

ACTS OF SYNOD 2013

Class 1 (Barrier Act Procedure)

No	Act	Reference
Interim 1	Procedures for Dealing with Allegations of Child Abuse and Sexual Misconduct	13.18.2

Class 2 (Others)

No	Act	Reference
1	Guidelines for Church Workers	13.17.1
2	Revision of Section Handbook 4.55: Resignation of a minister [Rescinded 2024]	13.17.3
3	Additions to 3(ii) Act 16 of Synod 1983 (as amended) Training of Ministry Regulations	13.17.4
4	Additions to Handbook 4.50: Student Licensing Trials	13.17.5
5	Additions to Handbook 4.53: Vacancy	13.17.6
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CLASS 1 – ACTS WHICH HAVE PASSED THE BARRIER ACT

INTERIM ACT 1 – Procedures for Dealing with Allegations of Child Abuse and Sexual Misconduct

Wednesday 8th May 2013
(Minutes 13.18.2)

The Synod transmit the following Overture to Presbyteries under the provisions of the Barrier Act and meantime enact the same as an Interim Act.

The wording to be remitted is as follows:

PROCEDURES FOR DEALING WITH ALLEGATIONS OF CHILD ABUSE AND SEXUAL MISCONDUCT (repealing Act 6 Class 2 Synod 2004 as amended)

A. Introduction

1. Sexual assaults against children are almost always pre-meditated, involving predatory acts of grooming, manipulation, self-gratification and exploitation, and occur widely across the various socio-economic areas. Child sexual assault is generally perpetrated by a male in the vast majority of cases and is more likely to be perpetrated by someone known to the child or their family (research

varies but commonly finds between 85% and 95% of the time). Of those offenders known to the child most commonly the offender is not living with the child (approx. 70%). Child sexual assaults involve shame, silence and secrecy and for these reasons often are not reported for many years.

2. While mindful of the possibility of baseless allegations the Church does not condone or tolerate any acts of sexual misconduct, whether directed toward children or adults and will seek to prevent their occurrence. (Refer also to Guidelines for Church Workers, Synod 2004 as amended 2013 which is to be inserted at the front of each minute book of each Congregation.)

3. At least once year the an affirmative answer to the following questions shall be given by all Session members and all members of Presbyteries and duly minuted in Session and Presbytery records: Ministers and elders are reminded of their obligation to keep watch over the flock of God and in particular to the care of the young and the vulnerable. Are you familiar with the Guidelines for Church Workers passed by Synod? Are you faithfully keeping to them? Are you aware of your obligations under State and Church law concerning the reporting of suspected or actual cases of child abuse or child pornography?

B. Basic Principles

1. In the event of a disclosure or allegation that there is reasonable ground to suspect a child has been, or is being harmed the matter must be reported to the Police. In addition, any particular requirements of Federal or State law must be followed.

Generally, reasonable grounds are a belief that a child may be in need of protection based on situations where:

- A child states that they have been sexually assaulted or abused.
- A child states that they know someone who has been sexually assaulted or abused (sometimes the child may be talking about themselves).
- A relative, friend, acquaintance or sibling of the child, states that the child has been sexually assaulted or abused.
- Professional observations of the child's behaviour or development lead the professional to form a belief that the child has been sexually assaulted or abused.
- Signs of sexual assault or abuse lead to a belief the child may have been abused.

At this stage allegations of child sexual assault when the alleged victim is still under 18 years of age, must not be investigated further by the church and neither the child/young person or the accused should be questioned by the church. The matter involves criminal behaviour and, like other criminal offences, must first be investigated by the Police as soon as possible.

2. Where the victim is now an adult, the Church encourages the offence to be reported to the Police but where adult victims do not wish to proceed or be identified because of the victim's fear of not being believed, or being not comfortable with, or trusting of, authority figures, or because of a sense of isolation by their own fear, shame and self-persecution, an alternative process of reporting to the Police in a non-confronting way without having to give a detailed statement and/or which will facilitate the passing on of information regarding alleged offenders and offences to police should be used, subject to any applicable State legislation.

