

ACTS OF SYNOD 2017

Class 1 (Barrier Act Procedure)

No	Act	Reference
	None	

Class 2 (Others)

No	Act	Reference
1	Procedure if lack of Presbytery quorum between Synods	17.13.1
2	Requirements when solemnising a marriage	17.13.2
3	Privacy Act	17.13.3
4	Authority to open bank accounts (NSW Property Act)	17.13.4a
5	Use of property income (NSW Property Act)	17.14.8
6	Changes to Students/Ministers Application Form	17.27.5
7	Amendment of Mutual Eligibility Acts to require completed application form	17.27.5
8	Limit of 40% on Non-cash component of stipend	17.36.3
9	Organisation of Safe Church Training under oversight of Presbytery Clerks	17.14.2
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CLASS 1 – ACTS WHICH HAVE PASSED THE BARRIER ACT

None

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

ACT 1 - Procedure if lack of Presbytery quorum between Synods

Wednesday 3rd May 2017

(Minutes 17.13.1)

The following sentence is added to Handbook 4.12: To obviate the necessity of a special Synod if the lack of a quorum occurs between Synods, Synod directs that other Presbytery Clerks be notified in order that each of the other two Presbyteries may appoint an assessor (with liberty to also specify a substitute if desired).

ACT 2 – Requirements when solemnising a marriage

Wednesday 3rd May 2017

(Minutes 17.13.2)

The PCEA regards solemnizing a marriage between people of the same sex as contrary to Scripture, the Confession of Faith and the vows of officebearers. The PCEA requires of those who solemnize marriages in her name that the public preliminaries to the vows include a statement of the basis of Christian marriage as ordained by God as a union of a man and a woman, voluntarily entered into, for life until dissolved by death or by divorce on grounds founded on the Word of God.

ACT 3 – Amendment of Mutual Eligibility Requirements

Wednesday 3rd May 2017

(Minutes 17.13.3)

The Synod approve the Privacy Policy set out as Appendix 1 to the Report, direct it to be inserted in the Handbook and an electronic copy in DL size be provided to Sessions so they may be available in convenient form in congregations.

The approved wording as follows:

Privacy Policy

1. Introduction

The Presbyterian Church of Eastern Australia is an unincorporated association. The church collects data from users of church services, and from persons and businesses that provide services to the church and its organisations.

The data collected by the church includes information which can identify you as a person such as your name, your address and other details about you. This information is referred to in Australian Government legislation as ‘personally identifiable information’.

The church may also collect sensitive information about or related to you from time to time. Sensitive information includes information which may not personally identify you but is related to a person’s:

- health
- financial status
- racial or ethnic origin
- political opinions
- membership of a political association
- religious beliefs or affiliations
- philosophical beliefs
- membership of a professional or trade association
- membership of a trade union
- sexual preferences or practices
- criminal record.

The collection and management of personally identifiable and sensitive information is regulated in Australia and other countries.

The church will take every reasonable measure to protect your information. The church’s approach to your privacy conforms to the Australian Privacy Principles extracted from the Privacy Act 1988 (as amended in 2012), which provides guidance about the collection of personal information, how it should be used and disclosed and its storage and security.

The church is committed to protecting your privacy and any personally identifiable and sensitive data you supply to us. This Privacy Policy sets out:

- how and why we collect data including personally identifiable and sensitive data
- what we do with data we collect
- how we manage collected data
- with whom we share that data

If you have any questions about this policy please contact us as set out at the end of this document.

2. Scope of this Privacy Policy

As required by government registration or accreditation obligations, certain organisations and activities that may be operated by the church in the future may have separate privacy policies in place. This Privacy Policy for the church will apply to the collection of data by the church where no other church privacy policy applies.

3. Collection and use of personal information

The church will use collected data including personally identifiable and sensitive information in furtherance of the mission and activities of the church. The church will include some of the information it collects in the church's permanent archival records.

The church will review information not included in the church archival records, and delete information no longer required for church activities.

The church will use data it collects to promote all of the spiritual, pastoral, social, educational, administrative, legal, and historical functions of the church and for the business requirements of the church.

