

ACTS OF SYNOD 2012

Class 1 (Barrier Act Procedure)

No	Act	Reference
1	Interviewing Women, Children and Vulnerable Adults	12.20.1

Class 2 (Others)

No	Act	Reference
2	Sale of Armidale Church Property	12.19.1-2
3	Modification of Act 6 Class 2 Synod 2004: Allegations of Sexual Misconduct	12.20.2
4	Amendment to name of Victorian Property Act	12.20.3
5	Ministers without Charge & Resigned/Retired Ministers, 2012	12.22.4
6	Reception of Ministers from Churches with whom there is Mutual Eligibility, 2012	12.22.5
7	Amend Act of Synod 1983 concerning Students & Home Missionaries	12.22.7a
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CLASS 1 – ACTS WHICH HAVE PASSED THE BARRIER ACT

ACT 1 – Interviewing Women, Children and Vulnerable Adults

Wednesday 9th May 2012

(Minutes 12.20.1)

Synod with the consent of all Presbyteries convert the Interim Act of Synod 2011 concerning Interviewing Women, Children and Vulnerable Adults into a standing rule.

The approved wording is as follows:

1. Whereas the Synod reaffirms the need to have clearly defined procedures available for all Church Courts to follow; and
2. Whereas it is imperative that the Church meets the standards set out in civil regulations for best practice in modern society, particularly with regard to the interviewing of women, children and vulnerable persons, and in so far as these standards do not involve principles or practices in conflict with Scripture; and
3. Whereas sensitivity applies in all situations where women appear before an all-male Court, especially in relation to breaches of the seventh commandment or in any matter where questions of an intimate nature are raised; and
4. Whereas the Free Church of Scotland enacted under Barrier Act with the consent of all Presbyteries identical legislation to that now proposed except for the necessary modifications to relate it to this Church;

WHEREFORE it is hereby enacted and ordained that:

1. Where judgment is announced with information that a complaint has been lodged by a member of the Church court, parties before the court should be informed of the possibility that the complaint may be abandoned so that the decision complained against stands. This possibility may be a factor in whether or not a party before the court decides to appeal.

2. It is open to anyone who appears before a Church court to be accompanied by a friend or support person. Depending on the circumstances of the case, the support person may be legally qualified. On such occasions, the Church court itself should arrange to have a legal assessor present. The court should receive no less than seven days notice of such attendance in order to make its own arrangements, if required.

3. Sensitivities apply in all situations where females appear before an all-male court, especially in relation to breaches of the seventh commandment or in any matter where questions of an intimate nature arise. If a female is a potential witness in a matter which could lead to the disciplining of a Church member, another female should, where practicable, conduct the initial interview of the female, for the purposes of obtaining a precognition, which could inform the decision whether to institute disciplinary process. In any such situation, the following regulations shall apply:

(a) The female who provides such assistance should be a mature believer, preferably a communicant member of the Presbyterian Church of Eastern Australia, or, where this is not possible, a professing Christian in another denomination. Such a female should possess appropriate professional qualifications and experience of the procedures and issues involved in interviewing females, whether from a legal, social work or similar background.

(b) The female must be appointed by the Church court involved. No interviews should be conducted by individuals who are not so appointed.

(c) The principal questions should be prepared in advance by the relevant Church court in liaison with the female who is to undertake the interview. At the discretion of the interviewer, supplementary questions may be asked in the light of answers received.

(d) Presbyteries are responsible to keep a list of suitably qualified females to undertake such interviews.

(e) Interviewers' reasonable expenses shall be paid by the appropriate court.

4. In the event that, having considered the precognition obtained, the Church court considers that a disciplinary process should be instituted the general procedures applicable in all Church courts, as set out in the Handbook of Practice and Procedure shall be followed. In the event that it is deemed necessary to have a female give evidence to a Church court the court should consider in advance whether or not any special measures – such as giving evidence from behind a screen or via live video link or by a prior written statement or with a supporter - are practicable and appropriate.