3. Whether or not the offence is admitted at the time the offence comes to notice, the alleged offender is suspended from church privileges as an interim measure until Police investigations (if applicable) are completed. If no admissions are made the suspension is not disciplinary but for good order pending establishing the facts one way or another. Any Police investigation has priority. If clear admissions are made they should be secured in writing, and the church court may proceed with appropriate discipline in accordance with the Handbook of Practice and Procedure. If sexual abuse is involved the Session refers to the Presbytery before final sentence (cf. Handbook 7.26).

4. The accused person must have no further contact with the person making the accusations until the investigations have been completed. This is especially important if the offence alleged is one involving a minor or minors. In such a case, the accused person must have no further official contact with, or control of, any minors.
5. It is possible that charges arising from the Police investigation may not be proved to the satisfaction of the civil court. Nevertheless, the standards of conduct required by the Word of God are to be maintained by the Church. Irrespective of any other action that may be taken, the Church reserves the right to exercise its own powers of discipline over adherents, members and office-bearers, according to the Handbook of Practice and Procedure.
 - a. Allegations against a minister or licentiate must be dealt with by his Presbytery. The allegation should go immediately to the Clerk of Presbytery, (or to the Moderator if the Clerk is the one accused) who will inform the other members of the Presbytery and arrange with them to conduct a preliminary investigation into the matter, with Police investigation having priority as in 1 above.
 - b. Allegations against other office-bearers, members and adherents are dealt with by the local session in the first place. The allegation can be taken to any elder, who must immediately inform the remainder of the session which will arrange to conduct a preliminary investigation, with Police investigation having priority as in 1 above. If the Session concludes that a prima facie case exists against the accused person, it should deal with him or her with a view to confession, but, if the allegation involves the sexual abuse of a child, then, whether or not the person confesses, the matter must be referred to the Presbytery of the bounds in terms of section 7.26 of the Handbook of Practice and Procedure.
5. The Law and Advisory Committee shall ensure Sessions and Presbyteries are kept up to date with the legal requirements in their State with regard to offences of child abuse, and shall assist in the clarification of procedure or securing of legal advice as may be necessary.

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

ACT 1 – Guidelines for Church Workers

Wednesday 8th May 2013

(Minutes 13.17.1)

Synod add the following preamble to Act of Synod 2004 (Guidelines for Church Workers), and order a copy of the Guidelines thus amended be pasted in the front of Presbytery, Session and Deacons' Court Minute books:

At least once year an affirmative answer to the following questions shall be given by all Session members and all members of Presbyteries and duly minuted in Session and Presbytery records: Ministers and elders are reminded of their obligation to keep watch over the flock of God and in particular to the care of the young and the vulnerable. Are you familiar with the Guidelines for Church Workers passed by Synod? Are you faithfully keeping to them? Are you aware of your obligations under State and Church law concerning the reporting of suspected or actual cases of child abuse or child pornography?

ACT 2 – Revision of Section Handbook 4.55: Resignation of a minister

[This Act rescinded by Act 7, 2024]

Wednesday 8th May 2013

(Minutes 13.17.3)

Synod approve the revision of Section 4.55 in the Handbook as stated in the report.

The wording in the report as follows:

4.55 a. A minister who wishes to retire due to reaching the age at which eligible Australian residents would qualify for the Age Pension (for those born from 1 January 1957 this is currently 67), or on grounds of ill-health, or to otherwise cease his ministry for reasons not affecting his ministerial character, must tender his resignation to the presbytery under whose jurisdiction he is placed. If the intention has been announced to the congregation, and if the officebearers (elders and deacons) certify to the Presbytery in writing that after suitable inquiry there are no bad or prejudicial reports or rumours concerning the beliefs and behaviour of the minister, the Presbytery enters the certification in its minutes and may proceed at once to deal with and accept the resignation, recording the grounds of its action. If accepted, the Presbytery resolves that the minister's name be placed on the Register of Ministers without Charge or the Roll of Resigned/Retired Ministers as the case may be and advises the Synod Clerk. An Interim-Moderator is appointed if the resignation creates a vacancy. If not already prepared a suitable minute is drawn up and entered into the record of Presbytery. The minister is entitled to a certificate of status and an extract of minutes. The Convener of Synod's Superannuation Committee is advised. Seats on Presbytery are regulated as per Handbook 4.2, so retired ministers or ministers without charge do not ordinarily have a seat but are customarily associated with the Presbytery so as to be able to participate but without a vote.

