



**Presbyterian Church  
of Aotearoa New Zealand**

**THE BOOK OF ORDER**

**OF**

**THE PRESBYTERIAN CHURCH OF  
AOTEAROA NEW ZEALAND**

**ADOPTED AND PRESCRIBED BY THE GENERAL  
ASSEMBLY ON THE DAY OF 29 SEPTEMBER  
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# Chapter 1: Background of the Presbyterian Church of Aotearoa New Zealand

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### 1.1 Standards

- (1) The Presbyterian Church of Aotearoa New Zealand (which in this Book of Order is referred to as “the Church”) is part of the one holy, catholic and apostolic church recognizing Jesus Christ as its Lord and Head.
- (2) The supreme rule of faith and life and the supreme standard of the Church is the Word of God contained in the Scriptures of the Old and New Testaments.
- (3) The Kupu Whakapono and Commentary are subordinate standards of the Church, together with its historic reformed standards, the Westminster Confession of Faith (as interpreted by the Declaratory Act) and the Larger and Shorter Catechisms.
- (4) The Declaratory Act 1892-3 of the General Assembly of the Church sets out, in regard to certain doctrines what is required from those entering upon office.
- (5) The *Directory of Worship (1995)* and *The Westminster Form of Church Government* set out generally the order of worship, discipline and government in the Church.
- (6) The Church itself has the right, in dependence on the promised guidance of the Holy Spirit, to formulate, interpret or modify its subordinate standards, always in agreement with its supreme standard and the fundamental doctrines of the Reformed Faith contained in its subordinate standards. The Church itself will be the sole judge whether this formulation, interpretation or modification is in agreement with its supreme standard.
- (7) This Church also recognises as authoritative statements of our Reformed heritage the Scots Confession, the

Heidelberg Catechism and the Second Helvetic Confession. Through its allegiance to the supreme standard of Holy Scripture, and through its continuing confession of the Nicene and Apostles' Creeds, this Church belongs to the one, holy, catholic and apostolic Church, drawn together by the Spirit and made one in Christ.

*Defined terms: Church, General Assembly.*

## **1.2 Background**

- (1) The Church is part of the reformed tradition of the church and derives from the Presbyterian heritage within that tradition. As such the Church stands within a heritage of confessions of faith that give living expression to the Word of God.
- (2) The character of the Church derives also from its New Zealand heritage. The Church acknowledges a bicultural commitment and rejoices in its multicultural character.

*Defined term: Church*

## **1.3 The Church**

As part of the one holy, catholic and apostolic church, the Church shares in the wider church of Jesus Christ throughout the world and is committed to sharing in God's mission to the world, and seeking to announce, with the promised guidance and power of the Holy Spirit, the good news of God's transforming love in Jesus Christ.

*Defined term: Church*

## **1.4 A Presbyterian Church**

- (1) The Church derives its reformed and evangelical character from the 16th century European Reformation that spread to Scotland and led to the formation of the Scottish Presbyterian Church.
- (2) The character and structure of the Church owes much to the Reformation including commitments to
  - (a) Jesus Christ as Lord over each individual, society and all of life,
  - (b) the responsibility of members of the Church, guided by the Holy Spirit, to study the Scriptures,
  - (c) the responsibility of the Church's ministers, guided by the Holy Spirit, to expound the Scriptures, and
  - (d) the potential for study, teaching and proclamation of the Word of God to change lives and transform

society in accordance with God's purpose in the world.

- (3) The Church stands within a heritage of confessions of faith that give living expression to the Word of God.
- (4) The Church is a Reformed church, ever requiring reformation, listening and responding to the Word of God in dependence on the promised guidance of the Holy Spirit.
- (5) The Church has set aside ministers and elders to guide and govern the Church's life.
- (6) Government of the Church is vested in local church councils, regional presbyteries, synods, Te Aka Puahou, the Pacific Presbytery and the General Assembly of the Church.