Before reaching a decision on whether such measures are appropriate, parties to the disciplinary process should have an opportunity to be heard.

5. In circumstances in which a minister or elder requires to interview a female in confidence, for example in connection with a pastoral matter, he should carefully consider the most appropriate venue for such an interview so as to ensure, so far as possible, that others are in close proximity.

6. Church courts should ensure that in all instances of the interview of a child (being a person under the age of sixteen) or other vulnerable witness (being a person who is not a child but in respect of whom there is a significant risk that the quality of his evidence would be diminished by reason of mental disorder or by reason of fear or distress in connection with giving evidence), the interview is conducted in a skilled manner and in a low-key environment, with questions being simple and non-leading, and with the child or other vulnerable witness being given a break or rest period at any time requested. Careful reflection is necessary, having regard to the whole circumstances of the case

including the welfare of the child or other vulnerable witness, before any Church court seeks to have such a witness give evidence on a matter involving Church discipline.

7. If it is deemed necessary to have a child or other vulnerable witness give evidence to a Church court the court should consider in advance whether or not any special measures - such as giving evidence from behind a screen or via live video link or by a prior written statement or with a supporter - would be practicable and appropriate. If there is a significant risk that the quality of the witness's evidence would be diminished through mental disorder, fear or distress, or if it is felt that the giving of evidence without such special measures would be detrimental to welfare of the witness, an appropriate measure from such measures should be introduced where practicable provided its introduction, in the particular circumstances of the case, would not prejudice the legitimate rights of the party who is the subject of the disciplinary process. Before reaching a decision on whether any such standard or special measures are appropriate, parties to the disciplinary process should have an opportunity to be heard.

9. An individual who is the subject of a disciplinary process in connection with an allegation of sexual misconduct shall be prohibited from conducting his own defence. In such circumstances, a representative shall be appointed to conduct his defence.

This Act may be cited as 'Act Concerning Interviewing Women, Children and Vulnerable Adults by Church Courts'.

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

ACT 2 – Sale of Armidale Church Property

Wednesday 9th May 2012

(Minutes 12.19.1-2)

1. That permission be granted to Northern Presbytery to sell the church property at 35 Kirkwood Street, Armidale, at fair market value, and the NSW Trustees be authorised to execute necessary documents.
2. That \$50,000 of the net proceeds from the sale of the church property at 35 Kirkwood Street Armidale be applied to the Synod General Funds with the balance being credited to the Synod Capital Assistance Fund.

ACT 3 – Modification of Act 6 Class 2 Synod 2004: Allegations of Sexual Misconduct

Wednesday 9th May 2012

(Minutes 12.20.2)

In Section D4 of Act 6 Class 2 Synod 2004 [Procedures for Dealing with Allegations of Sexual Misconduct] the word 'may' is substituted for 'shall' and Synod invites comment on the floor of Synod now, or subsequently to the Committee, concerning any other amendments that are thought desirable.

ACT 4 – Amendment to name of Victorian Property Act

Wednesday 9th May 2012

(Minutes 12.20.3)

Synod approve the amendment of the name of the Free Presbyterian Property Act 1953 to the Presbyterian Church of Eastern Australia Property Act.

ACT 5 – Ministers without Charge & Resigned/Retired Ministers, 2012

Wednesday 9th May 2012

(Minutes 12.22.4)

With reference to Ministers without Charge and resigned/retired Ministers, the Synod repeal Act 19 Class 2 Synod 1986, except in so far as it is incorporated herein, and enact that:

1. A Register of Ministers without Charge and a Roll of Resigned or Retired Ministers shall be kept by the Clerk of Synod. Only those whose names are placed on the Register will be eligible for a call, and placement on the Register will be taken to imply an individual's sincere readiness to accept a call in appropriate circumstances. Congregations may not address calls to ministers whose names are on the Roll of Resigned or Retired Ministers.
2. When a minister's resignation or retirement from his charge has been accepted by his Presbytery, the Clerk of Presbytery shall inform the Clerk of Synod by Extract Minute. The Extract Minute shall include the resolution of the Presbytery to place the name of the minister either on the Register of Ministers without Charge or on the Roll of Resigned or Retired Ministers.
3. The normal procedure shall be that the name of the resigning or retiring minister shall be placed on the Roll of Resigned or Retired Ministers. If the Presbytery resolve to place the name on the Register of Ministers without Charge, they must minute positive reasons for such placement on the Register, or subsequent continuance on or transference to it, and the Extract Minute furnished to the Synod Clerk shall contain these reasons. Such reasons shall be of the following order:
 - 3.1 where resignation is due to a breakdown in health;
 - 3.2 where resignation or severance of the pastoral tie is due to non-censurable incompatibility with his congregation;
 - 3.3 where resignation is due to secondment by the Synod of the PCEA or its responsible Committee to other pastoral or para-pastoral work.
4. Placement on the Register shall not be granted where the resigning minister has accepted an appointment outside the PCEA other than by secondment as noted at 3.3 above.
5. If a minister whose name has been placed on the Register or Roll shall be admitted to the ministry or other full-time employment of another Church other than by secondment, his name shall be removed from the Register/Roll.
6. A Minister whose name is placed on the Register or Roll is required to notify the Clerk of Presbytery of any change of address. If a minister takes up residence within the bounds of another Presbytery of the PCEA, he shall also inform the Clerk of that Presbytery of his address.
7. In no case shall the name of a minister remain on the Register of Ministers without Charge for more than three years from the date of inclusion in the Register unless application for an extension of the period, conforming to the conditions of paragraph 3 above, be made to the Presbytery within whose bounds he is resident before the expiry of the three-year period. When the minister resides outside the bounds of a Presbytery of the PCEA, his application for retention on the Register shall be made to the

Presbytery of which he was previously a member. In no case shall a name remain on the Register for more than six years.

8. If a Presbytery instruct that a minister's name be placed on the Roll of Resigned or Retired Ministers, it shall remain on that Roll for his lifetime, subject to the provisions of paragraph 5 above and 11 and 12 below.

9. A minister whose name is on the Roll of Resigned or Retired Ministers and who desires to have his name transferred to the Register of Ministers without Charge shall petition the Synod through the Presbytery within whose bounds he is resident at the time, such petition to conform with the conditions of paragraph 3 above.

10. Ministers without Charge on the Register, and Resigned or Retired Ministers on the Roll shall be under the jurisdiction of the Presbytery within whose bounds they are resident. If a minister takes up residence outside the bounds of any Presbytery of the PCEA, he shall remain under the jurisdiction of the Presbytery within whose bounds he last resided.

11. A request by an individual whose name is on the Roll of Resigned or Retired Ministers to have his name removed from it shall be dealt with by the Presbytery within whose bounds he resides. That Presbytery after due investigation and on due grounds shown (such as, the individual concerned no longer holds communicant membership with a congregation of the PCEA) shall declare him to be no longer a minister of the PCEA and order that his name be removed from the Roll.

12. Each Presbytery of the Church shall maintain a list of ministers on the Roll of Resigned or Retired Ministers who have informed them that they are resident within the bounds of the Presbytery. Presbyteries are required to make due investigation annually that such individuals continue to associate with the PCEA and after due intimation to the individual concerned, may order their name to be removed from the Roll if appropriate grounds are found.