b. Where there is no certification from the officebearers, or if there are bad or prejudicial reports or rumours, the Presbytery arranges for an appropriate visitation to take the mind of the congregation and to investigate any bad or prejudicial reports or rumours. It makes careful enquiry and records its finding in the minutes. Permission to resign a charge cannot be granted to a minister against whom a judicial process has begun or against whom bad or prejudicial reports or rumours prevails unless there are admissions and the resignation is accompanied by relevant disciplinary action. In other respects the procedure in the previous paragraph is followed where applicable.

c. In the case of a minister who wishes to resign because of a change of opinion relative to the doctrines or government of the PCEA such as disqualifies him from continuing in its ministry, the Presbytery first meets with him to discuss his position to ensure there are no misunderstandings of the position of the PCEA and to remove any groundless scruples that may exist. If the resignation is indeed appropriate, his resignation is accepted and the Presbytery declares him no longer a minister of the PCEA and advises the Clerk of Synod and the Clerks of the other Presbyteries and the Convener of Synod's Superannuation Committee forthwith. His name is removed from the list of marriage celebrants.

d. A minister who resigns his charge but continues to reside in the area and attend the congregation of which he was minister needs to exercise special care in his involvement with the congregation so as not to undermine the authority of the new minister and the elders in their care of it. He is eligible for election as a ruling elder in that congregation of which he is a member. If that is his old congregation

it is generally prudent that induction as an elder not occur until the new minister is well established. Similarly, the former minister may act as Interim-Moderator in the vacancy following his retirement even though not a presbytery member, although it may be thought advisable that another person is appointed.

ACT 3 – Additions to 3(ii) Act 16 of Synod 1983 (as amended) Training of Ministry Regulations

Wednesday 8th May 2013

(Minutes 13.17.4)

Synod resolve that there be added to the end of 3 (ii) in Act 16 of Synod 1983 (as amended) the following words: ‘The Training of Ministry Committee prescribe additional written work on the history and distinctive principles of the PCEA, and ensure Pastoral Care in theory and practice is included in his College course (by supplement if necessary). The local Session are to provide a satisfactory report on the student's involvement with the congregation before certifying completion of the course.’

ACT 4 – Additions to Handbook 4.50: Student Licensing Trials

Wednesday 8th May 2013

(Minutes 13.17.5)

a) That the beginning of paragraph 5 of Act 6 1975 as amended and recorded at 4.50 in the Handbook be amended to read: ‘All students shall be examined thoroughly by the presbytery on the following subjects. In view of the importance of the matter and to ensure thorough consideration without undue pressure on the presbytery or the candidate it is strongly recommended that the examination be spread over more than one sitting/meeting of the presbytery. If a public meeting to licence the student is planned it should not be arranged until the examination is concluded.’

b) That in paragraph 5 of Act 6 1975 as amended and recorded at 4.50 (f) in the Handbook the sentence ‘The Presbytery must be assured of the student's ability to preach the Gospel and normally a sermon preached in the hearing of the Presbytery is to be included as part of the examination.’ be replaced by the following. ‘The Presbytery must be assured of the student's ability to conduct public worship appropriately, preach the Gospel with clarity and commitment, and exercise pastoral care with a loving and faithful attitude. To that end members of Presbytery as far as practical should take opportunity to attend a service or services conducted by the student and/or to otherwise inform themselves of his competence in these areas. In addition, the Presbytery normally prescribes a sermon on a specified passage to be preached in the hearing of the Presbytery.’

ACT 5 – Additions to Handbook 4.53: Vacancy

Wednesday 8th May 2013

(Minutes 13.17.5)

- a) Synod approve the addition of the following words at the end of the first paragraph under 4.53 in the Handbook: ‘To assist the congregation as it enters the vacancy it may be desirable that a presbyterial visitation be held.’
- b) The following section 2.42 is added to the Handbook of Practice and Procedure and also replaces the last sentence of the first paragraph of 4.53.

