

## ACTS OF SYNOD 1996

### Class 1 (Barrier Act Procedure)

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1	INTERIM ACT – Rules associated NSW Property (Amendment) Act	96.33.3-4

### Class 2 (Others)

No	Act	Reference
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2	Appointment of Assistant Clerk (Rev. T.I. Leggott)	96.8
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## CLASS 1 – ACTS WHICH HAVE PASSED THE BARRIER ACT

### ACT 1 – INTERIM ACT – Rules associated with NSW Property (Amendment) Act

Thursday 28<sup>th</sup> March 1996

Minutes 96.33.3-4

Synod resolve the following as an Interim Act: that when the Synod of Eastern Australia Property (Amendment) Act comes into force the following rules shall become operative:

- a. that no person shall be nominated as a trustee who is not an office-bearer;
- b. pursuant to Section 3 (5) of the Bill, a quorum for meetings of the trustees [Section 3 (8)] shall be three;
- c. that rules for the application of the seal of the N.S.W. trustees precisely parallel in requirement to those in Victoria (Act of Synod 12.04.1954 under Barrier Act) come into force;
- d. that existing legislation (Synod 1984) on mortgage/sale procedure in New South Wales be adjusted so as to maintain the identical provisions but relate them to the amended 1918 Act rather than to the original 1918 Act.
- e. that existing legislation (Synod 1988) on leasing procedure in New South Wales be held to be adjusted so as to maintain the identical provisions but relate them to the amended 1918 Act rather than to the original 1918 Act.

Synod remit the preceding Interim Act to Presbyteries for their consent in terms of the Barrier Act 1697, directing Presbyteries to approve or disapprove the resolution by 30/11/1996 with a view to it becoming a standing rule upon the amended Property Act coming into force.

## **CLASS 2 – ACTS OF SYNOD OF GENERAL INTEREST TO THE CHURCH**

### **ACT 1 – Appointment of Assessors to Central Presbytery**

Saturday 30<sup>th</sup> March 1996

Minutes 96.49

That the Rev.T.I. Leggott and the Rev. A.L. Tripovich be appointed assessors to the Central Presbytery for the duration of Mr. Gadsby's time at the Dumisani Bible School.

### **ACT 2 – Appointment of Assistant Clerk (Rev. T.I. Leggott)**

Wednesday 27<sup>th</sup> March 1996

Minutes 96.8

It was resolved that the Rev. T.I. Leggott be appointed Assistant Clerk.

### **ACT 3 – Appointment of Procurator**

Wednesday 27<sup>th</sup> March 1996

Minutes 96.9

That the Administration Committee together with the Law and Advisory Committee continue to pursue the matter of the appointment of a procurator.

### **ACT 4 – Armidale loan - rate of repayment**

Thursday 28<sup>th</sup> March 1996

Minutes 96.28

It was resolved that:

1. Surplus Funds held in the 8: 14 Foundation account be applied from time to time in the reduction of the loan to Armidale Deacons' Court by the Missions Relief Fund, provided there is no call on them from other congregations or depositors, the loan from the 8: 14 Foundation to increase in line with any funds transferred.
2. The rate of repayment of the Missions Relief Loan by the Armidale Deacons' Court revert to that approved by Synod 1993 (Minutes 93.60.4) -  
"The repayment schedule is to be at a rate not less than the net rental revenue from the student's accommodation and is to be reviewed after 3 years."

### **ACT 5 – *Decision Book* to be reviewed**

Wednesday 27<sup>th</sup> March 1996

Minutes 96.10.6

The remit concerning the Decision Book contained in Synod Minutes 1995 (95.48) be continued and extended to include a full revision of the Decision Book.

**ACT 6 – Dumisani Theological Institute - Rev. W.P. Gadsby seconded**

Saturday 30<sup>th</sup> March 1996

Minutes 96.48.7

Synod endorse the Committee's actions in regard to the "Dumisani Project," and record its thanks to those who have already contributed or have pledged support for this initiative, and that Synod agree to send the Rev. W. P. Gadsby to serve at this Church's expense at the Dumisani Theological Institute and Bible School during the latter half of 1996; and that Synod agree to pay the travel and associated expenses for Mr. and Mrs. Gadsby, and their two younger children, and 10 weeks stipend support at the then current rate of minimum stipend.

**ACT 7 – *Handbook of Practice and Procedure***

Thursday 28<sup>th</sup> March 1996

Minutes 96.35

Section 3.22 of the P.C.E.A. *Handbook of Practice and Procedure* be amended to read:

**3.22 MORTGAGE/SALE PROCEDURE**

3.22 Where mortgage or sale of congregational property is desired, the Deacons' Court shall ensure that the Congregation, and relevant higher courts are informed of the reasons for the sale and/or mortgage, the purposes for which the funds realised will be used and how repayment will be funded. Sale, mortgage or other encumbrance of church property cannot take place without the approval of the relevant higher courts. The sale of church property requires the approval of the congregation. In respect of congregational property in New South Wales, the proceeds of a mortgage can only be applied to the erection, improvement or maintenance of a church, manse or school-house on land held for the congregation. (Synod of Eastern Australia Property Act 1918, section 10).