These church purposes include but are not limited to administration and communication throughout the church, analysing the role of the church in society, recording the histories of church members, adherents, and persons in regular contact with the church, and maintaining records in the public interest, including baptism rolls, wedding registers and other related purposes.

Data collected by the church will only be shared with third parties where such parties have agreed in writing to abide by this policy and to only use such information disclosed for the purposes for which access has been given. In general, information provided to third parties should not be able to identify you as an individual; such information can only be disclosed with your express written consent.

Anyone seeking access to any sensitive information will need to be authorised by the Law & Advisory Committee Convener and the Synod Clerk to ensure there is a specific need for such information and provision of such data does not breach any legislative or confidentiality requirements.

Whenever we share information with third parties, the church will take all reasonable efforts to make sure that these third parties keep such information in the same manner as it is kept by the church, and consistent with the principles as set out in the Privacy Act 1988 as amended.

The majority of the service providers used by the church are based in Australia and are therefore subject to the Australian laws. However the church may from time to time work with service providers such as charities and other church related bodies who are located outside of Australia.

Confidential Pastoral duties

If a minister, other church staff or another body of the church intends to record personal and sensitive information arising from deputations or counselling sessions, any person whose data will be collected should be informed of this and advised that:

- a) the records will be kept pursuant to the church's privacy policy;
- b) the purposes for which the collected information will be used; and
- c) information collected will not be disclosed to any third party and securely destroyed when the purpose for collection is no longer relevant or it is no longer appropriate to maintain the record(s). For example, the minister has moved parishes or retired.

4. Security and disclosure of information

The church will take all reasonable steps to keep personal, sensitive, and all other confidential or restricted information secure, and to prevent its unlawful use and/or inappropriate disclosure.

The church will, as far as practicable, develop and implement practices and procedures in respect to church archival records. These policies will address:

- a) Requiring researchers seeking access to archival records to acknowledge prior to access being granted to the archival records, that:
 - i) the archival records made available to them are subject to this privacy policy and all applicable legislation; and
 - ii) the researcher is solely responsible for obtaining any further consent required if the information is to be used outside of the purposes for which it was collected; and
 - iii) the researcher will be responsible for any breach of this privacy policy and/or relevant legislation caused by the use of information made available by the church; and

iv) the researcher will be required to indemnify the church and the Synod, and/or its agencies in respect of liability for such breach.

b) Require all applicants/researchers seeking access to personal and sensitive information from registers of baptism and/or marriage prior to the provision of such information to:

i) produce evidence that he/she is a subject of the record concerned, or holds the consent of the subject(s) of the record to obtain the information; or

ii) establish that the subject(s) of the record are deceased, or can reasonably be presumed to be deceased.

Where the subject of data collected by the church seeks access to his or her personal information or sensitive information collected, it is the policy of the church to grant access, subject to the production of appropriate identification. Such identification must meet the 100-point identification test as used by banks and government organisations.

5. Archival records

From time to time in order to assure the preservation of data collected by the church that this church will transfer church registers, minute books, correspondence, photographs and other images, and all other records containing personal and sensitive information to the archives of the Presbyterian Church of Eastern Australia. The exception to this policy is data collected under Confidential Pastoral Duties above.

6. Complaints procedure, designation of Privacy Officer and contact information

Enquiries concerning this privacy policy, and any complaints concerning failure of the church to comply with this policy, or relevant legislation should be addressed in the first instance to the Church's designated Privacy Officer, who can be contacted as noted on www.pcea.org.au

If any complaint is not readily resolved to the satisfaction of the complainant, the matter will be referred to the Synod Clerk, who can be contacted as noted on www.pcea.org.au

The complaint resolution process will include but is not limited to:

a) the matter being handled in a proficient and confidential manner at executive level; and/or

b) referred to the courts of the church under the provisions of the Handbook of Practice and Procedure of the church; and/or

c) independent arbitration initiated depending on the most suitable action necessary in an attempt to best resolve the matter.