*Defined terms: Church, church council, elder, General Assembly, member, minister, presbytery, synod, Te Aka Puahou*

#### **1.5 A cross-cultural and multicultural Church with a bicultural commitment**

- (1) The Treaty of Waitangi (Te Tiriti o Waitangi):
  - (a) was signed in 1840 by the Crown and Tangata Whenua,
  - (b) made extensive settlement of New Zealand by Europeans possible,
  - (c) retained certain specified rights for Tangata Whenua, and
  - (d) has been characterised as a "partnership".
- (2) It is within the context of the Treaty of Waitangi (Te Tiriti o Waitangi) that the Church recognises a bicultural partnership between Te Aka Puahou and its other church courts. These bicultural partners work together within the mission of God.
- (3) The Church has become a multicultural church. Immigration from Pacific Island and other nations throughout the world have transformed, continue to transform and contribute to the multicultural character of the Church.
- (4) The Church affirms that it is cross-cultural in that it recognises that the richness of the Christian Gospel and its proclamation can be found in the sharing of experiences, wisdom and learning from many different cultures. The Church stands in opposition to any view that

favours one culture over another as holding a monopoly on the interpretation or transmission of the Christian Gospel. In affirming the Church to be cross-cultural, the Church is also affirming that the Christian Gospel creates community across cultures.

#### **1.5A Balanced membership of courts, committees and other formal bodies**

The Church affirms that membership of courts committees and other formal bodies should generally reflect the age, gender and cultural groupings found within the Church.

*Defined terms: Church, court, Te Aka Puahou.*

#### **1.6 A Church committed to unity**

- (1) The Church seeks to honour Jesus' prayer that his followers "will be one with each other, just as you and I are one". (John 17:11)
- (2) The Church is itself a church born of union. In 1901 the Presbyterian Church of New Zealand, as it was known when it was established in 1862, and the Presbyterian Church of Otago and Southland founded in 1866, agreed to unite as one church.
- (3) In 1967 the Church participated in an Act of Commitment with the Associated Churches of Christ (now Christian Churches of New Zealand), The Anglican Church in New Zealand, the Congregational Union of New Zealand and the Methodist Church of New Zealand.
- (4) The Act of Commitment has enabled and continues to enable the emergence of uniting congregations. These congregations are members of Uniting Congregations of Aotearoa New Zealand and are still members of their partner denominations.
- (5) Another sign of unity was the decision in 1969 for 28 churches of the Congregational Union to join the Presbyterian Church, bringing with them their Pacific Islander members.
- (6) The Church continues to give expression to the union all Christians enjoy in Jesus Christ.

*Defined terms: Act of Commitment, Church, congregation.*

#### **1.7 The Formula**

- (1) Ministers and elders and other office bearers must make themselves accountable to the Church by subscribing to the following formula:

“I believe in the Word of God in the Scriptures of the Old and New Testaments and the fundamental doctrines of Christian Faith contained in the Kupu Whakapono and Commentary, the Westminster Confession of Faith, and other subordinate standards of this Church. I accept that liberty of conviction is recognised in this Church but only on such points as do not enter into the fundamental doctrines of Christian faith contained in the Scriptures and subordinate standards. I acknowledge the Presbyterian government of this Church to be agreeable to the Word of God and promise to submit to it. I promise to observe the order and administration of public worship as allowed in this Church.”

*Defined terms: Church, elder, General Assembly, member, minister, office bearer*

## **1.8 Alteration of this Chapter**

Sections 1 and 7 and this section 8 cannot be altered, amended or deleted in any way except in accordance with the special legislative procedure.

*Defined term: special legislative procedure*

## **Chapter 2: About the Book of Order and its interpretation**

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### **2.1 Purpose of the Book of Order**

- (1) This Book of Order has the following purposes:
  - (a) to order the life and mission of the Church consistently with its standards,
  - (b) to define the membership and provide for individuals to become members of congregations of the Church, and
  - (c) to provide for the governance (including administrative, financial, legislative and judicial functions) of the Church.

*Defined terms: Book of Order, Church, congregation, member.*

### **2.2 Authority of the Book of Order**

All members of congregations and any other person affected by any provision in the Book of Order must comply with the Book of Order, except for members of co-operative ventures in circumstances where the Procedures for Cooperative Ventures apply.

*Defined terms: Book of Order, Church, congregation, co-operative venture, Procedures for Cooperative Ventures, member*

### **2.3 Structure of the Book of Order**

- (1) This Book of Order is divided into chapters that are numbered sequentially in Arabic numerals beginning with chapter 1.
- (2) Each chapter is divided into sections numbered sequentially in Arabic numerals beginning with section 1.
- (3) Sections may be divided into subsections numbered (1), (2) and so on, and subsections may be further divided into paragraphs lettered (a), (b) and so on.
- (4) A reference in a provision of the Book of Order to a numbered section is to be understood as a reference to the section of that number in the chapter in which the reference is made unless it is specifically stated that the reference is to a section of another chapter. For example: a reference anywhere in chapter 6 to

“section 4” is to be understood as a reference to section 4 of chapter 6. On the other hand there could be a reference such as “section 4 of chapter 9”.