[Relevant Synod legislation includes Act of Synod 1958 (Class 1) re Victorian Act; Act of Synod 1984 re NSW Act. Synod 1988 gave authority to the Presbytery of the bounds to approve in the name of Synod the sale of property other than places of worship.]

6. That Section 5:14 of the P.C.E.A. *Handbook of Practice and Procedure* be amended to read:

5.14 It is the normal practice to record the substantial content of proceedings in closed court, including decisions taken in closed court, in the ordinary minutes, but without divulging matters deemed of such a nature that they must be kept confidential (see Act 2, Class 2, Synod 1985). A separate record for recording material other than the actual decision of the court may sometimes be appropriate. Confirmation of this record can take place only in closed court. Members may not divulge the content of closed court discussions to outsiders, but the actual decision is not normally private, and does not need to be read in open court before it can be made public.

7. That the Law and Advisory Committee be requested to prepare a second edition of the *Handbook of Practice and Procedure*, taking into account any pertinent decisions of Synod 1996, and correcting matters of form in the first edition; and that copies be supplied to congregations at cost.

8. That the following words be added at the end of Section 2.25 of the *Handbook of Practice and Procedure*:

“Discussion by the Session should be limited to matters proper to its spiritual function, and have in view spiritual objects conducive to the edification of the church.”

### **ACT 8 – N.S.W. Property (Amendment) Act**

Thursday 28<sup>th</sup> March 1996

Minutes 96.33.1-2

Synod adopt the proposed Bill entitled ‘The Synod of Eastern Australia Property (Amendment) Act’ as proposed by our late Procurator, Mr. F. Maxwell Bradshaw, MA LLM, approved by Synod 1994 and amended by Synod 1995, order the same to be printed and remitted to Presbyteries by 31 May 1996 for their consent in terms of the Barrier Act 1697, approval or disapproval to be reported no later than 30 November by extract minute on a printed A4 sheet, with the number of votes for and against.

Synod direct the Clerk of Synod to circulate the proposed Bill to Sessions, Deacons’ Courts and Congregations in New South Wales for their approval, with the following instructions:

- a. when a unanimous decision is reached, the Moderator is to declare it so, and the fact is to be recorded in the minutes of the meeting; should there be any dissents, these are to be recorded, and the number of them stated in the minutes; the minutes are thereupon to be approved,
- b. the confirmed extracts of the minutes of the respective meetings are to be typed on A4 sheets of paper, one side only, and certified by Clerk and Moderator,
- c. the extracts thus prepared are to be forwarded to the Clerk of Synod as soon as practicable following their confirmation and certification and, in any event, no later than 31.03.1997,
- d. where there is a resolution disapproving of the proposed Bill, a clear, concise and complete statement of the reasons is to be furnished to the Clerk of Synod with the above-mentioned extracts,
- e. all the returns are to be in the hands of the Clerk of Synod by 31.03.1997 in order that he may tabulate same and report to the 1997 Synod with a view to the necessary steps being taken to obtain Parliamentary sanction.

### **ACT 9 – Pensions - increase in basic rate**

Thursday 28<sup>th</sup> March 1996

Minutes 96.27.3

The basic rate of the weekly pension be increased from \$56 to \$59 (married) and from \$40 to \$41.60 (single) with effect from 1/07/1996.

**ACT 10 – Stipend Relief: Armidale and Ulverstone**

Friday 29<sup>th</sup> March 1996

Minutes 96.46.3

Armidale and Ulverstone congregations be granted Stipend Relief for the 1996/97 ecclesiastical year as requested, and on a needs basis.

**ACT 11 – Superannuation provisions to be reviewed**

Thursday 28<sup>th</sup> March 1996

Minutes 96.27

In view of the significant changes in Superannuation and the question as to whether the Church should make application to have its ministers deemed as workers under the Workers Compensation Acts, the Finance and Provident Funds Committee is to investigate the most economical and beneficial means of providing suitable Superannuation and Insurance plans for ministers, a report to be provided to Presbyteries at an early date in order that they may give due consideration to the findings of the Committee, and the Committee to make a recommendation to Synod 1997.

**ACT 12 – *The Presbyterian Banner* - appointment of editor *pro tempore***

Monday 1<sup>st</sup> April 1996

Minutes 96.61

It was resolved that the Rev. R.S. Ward be appointed Editor *pro tem.* for the period July to December 1996, inclusive.