This Act may be cited as "Act concerning Ministers without Charge and Resigned/Retired Ministers, 2012"

ACT 6 – Reception of Ministers from Churches with whom there is Mutual Eligibility, 2012

Wednesday 9th May 2012

(Minutes 12.22.5)

WHEREAS our mutual eligibility provisions hitherto assume calling ministers residing overseas, but do not cover clearly the position when ministers of such churches come to Australia without an invitation but wish to be eligible for appointment or call in the PCEA:

Synod direct that in regard to a minister in good standing of a denomination with whom mutual eligibility has been established, but who does not hold a charge or appointment with that denomination, and who comes to Australia without an invitation or call and wishes to be eligible for call after he arrives, the following provisions will apply:

1. He must make application to the Presbytery within whose bounds he resides within 2 months or thereabouts of his arrival in Australia. He must present full and satisfactory certificates of character and attainment including current clearance under any relevant child care legislation, and satisfy the other requirements of the relevant mutual eligibility legislation.

2. If the Presbytery is satisfied that he meets the requirements, - and it must make specific enquiry of the denomination holding his credentials and minute the result, - it directs the Clerk of Synod to add

his name to the Register of Ministers eligible for call in terms of Act 19 Synod 1986, and the Synod Clerk is to advise all Presbytery Clerks that this has been done.

3. If there is any significant division of opinion on the application and/or any significant period when the applicant was outside the practical oversight of his denomination's church courts, the application should be referred to the Synod for consideration and decision.

Act 20 of Synod 1986 [Calls to Ministers Resigned from the Free Church of Scotland] is repealed except to the extent that it is incorporated herein.

This act may be cited as "Act concerning Reception of Ministers from Churches with whom there is Mutual Eligibility, 2012".

ACT 7 – Amend Act of Synod 1983 concerning Students & Home Missionaries

Wednesday 9th May 2012

(Minutes 12.22.7a)

Synod resolve that Act of Synod 1983 concerning Students and Homes Missionaries as amended 1990,1991 & 2004 be further amended so that after 'his emotional and general health' are added the words: 'a written medical report should be provided as to his state of health and fitness for the ministry.' and the Handbook 4.49 c (vi) is amended accordingly.

ACT 8 – Amend Act of Synod 1983 as amended 2004 concerning Admission of Ministers from Other Churches

Wednesday 9th May 2012

(Minutes 12.22.7a)

Similarly in Act of Synod 1983 as amended 2004 concerning Admission of Ministers from Other Churches the following words be added:

f) 'a written medical report should be provided as to his state of health and fitness for the ministry.' and the Handbook 4.51 is amended accordingly and the words "with whom we do not have Mutual Eligibility" are added to the title of the Act.

ACT 9 – Admission of Rev. David Kumnick as a PCEA minister

Wednesday 9th May 2012

(Minutes 12.23.2)

Synod welcomes the application from Rev. David Kumnick and declares him a minister of the Presbyterian Church of Eastern Australia upon his signing the Formula of Subscription in the presence of Southern Presbytery.

ACT 10 – Admission of Mr Robin Tso as a Ministry Candidate

Wednesday 9th May 2012

(Minutes 12.23.4)

Synod welcomes the application from Mr Robin Tso, and accepts him as a candidate for the ministry, with this proviso, that before he is taken on Trials for License, he present to the Presbytery a Certificate from the Training of Ministry Committee that he has satisfactorily completed an essay [5000 words] in Australian Church History set by the Committee, and any other work the Committee may deem necessary.

ACT 11 – Adjust Terms of Repayment for Loan to Knox Deacons’ Court

Thursday 10th May 2012

(Minutes 12.37.3)

The drawing and repayment terms of the loans (2) from Synod Funds totalling \$550,000 granted to Knox Deacons’ Court to assist in the redevelopment of the church and hall complex at 183-185 Grange Road, Glen Huntly, Victoria approved in 2010 be amended:

From: “The loans to be progressively drawn and fully repaid within nine months from the date of the first draw down”.

To: “The loans to be progressively drawn and be repaid in full by 31st December, 2012”

ACT 12 – Seat on Northern Presbytery to Rev. Dr WJW Hanna

Thursday 10th May 2012

(Minutes 12.39)

That Rev. Dr WJW Hanna be granted a seat on Northern Presbytery whilst he serves as interim moderator of the Northern Rivers congregation.