- (5) A reference in a section of a chapter to a numbered subsection is to be understood as a reference to the subsection of that number in the section in which the reference is made unless it is specifically stated that the reference is to a subsection of another section. For example: a reference anywhere in section 6 to subsection (3) is to be understood as a reference to subsection (3) of section 6. On the other hand there could be a reference such as “subsection (3) of section 7”.
- (6) A reference in a section or subsection to a lettered paragraph is to be understood as a reference to the paragraph of that letter in the section or subsection in which the reference is made. For example: a reference in subsection (2) to paragraph (c) is to be understood as a reference to paragraph (c) of subsection (2).

*Defined term: Book of Order*

#### **2. 4 Use of defined terms in the Book of Order**

- (1) The Book of Order includes many words and expressions that are defined in Appendix I for the purposes of this Book. Defined terms that are used in a section are indicated for information in a boxed note following that section.
- (2) Where a word or expression is defined in Appendix I, other parts of speech and grammatical forms of the word or expression in this Book of Order have corresponding meanings.
- (3) Appendix I is to be regarded as part of this Book of Order.

*Defined term: Book of Order*

#### **2. 5 Interpretation of headings**

The headings contained in this Book of Order are intended only to facilitate use of the Book of Order and must not be used for the purposes of interpreting any of its provisions.

*Defined term: Book of Order*

#### **2. 6 Summary of functions of persons and bodies**

- (1) A practical summary of the respective functions under this Book of Order of various persons and bodies is set out for information only in Appendix II.
- (2) In the event of any inconsistency between a provision of this Book of Order and a provision of the summary in Appendix II, the provision of the Book of Order takes precedence and prevails.

*Defined term: Book of Order*

## **2.7 Alteration of the Book of Order**

- (1) There are certain provisions of the Book of Order that can be altered, amended or deleted only in accordance with the special legislative procedure that is set out in section 9 of chapter 14 and section 6 of chapter 8.
- (2) Sections of a chapter that can be altered, amended or deleted only in accordance with the special legislative procedure are indicated at the end of each chapter.
- (3) Provisions of the Book of Order other than those that can be altered only in accordance with the special legislative procedure can be altered, amended or deleted by resolution passed at a meeting of the General Assembly.
- (4) Sections in this chapter cannot be altered, amended or deleted in any way except in accordance with the special legislative procedure.

*Defined terms: Book of Order, General Assembly, special legislative procedure*

## Chapter 3: Supplementary provisions

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  - 3.3 Delegation to the Council of Assembly
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### **3.1 Issue of supplementary provisions**

- (1) The General Assembly may, by resolution, issue any supplementary provision that it considers appropriate and necessary to implement and give effect to any provision of the Book of Order.
- (2) The General Assembly may issue a supplementary provision either
  - (a) on the recommendation of the Assembly Executive Secretary or the convener of a committee of the General Assembly, or
  - (b) on its own initiative.
- (3) Before issuing any supplementary provision, the General Assembly may consult any person, presbytery, church council, committee or group, as it considers appropriate.
- (4) The power to issue supplementary provisions conferred by this section includes power to alter, amend, or revoke any supplementary provision.

*Defined terms: Assembly Executive Secretary, Book of Order, church council, General Assembly, presbytery, supplementary provisions*

### **3.2 The nature of supplementary provisions**

- (1) Supplementary provisions are not part of the Book of Order but are supplementary to it.
- (2) Supplementary provisions must not be used for the purposes of interpreting any of the provisions of the Book of Order. Their function is restricted to implementing and giving effect to provisions of the Book of Order.
- (3) Supplementary provisions cannot negate, revoke, alter, or amend any provision of this Book of Order and, in the event of any inconsistency between this Book of Order and a supplementary provision, the provision of the Book of Order takes precedence and prevails.

