Church Property

1. When work is being done by volunteers on the church premises, a competent person should supervise, particularly when heights, or the use of special tools, are involved.
2. Non-PCEA groups using Church facilities must commit in writing to having proper supervision of their people at all times, as well as meeting other conditions set by the local Deacons' Court or by the Minister, each acting in accordance with Section 3.18 of the *Handbook of Practice and Procedure*. Such conditions might include no smoking; no raffles or other gambling; appropriate Public Liability Insurance; and responsibility for damage.

Protection of Privacy

1. Membership lists should only be used outside the Session according to a procedure agreed by Session communicated to all those whose names will be included in such a list.
2. Health information secured for camps or outings is to be used only for the purpose obtained and kept in confidence. Records of such information should not be kept after their purpose has been fulfilled.
3. It is important also to exercise care in revealing personal information on notice sheets or in church announcements. Before revealing personal information, permission should be obtained from the person concerned.

04.48 ARCHIVIST'S REPORT

The Archivist, the Rev. Dr. R.S. Ward, presented this report. It was resolved that the report be received. After discussion, it was resolved that:

1. That Synod request any individuals who may hold old minute books and papers of church courts to return them to the relevant church court or the Archivist, and also recommend that important or rare documents be copied and the original or a copy be lodged in the Archives.

04.49 ANSWERS TO REASONS FOR DISSENT

The Committee appointed to answer the reasons for dissent tendered by the Rev. Dr. R.S. Ward (cf. *Minutes* 04.26) reported to Synod. It was resolved that the answers be engrossed in the minutes as follows:

1. The *Handbook of Practice and Procedure* does not change the law of the Church, and it is quite clear from earlier documents, such as the *Free Church of Scotland Practice*, that a proposal may come from a Committee acting on the instructions of Synod.
2. It is clear from the example of an overture given in the same *Practice*, that an overture need not have written reasons attached to it. The reasons required will be stated when the overture is being stated.
3. This being so, the decision of Synod 2003 to rescind the Federal Relations Act does not “lack legal validity.”

04.50 COMMITTEE COMPOSITION

The Administration Committee proposed the following Committee structure:

Administration and Inter-Church Relations

Clerk (Convener Administration), Moderator, Moderator-elect, Assistant Clerk, Convener of Law and Advisory, Convener of Inter-Church Relations (W.P. Gadsby).

Church and Nation (including Publications and Psalmody)

G. Ball (Convener), I. Hamilton, G. Kinder, J.Simpson, Geelong elder.

Finance

A.H. Steel (Convener), K.I. Kerr, D.J. Ramsay, D.E. Kerr.

Provident Funds

R.S. Ward (Convener), G.D. Ball, J.B. Loudon, D. Manly.

8: 14 Foundation

Treasurer (Convener), Clerk of Synod, Moderator, one representative from each Presbytery.

Law and Advisory

W.J.W. Hanna (Convener), R.W. Murray, W.P. Gadsby, Hunter elder.

Missions

D.P. Smith (Convener), I. Conley, T.I. Leggott, D.K. Muldoon, F.N. Robinson.

Training of Ministry

R.W. Murray (Convener), W.J.W. Hanna, J.A. McCallum, J. Ramsay.

Youth and Fellowship

D.K. Muldoon (Convener), Robert Alley, Jonathan Murray, Marcus Gadsby, F.N. Robinson.

It was resolved that the Committee structure as proposed be adopted.

04.51 REPORTS OF EXAMINERS OF RECORDS

It was reported that the Rev. A.L. Tripovich had certified that the Central Presbytery minutes for 2002-2003 were in order. The minutes of the Central and Northern Presbyteries for 2003-2004 were reported to be in order. It was resolved that they be attested. It was resolved that Southern Presbytery record be attested but that they take note of the need for their records to show:

1. Motions being seconded (meeting of 7/5/2003)
2. Accepted and defeated motions clearly distinguished (meeting of 7/5/2003)
3. Apologies from members to be recorded in the record (meeting of 12/11/2003)

04.52 MODERATOR-ELECT FOR SYNOD 2005

It was resolved that the Rev. S.R. Tamata be appointed Moderator-elect for Synod 2005, subject to his having a seat on a Presbytery at that time; otherwise, that the Rev. D.P. Smith be Moderator-elect.

04.53 TREASURER'S REPORT

The General Treasurer, Mr. A.H. Steel, indicated the cost of this Synod.

04.54 TIME AND PLACE OF SYNOD 2005

It was moved and seconded that Synod 2005 be held in the Sydney area at a time and place to be determined by the Administration Committee and to be advised to commissioners at least five months prior to the opening of Synod. The motion was carried.

04.55 PRINCIPAL ACTS

It was resolved that the Clerk draw up a list of the Principal Acts of Synod 2004, and include it with the Minutes.

04.56 REV. E.R. LEE AND REV. A.L. TRIPOVICH

It was resolved that Synod express its prayerful concern and interest in the health of the Rev. E.R. Lee and the Rev. A.L. Tripovich, and wish them every blessing in the Lord.

04.57 THANKS

It was resolved that the thanks of the court be conveyed to the General Treasurer (Mr. A.H. Steel). The motion was carried.

It was moved and seconded that the thanks of the Court be conveyed to the Moderator. The motion was carried.

It was resolved that the thanks of the court be conveyed to the Clerk and the Assistant Clerk.
The motion was carried by acclamation.

04.58 CONFIRMATION OF MINUTES

The minutes of this closing session were read and confirmed.

04.59 CLOSURE OF SYNOD 2004

Synod 2004 was closed with the singing of Psalm 66 and with the benediction, at 12.10 p.m.

W.J.W. Hanna
Clerk

T.I. Leggott
Moderator

ACTS OF SYNOD 2004

Appended by the Direction of Synod (04.55)

Class 1 (Barrier Act Procedure)	Article
1. Act to rescind Federal Relations Act	04.29.1.1

Class 2 (Others)	Article
1. Recognition of R.P.C.A. in terms of Fraternal Relations Act	04.26.(a).4.2
2. Conclusion of appointment of the Rev. S.R. Tamata as missionary in Fiji	04.31.1
3. Adjustments to Minimum Stipend	04.34.2
4. Revision of insurance arrangements for ministers	04.38.3
5. Procedures for investigating complaints of sexual impropriety	04.47.1
6. Procedures for guarding against sexual impropriety	04.47.2,3,4,5
7. Guidelines for Church Workers	04.47.6

LIST OF CORRESPONDENCE

	<u>Date received</u>	<u>Sender</u>	
1.	3/6/2003	Office of the Prime Minister	Thanks to Synod
2.	23/10/2003	The Clerk – Northern Presbytery	Return under Barrier Act
3.	17/11/2003	The Clerk – Southern Presbytery	Return under Barrier Act
4.	17/12/2003	The Clerk – Central Presbytery	Return under Barrier Act
5.	23/2/2004	The Clerk – Southern Presbytery	Overture regarding Relations with the Free Church of Scotland
6.	26/2/2004	The Clerk – Southern Presbytery	Overture regarding Complaints of a Sexual Nature
7.	27/2/2004	The Clerk – Northern Presbytery	Reference regarding a Seat on Presbytery for the Rev. J.M. Cromarty
8.	1/3/2004	Presbytery Clerk- R.P.C.A.	Request for Fraternal Relations
9.	16/3/2004	Free Ref. Churches of Australia	Regarding ongoing discussions
10.	27/4/2004	Free Ref. Churches of Australia	Regarding ongoing discussions

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