2.42 SUPPLY DURING VACANCY

The Interim Moderator (cf. 4.53) is responsible to the Presbytery during a vacancy and particularly for the pulpit. A person proposed for residential supply who is not a minister in good standing of the PCEA must be first approved by the Presbytery as a person of knowledge and capacity who is sufficiently familiar with the position of the PCEA and able to work in harmony with it, and the terms of occupancy of a church residence must be so arranged by the Presbytery so as to ensure the church will not be prejudiced by overstaying when the period of supply ends.

ACT 6 – Modification to Handbook 4.60: Presbytery Meeting with Congregation

Wednesday 8th May 2013

(Minutes 13.17.7)

When a Presbytery has satisfactory information from the Interim-Moderator as to the harmony of a congregation and its financial viability it may proceed to meet with the congregation in accord with Handbook 4.61 without a separate meeting to consider the request for moderation as in 4.60, but records its satisfaction on harmony and financial viability in its minutes.

ACT 7 – Submission re Accounting Period

Wednesday 8th May 2013

(Minutes 13.17.8)

That a group submission consisting of applications from all entities be prepared at this Synod seeking to retain the calendar year as the accounting period for the purposes of the Australian Charities and Not-for-profits Commission on the grounds that: “(a) the denomination’s long-standing financial year end date is 31st December; (b) the Church’s Synod (governing body) meets in April or May each year. This allows completion of financial reports and auditing, in a less busy period in the Accountancy profession, in time for presentation to the Church’s Synod.”

ACT 8 – Statement on Constitution of the PCEA

Wednesday 8th May 2013

(Minutes 13.17.9)

Synod authorize the use where appropriate of the Statement on the Constitution as follows:

STATEMENT ON THE CONSTITUTION OF THE PRESBYTERIAN CHURCH OF EASTERN AUSTRALIA

[The constitution of the Presbyterian Church of Eastern Australia is of common law type and cannot readily be digested into a single document.]

1. The religious denomination known as the Presbyterian Church of Eastern Australia, founded in Sydney on 10 October 1846, holds the same principles and adheres to the same standards of doctrine, worship, discipline and government as did the religious denomination in Scotland known as the Free Church of Scotland in the year 1843 following the event in Scottish history known as the Disruption. The supreme governing body subject to its constitution of the Presbyterian Church of Eastern Australia is known as the Synod of Eastern Australia.

2. The basic doctrinal standard of the Presbyterian Church of Eastern Australia is the Westminster Confession of Faith as explained by the Acts of the Assembly of the Church of Scotland in 1647, and of the Synod of Eastern Australia in 1952, together with the Formula and Questions set out by the Synod of Eastern Australia in 1952 and 2008.

3. The other standards of the Church are as follow:

Church Government

Second Book of Discipline 1578

Westminster Form of Presbyterian Church Government 1645

Worship

Directory for Public Worship 1645

Directory for Family Worship 1647

Catechisms

Larger 1648

Shorter 1648

These standards are to be understood in the light of the Acts passed by the Assembly of the Church of Scotland when they were adopted.

4. The by-laws governing procedure in Church courts are set out in the Handbook of Practice and Procedure of the Presbyterian Church of Eastern Australia first published in 1992 and revised from time to time, and accessible by download from www.pcea.org.au

5. Church property is held by one of three corporate trustee bodies: The Trustees of the Synod of Eastern Australia (pursuant to an Act of NSW Parliament 1918); The Trustees for Victoria of the Presbyterian Church of Eastern Australia (pursuant to Act 5691, Victoria 1953; or under the name Presbyterian Church of Eastern Australia in terms of the Queensland Religious Educational and Charitable Institutions Act (Register of Patents No. 35 Page 9).