*Defined terms: Book of Order, supplementary provision.*

### **3.3 Delegation to the Council of Assembly**

- (1) The General Assembly may from time to time, by resolution, delegate to the Council of Assembly the power to issue supplementary provisions conferred on the General Assembly by section 1.
- (2) The General Assembly may delegate the power to issue supplementary provisions
  - (a) generally,
  - (b) specifically,
  - (c) with conditions, or
  - (d) unconditionally.
- (3) A delegation to the Council of Assembly under the authority of this section includes delegation of the power to alter, amend, or revoke any supplementary provisions.
- (4) All supplementary provisions issued by the Council of Assembly under a delegated power must be submitted for ratification at the next General Assembly and any supplementary provision not so ratified ceases to have effect at the conclusion of the General Assembly.
- (5) The Council of Assembly cannot sub-delegate any power delegated to it under this section.

*Defined terms: Council of Assembly, General Assembly, supplementary provisions*

### **3.4 Notification of supplementary provisions**

- (1) The Council of Assembly must, within 10 working days of the issue of a supplementary provision, notify in writing all presbyteries, church councils, and any committees or other persons affected by the supplementary provision of
  - (a) the issue of the supplementary provision,
  - (b) the date upon which the supplementary provision comes into effect,
  - (c) the place where the supplementary provision can be obtained or accessed, and
  - (d) the cost, if any, of obtaining a copy of the supplementary provision.
- (2) A supplementary provision comes into effect on the date fixed for that purpose by the supplementary provision.
- (3) The Council of Assembly must publish all supplementary provisions that are current and operative on the Church's website. Hard copies are to be made available on request.

*Defined terms: Church, church council, Council of Assembly, supplementary provision, presbytery, supplementary provisions, working day*

### **3.5 Compliance with supplementary provisions**

On receiving notification of any supplementary provision that may affect them, all church councils, presbyteries, committees and persons must comply with the supplementary provision.

*Defined terms: church council, presbytery, supplementary provisions*

### **3.6 Alteration of this chapter**

Section 2 and this section 6 cannot be altered, amended or deleted in any way except in accordance with the special legislative procedure.

*Defined term: special legislative procedure*

## Chapter 4: Membership

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  - 4.6 Responsibilities of members
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### **4.1 Belonging to the Church**

- (1) The Church recognises that a person may belong to the Church in one of two ways, by being either a member or an associate member of a congregation.
- (2) Both membership and associate membership confer privileges and responsibilities and require members and associate members to undertake duties.

*Defined terms: associate member, Church, congregation, member.*

### **4.2 Becoming a member of a congregation**

- (1) A person may apply to the church council for membership of a congregation.
- (2) Before accepting an applicant as a member of the congregation, the church council must be satisfied that the applicant
  - (a) has received baptism as a child or as an adult, and
  - (b) publicly professes his or her faith in Jesus Christ, and
  - (c) will seek to lead a life consistent with his or her profession of faith, and
  - (d) will unite in the worship, life and mission of the congregation, and
  - (e) will, as far as he or she is able, contribute to supporting the life, worship, and mission of the congregation, and
  - (f) will accept the spiritual oversight of the church council, and
  - (g) will accept the discipline of the Church.
- (3) The church council must accept that the adult baptism of an adult applicant included a profession of faith.

*Defined terms: Church, church council, congregation, member.*

#### **4.3 Becoming an associate member of a congregation**

- (1) A congregation may have associate members.
- (2) A person may apply or be recognised as an associate member when either
  - (a) that person fulfils the conditions for membership set out in section 2 but does not wish to be a member, or
  - (b) that person expresses an intention to associate himself or herself with the congregation, is active in the worship, life, and mission of the congregation, and seeks to lead a life consistent with the Christian faith.
- (3) The church council may recognise a person as an associate member of the congregation if the church council is satisfied that the person will take part in the worship, life, and mission of the congregation and will seek to lead a life consistent with the Christian faith.

*Defined terms: associate member, church council, congregation, member.*

#### **4.4 Rights and privileges of membership**

A member of a congregation has the following rights and privileges

- (a) to have the church council record his or her name on the roll of members,
- (b) to receive baptism for his or her children,
- (c) to receive a certificate recording his or her own baptism or the baptism of any child,
- (d) to participate in communion,
- (e) to have any child participate in communion,
- (f) to attend, participate, and vote at any meeting of the congregation on any matter brought before that meeting,
- (g) to stand for election for any congregational office,
- (h) to present a proposal to the church council or through the church council to a presbytery on any matter affecting his or her interests or those of the congregation, and
- (i) to receive, on leaving a congregation, a letter of introduction to another congregation.