ACT 4 – Authority to open bank accounts (NSW Property Act)

Wednesday 3rd May 2017

(Minutes 17.13.4a)

Pursuant to Section 14 of the Synod of Eastern Australia Property Act 1918, Synod declare that any congregation or the session or deacons' court or any committee or organisation thereof may subject to the constitution of the Church and its laws from time to time manage its own affairs and open and operate such approved Australian Deposit Taking Institutions as are deemed expedient without reference to the body corporate.

ACT 5 – Use of property income (NSW Property Act)

Wednesday 3rd May 2017

(Minutes 17.13.5)

Synod declare that it understands Section 12 of the Synod of Eastern Australia Property Act to (a) require \$300 of net rents and other income from congregational property to be paid to the minister of the congregation as a supplement to his stipend; and (b) the balance of such property income is to be

applied to the maintenance of church and manse, and to such other purposes of the congregation as the Synod may approve, not excluding ordinary stipend expense. Accordingly the Synod hereby approves congregations applying property income towards the stipend of the minister as set by Synod from time to time.

ACT 6 – Changes to Students/Ministers Application Form

Wednesday 3rd May 2017

(Minutes 17.14.8)

The following changes be made forthwith to the Application for Recognition as a Student/Candidate for the Ministry:

- a. Section 7 Family: insert note “The PCEA believes that the Scriptures prohibit the practice of homosexuality and so does not admit practising homosexuals to office nor permit homosexual marriage (so called).”
- b. Section 8: rename “Financial Matters” and delete last two questions. Insert the following Section 9: and renumber existing section 9 to 10:

9. Safe Church Matters

(A Yes answer does not necessarily mean the application will be rejected but please attach explanatory material.)

- a. Have you ever had disciplinary action of any kind taken against you by a licensing board, professional or community association, employer, educational institution, Church or any other body, or ever been asked to resign or been terminated by a training body, employer or Church body?
 - b. Have you ever had any allegations of criminal conduct made against you relating to sexual misconduct, breaching fiduciary duties in any capacity, or any other criminal matter?
 - c. Have any civil proceedings been taken against you arising out of any alleged professional misconduct or alleged criminal conduct, or is any such pending?
 - d. Have you now, or have you ever had since the age of 18, any history of drug abuse with prescription, over the counter, recreational or illegal drugs, or any history of drunkenness, or of excessive use of alcohol?
 - e. Have you ever had a driver’s licence revoked or suspended, or a licence to own firearms refused or revoked?
 - f. Have you ever since the age of 18 accessed pornographic materials involving children?
 - g. Have you done anything in the past or present that may result in allegations of sexual misconduct, abuse or harassment?
 - h. Have you any health issues, including any associated with past abuse of drugs or alcohol, that may affect your ability to relate well with others, or which may affect your ability to work with children?
 - i. Have you clearance under Working with Children or and similar legislation? If yes, attach details.
 - j. Have you read the Safe Church Policy and Code of Conduct of the PCEA and do you and will you abide by them at all times?
- c. Amend the signature declaration by adding after “I certify that the above information is correct and no matters material to the application have been omitted” the words “and I am ready to swear a statutory declaration to this effect.” and provide space for a witness to the applicant’s signature.

ACT 7 – Amendment of Mutual Eligibility Acts to require completed application form

Wednesday 3rd May 2017

(Minutes 17.27.5)

In respect of the churches with whom we have Mutual Eligibility (FCS, RCNZ and OPC) the following words in the relevant Acts shall be added after “PCEA Presbytery to require”. . “the usual application for admission to be fully and satisfactorily completed and . . .”

ACT 8 – Limit of 40% on Non-cash component of stipend

Thursday 4th May 2017

(Minutes 17.36.3)

3. The maximum level of Stipend Sacrifice (Non-Cash-Benefits) allowed by Deacons’ Courts be 40% of the Synod approved minimum stipend.

ACT 9 – Organisation of Safe Church Training under oversight of Presbytery Clerks

Wednesday 3rd May 2017

(Minute 17.14.2)

Synod delegate to the Clerks of Presbyteries the responsibility of organising suitable training for office bearers and church workers in the protection of children and all members and adherents.