This Statement on the Constitution was approved by the Synod on 8th May 2013

ACT 9 – Amendment to the NSW Property Act

Wednesday 8th May 2013

(Minutes 13.17.11)

Synod approve the proposed amendment of The Synod of Eastern Australia Property Act (NSW 1918) as set out in the Committee Report, and authorize the Law & Advisory Committee in consultation with the NSW Trustees to take into consideration any minor adjustments that may be notified to the Committee by Central or Northern presbyteries by 30 September 2013, and to submit the proposed amendment to the New South Wales Parliament with a view to enactment in the terms requested or with such variations in form as the Parliamentary Draftsman requires but that still provide for the operation, scope and legal effect requested.

ACT 10 – Number of Trustees for Vic and NSW

Wednesday 8th May 2013

(Minutes 13.17.12)

Synod resolve in regard to the appointment of five trustees under the Presbyterian Church of Eastern Australia Property Act (Victoria, 1953) and the proposed amendment of The Synod of Eastern Australia Property Act (NSW, 1918):

(i) the persons from time to time holding the office of Clerk of Synod and of Treasurer of Synod shall by virtue of their appointment be trustees and the provision for substitutes for these officeholders in Act 7 Synod 2009 and Act 7 Synod 2008 shall continue to apply with the necessary changes.

(ii) the other trustees will be ministers, elders or deacons of some experience and capacity for the task and shall hold office at the pleasure of Synod in accordance with Section 3 (11). However, they shall in any case cease to be trustees, inter alia, at midnight on 30 June following their completion of five years service, but are eligible for reappointment for further periods of up to five years at a time. As a general rule any appointment will cease at midnight on 30 June occurring after the person's attainment of the age of 75.

ACT 11 – Names of Trustees for Vic and NSW

Wednesday 8th May 2013

(Minutes 13.17.13)

Synod appoint the following five persons to be the initial trustees in terms of Section 4 of the proposed amendment of The Synod of Eastern Australia Property Act (NSW 1918), and from the rising of this Synod these five persons to be the trustees pursuant to the Presbyterian Church of Eastern Australia Property Act (Victoria 1953):

Alex Henry Steel (Treasurer) (9/1942)

Rowland Skipsey Ward (12/1945)

Trevor Ian Leggott (Clerk) (3/1949)

Ronald Arthur Lawson (10/1950)

David John Kerridge (7/1970)

ACT 12 – Quorum for Trustees for Vic

Wednesday 8th May 2013

(Minutes 13.17.14)

Pursuant to Sections 3 (7) and (8) of the Presbyterian Church of Eastern Australia Property Act (Victoria 1953):

- (i) Synod appoint that the quorum for a meeting of trustees shall be three not two. Such meetings may be held by electronic means and must be suitably documented.
- (ii) Pursuant to Section 3 (5) the affixing of the common seal shall be attested by two persons.
- (iii) The attestation clause for the affixing of the common seal shall be in the form: ‘The Common Seal of the Trustees for Victoria of the Presbyterian Church of Eastern Australia was hereto affixed in accordance with the provisions of the Presbyterian Church of Eastern Australia Property Act (Victoria, 1953), Section 3.’

ACT 13 – Changes to Take Place on Commencement of the Amended NSW Property Act

Wednesday 8th May 2013

(Minutes 13.17.15)

That on the commencement of the amended Synod of Eastern Australia Property Act (NSW 1918) the following changes in Synod legislation shall become operative:

- (i) rules for the application of the seal of the NSW trustees precisely parallel in requirement to those under the Victorian legislation (Act of Synod 1954) shall come into force. The sealing clause shall be in similar form to that for the Victorian Trustees, two trustees being sufficient to attest the seal.
- (ii) Existing legislation on mortgage/sale procedure in NSW (Synod 1984) and leasing procedure in NSW (Synod 1988) shall be considered adjusted so as to maintain the identical provisions but relate them to the amended 1918 Act.
- (iii) Meetings of the trustees may be held by electronic means and must be suitably documented.

ACT 14 – Appointment of Webmaster

Wednesday 8th May 2013

(Minutes 13.24.1)

Synod appoints Rev David Kerridge as webmaster responsible for the church website (www.pcea.org.au) with effect from the end of this Synod meeting.