*Defined terms: church council, congregation, congregational office, member, presbytery.*

#### **4.5 Rights and privileges of associate membership**

An associate member of a congregation has the following rights and privileges

- (a) to have the church council record his or her name on the roll of associate members
- (b) to receive baptism for his or her children,

- (c) to participate in communion,
- (d) to have any child participate in communion,
- (e) to attend, participate, and vote at any meeting of the congregation on any matter brought before that meeting,
- (f) to be eligible for nomination for any congregational office except eldership or deaconship,
- (g) to present a proposal to the church council or through the church council to a presbytery on any matter affecting his or her interests or those of the congregation, and
- (h) to receive, on leaving a congregation, a letter of introduction to another congregation.

*Defined terms: associate member, church council, congregation, congregational office, deacon, elder, presbytery.*

#### **4.6 Responsibilities of members**

A member of a congregation must fulfil the following responsibilities

- (a) lead a life consistent with his or her profession of the Christian faith,
- (b) as far as he or she is able, join in the worship, life, and mission of the congregation,
- (c) as far as he or she is able, contribute to supporting the worship, life, and mission of the congregation,
- (d) accept the spiritual oversight of the Church, and
- (e) accept the discipline of the Church.

*Defined terms: Church, congregation, member.*

#### **4.7 Responsibilities of associate members**

An associate member of a congregation must fulfil the following responsibilities

- (a) as far as he or she is able, join in the worship, life, and mission of the congregation,
- (b) as far as he or she is able, contribute to supporting the worship, life, and mission of the congregation,
- (c) seek to lead a life consistent with the Christian faith,
- (d) accept the spiritual oversight of the Church, and
- (e) accept the discipline of the Church.

*Defined terms: associate member, Church, congregation.*

#### **4.8 Responsibilities of the church council to members and associate members**

- (1) In fulfilling its functions under chapter 7, the church council must
  - (a) give a member a certificate recording his or her own baptism or the baptism of any child of the member,
  - (b) give an associate member a certificate recording the baptism of any child of the associate member,
  - (c) give a member or associate member a certificate stating that he or she belongs to the Church and is a member or

- associate member, as the case may be, of that particular congregation,
  - (d) give a member or associate member a letter of introduction to another congregation, and
  - (e) confirm to a member or an associate member that that person's membership or associate membership is recorded on the appropriate roll, and
  - (f) advise a member or associate member of his or her rights and privileges under section 4 or section 5, as the case may be.
- (2) When giving a member or associate member a letter of introduction in accordance with subsection (1)(d), the church council may either
- (a) address the letter to a particular congregation, or
  - (b) give an open letter not addressed to any particular congregation.

*Defined terms: associate member, Church, church council, congregation, member*

#### **4.9 Application for membership from member moving from another congregation**

- (1) If an applicant for membership is moving from membership of another congregation, the church council may either
- (a) accept the person's application to transfer membership, or
  - (b) decline the application.
- (2) The church council must accept an application to transfer membership unless
- (a) it has not received a copy of a letter of introduction from the applicant's previous congregation, or
  - (b) it is satisfied that the applicant does not fulfil the conditions for membership set out in section 2 (2).
- (3) If a church council proposes to decline an application to transfer membership it must
- (a) notify the member in writing of its intention to decline the application and the reasons for its intention, and
  - (b) give the member an opportunity to be heard in response to the notice and the reasons for declining the application.

*Defined terms: church council, congregation, member.*

#### **4.10 Rolls and removal from rolls**

- (1) A church council must
- (a) compile and maintain separate rolls for members and associate members, and
  - (b) review the rolls annually.

- (2) When requested to do so, the church council must submit the rolls to the presbytery.
- (3) The church council may remove any name from the members' roll or the associate members' roll.
- (4) The church council must not remove a member's name from the members' roll unless the church council
  - (a) is satisfied that the member no longer complies with the responsibilities of a member set out in section 6, and
  - (b) has notified the member in writing of its intention to remove the member's name from the roll and the reasons for its intention, and
  - (c) has given the member an opportunity to be heard in response to the notice and the reasons for removal, and
  - (d) records in its minutes that it has removed a member's name from a roll and the reasons for that removal.
- (5) If the church council cannot reasonably comply with subsection (4)(b) and (c), or if the member has not, within 15 working days of being notified, exercised his or her right to be heard, the church council may remove the member's name from the members' roll, but must record in its minutes that
  - (a) the church council has not notified the member and the reasons why it has not notified the member, or
  - (b) the church council has notified the member but the member had not within 15 working days availed himself or herself of the right to be heard, and
  - (c) the member's name has been removed from the members' roll and the reasons for that removal.
- (6) The church council must not remove an associate member's name from the associate members' roll unless the church council
  - (a) is satisfied that the associate member no longer complies with the responsibilities of an associate member set out in section 7, and
  - (b) has notified the associate member in writing of its intention to remove the associate member's name from the roll and the reasons for its intention, and
  - (c) has given the associate member an opportunity to be heard in response to the notice and the reasons for removal, and
  - (d) records in its minutes that it has removed an associate member's name from a roll and the reasons for that removal.
- (7) If the church council cannot reasonably comply with subsection (6)(b) and (c), or if the associate member has not, within 15

working days of being notified, exercised his or her right to be heard, the church council may remove the associate member's name from the associate members' roll, but must record in its minutes that

- (a) the church council has not notified the associate member and the reasons why it has not notified the associate member, or
  - (b) the church council has notified the associate member but the associate member had not within 15 working days availed himself or herself of the right to be heard, and
  - (c) the associate member's name has been removed from the associate members' roll and the reasons for that removal.
- (8) Unless it is not practicable to do so, the church council must, within 10 working days, notify the member or associate member in writing that it has removed his or her name from the members' or associate members' roll, as the case may be.
- (9) A person whose name has been removed from the members' roll or the associate members' roll may appeal to the presbytery against that removal and the decision of the presbytery shall be final.

*Defined terms: associate member, church council, member, presbytery, working day.*

#### **4.11 Alteration of this Chapter**

This chapter cannot be altered, amended or deleted in any way except in accordance with the special legislative procedure.

*Defined term: special legislative procedure*

## Chapter 5: The congregation

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### 5.1 Nature of the congregation

- (1) A congregation consists of its members, associate members, and other persons who unite for worship, life, and mission.
- (2) A congregation may unite for worship, life and mission in more than one place of worship.

*Defined terms: associate member, congregation, member*

### 5.2 Functions of the congregation

- (1) The functions of the congregation are
  - (a) to worship God,
  - (b) to participate in God's mission to the world,
  - (c) to provide pastoral care for one another and the wider community,
  - (d) to nurture faith within the congregation and the wider community, and
  - (e) to provide for the congregation's property and finances.
- (2) In participating in God's mission to the world, the congregation must
  - (a) identify and play its role in God's mission to the world,
  - (b) call appropriate ministry leadership,
  - (c) elect congregational office bearers, and
  - (d) accept the discipline and government of the Church.

- (3) The congregation may make proposals to the church council which will further God's mission.
- (4) In providing for the congregation's property and finances, the congregation must
  - (a) support its life, mission and work,
  - (b) approve the budget at a congregational meeting and approve the financial statements at the Annual General Meeting.
  - (c) The church council must ensure that the annual accounts of the congregation and any related entities are prepared each year, and that a qualified auditor audits or reviews them if required by New Zealand legislation, the Assembly Executive Secretary, congregation, Presbytery or funders.
  - (d) hold any meeting necessary to deal with the congregation's property.
- (5) In undertaking any function set out in subsection (1), the congregation must have regard to
  - (a) its mission and financial resources, and
  - (b) the policies of the General Assembly.

*Defined terms: church council, congregation, congregational office, General Assembly.*

### **5.3 Procedures relating to meetings of congregations**

- (1) The minister or the church council may call a congregational meeting.
- (2) When calling a congregational meeting, the minister or the church council must, except in case of an emergency, give not less than 10 working days' notice of a meeting at a service of worship of the congregation. Notice of a meeting must also be given to members and associate members of the congregation in writing. This may include by electronic communication.
- (3) Despite subsection (2), the minister or church council calling the meeting may give less than 10 working days' notice if there are reasonable grounds to consider that there is an emergency.
- (4) The following persons may chair a meeting of the congregation
  - (a) the Moderator of the church council,
  - (b) a member of the church council,
  - (c) a member of presbytery.
- (5) A member of the church council or a member of presbytery may chair a meeting of the congregation only if appointed or deputed by the Moderator of presbytery.
- (6) Only members and associate members of the congregation may

vote at a meeting of the congregation. Voters must be physically present at the meeting (except when a meeting is held by electronic means as provided for in section 5.3(9)), and neither absentee nor postal votes may be accepted.

- (7) The chairperson of the meeting must ensure that minutes of the meeting are accurately recorded.
- (8) The chairperson
  - (a) cannot move or second a motion, and
  - (b) has no deliberative vote, but may, if the meeting is equally divided, exercise a casting vote.
- (9) In exceptional circumstances where it is impractical to hold a congregational meeting which members and associate members can attend in person the church council may determine that a congregational meeting be held by electronic means.

*Defined terms: associate member, church council, congregation, member, minister, Moderator, presbytery, working day*

#### **5.4 Application to form a new congregation**

- (1) Any group of persons may apply to a presbytery to form a new congregation or to be recognised as a congregation.
- (2) A presbytery may form a new congregation or recognise a group of persons as a congregation either on the application of a group of persons or on its own initiative.

*Defined terms: congregation, presbytery.*

#### **5.5 Matters to be investigated before forming a new congregation**

If an application is made to a presbytery to form a new congregation or to recognise an existing group of persons as a congregation, or, if a presbytery is considering taking the initiative to do so, the presbytery must give notice to any neighbouring congregation or congregations and investigate all matters relevant to the application or consideration, including the following

- (a) the reasons and circumstances which have led to the application,
- (b) whether the members and associate members of the proposed congregation can comply with section 2,
- (c) whether there are any existing congregations including those congregations operating under the Act of Commitment which can accommodate the needs of the applicants,
- (d) whether any neighbouring congregation has any objection, and

- (e) the resources which the applicants will supply to support the life of the congregation.

*Defined terms: Act of Commitment, associate member, congregation, member, presbytery.*

## **5.6 Establishment of a co-operative venture**

A presbytery may, in accordance with the Act of Commitment, establish a congregation as a co-operative venture, provided it complies with the procedures agreed by the General Assembly and the other parties to the Act of Commitment. Such a co-operative venture must comply with the Procedures for Cooperative Ventures.

*Defined terms: Act of Commitment, co-operative venture, congregation, General Assembly, Procedures for Cooperative Ventures, presbytery.*

## **5.7 Procedures to be followed before deciding whether to form a new congregation**

- (1) If a neighbouring congregation objects to the formation of a new congregation, the presbytery must have regard to those objections before making a decision.
- (2) The presbytery must hear any person who wishes to be heard on the matter.
- (3) Before making a decision, a presbytery must consider
  - (a) all relevant information obtained in the course of making its investigations under section 5,
  - (b) any objections or submissions made to it about the matter, and
  - (c) any other matter which the presbytery considers relevant to the application.
- (4) If a decision is likely to affect adversely the applicant or any other person or congregation, the presbytery must advise the relevant persons or congregation and give them an opportunity to be heard or make written submissions.
- (5) A presbytery must make its final decision at a meeting of the presbytery.

*Defined terms: congregation, presbytery.*

## **5.8 Implication of decision to form a new congregation**

A new congregation formed in accordance with this chapter is entitled to one of the forms of ministry settlement set out in chapter 10.

*Defined terms: congregation, ministry settlement, presbytery.*

## **5.9 Dissolution of a congregation**

- (1) A church council may apply to its presbytery to dissolve the congregation, after gaining the approval of at least two-thirds of the members of the congregation present at a duly-called meeting of the congregation.
- (2) A second congregational meeting must then be held with a commission of the presbytery to discuss the consequences of dissolution and to provide congregational members with an opportunity for expressing their concerns and hopes including in relation to property should a decision to be dissolved be finalised.
- (3) At the conclusion of this meeting, a final congregational decision may be made to dissolve. Such a decision must gain the approval of at least two thirds of the members of the congregation present at a duly called meeting of the congregation.
- (4) In a situation where the second congregational meeting fails to gain the required two-thirds support for dissolution, the presbytery must determine whether or not to initiate the procedure to dissolve the congregation under section 10.
- (5) Where a ministry settlement is terminated as a consequence of the presbytery dissolving the congregation, the presbytery must ensure that, for a period of 6 months from the date of dissolution, the minister continues to receive the entitlements he or she would have received under the ministry settlement.
- (6) A termination under this section does not affect the standing of the minister.

*Defined terms: church council, congregation, member, presbytery.*

#### **5.10 Review of a congregation on the initiative of presbytery**

- (1) A presbytery may appoint a commission to review the future of a congregation, with the possible outcomes of continuing its mission, renewing its life and mission, or, if need be, dissolution.
- (2) The presbytery commission will comprise no more than 5 members, including persons suited for appointment, having regard to
  - (a) the nature of the congregation under review
  - (b) an understanding of contemporary theological and mission practice
  - (c) the legal and administrative requirements of the Book of Order.

The majority of members must be members of presbytery.

- (3) The role of the presbytery commission is to enhance the mission of the Church by engaging with a congregation to discern how its life and mission fulfils the functions of a congregation as described in section 5.2. It will do this by
  - (a) informing the congregation that a review is being undertaken
  - (b) stating at a congregational meeting the possible outcomes of the review process
  - (c) undertaking such research as it sees fit
  - (d) setting a date at which the congregation will report to the commission as in subsection (5)
  - (e) making a determination as described in subsection (7)
- (4) A presbytery commission appointed under this section must require the church council to call a congregational meeting in accordance with section 3. The meeting must be chaired by a member of the commission.
- (5) The purpose of the meeting called in accordance with subsection (4) is to inform the congregation that a review of the congregation's future has been initiated by the presbytery, and that one option being considered is the review is the dissolution of the congregation. The reasons for the review must be given. The commission must ask the congregation to give a report as to its life and work in fulfilling its functions under section 2. This report may be in both verbal and written forms and must be presented to the commission within three months of the congregational meeting.
- (6) The processes of the commission must be carried out in accordance with the principles of natural justice.
- (7) Having considered the report, the commission must decide on one of three outcomes
  - (a) direct the presbytery to recognise that the congregation is fulfilling the functions as set out in section 2 and that it should continue in its life and mission, or
  - (b) determine that although some of the functions in section 2 are being fulfilled the performance of the functions is inadequate or the viability of the congregation is marginal, the presbytery to work closely with the church council to find creative ways to stimulate the church's life and mission. Among other things, the commission may recommend that the presbytery amalgamate the congregation with a neighbouring congregation. The commission may recommend that the presbytery undertake a further review within a defined period, or
  - (c) dissolve the congregation.

- (8) Before issuing a final report, the commission must issue a draft report and give the congregation, the church council and any other affected party an opportunity to comment on the draft report within three weeks.
- (9) The commission must then consider any comments received. After consideration of any comments received it must issue a final report.
- (10) If the commission decides to dissolve the congregation, the Commission may encourage the presbytery to consider facilitating and resourcing a restart worshipping community in the premises occupied by the dissolved congregation, under the leadership of another congregation within the presbytery.
- (11) The presbytery must ensure the continued pastoral care of members of the congregation.

*Defined terms: congregation, member, presbytery, working day.*

#### **5.10A Right of appeal in relation to decision to dissolve a congregation**

- (1) Any member of the congregation, congregation or church council affected by a decision of a presbytery commission to dissolve a congregation may lodge an appeal to the General Assembly within 10 working days of the notification of the decision to the congregation.
- (2) Except as provided in this section, the procedure relating to the appeal shall be as for appeals from a presbytery decision in chapter 14.
- (3) The Council of Assembly shall appoint a commission to hear the appeal. The commission shall be convened by a person from the panel of Assembly Judicial Commission members and comprise between three and five members, including persons suited for appointment having regard to
  - (a) an understanding of contemporary theological and mission practice
  - (b) the legal and administrative requirements of the Book of Order.

The commission may be a standing committee of the Assembly and may co-opt an extra member suited for appointment having regard to the nature of the congregation under review.
- (4) The Commission must determine whether the dissolution of the congregation will proceed and make any other decisions regarding the future of the congregation that it deems necessary.

- (5) The decision of the commission is final.

*Defined terms: Book of Order, Church, congregation, Congregational Evaluation Commission, Council of Assembly*

#### **5.10B Failure of congregation to co-operate over dissolution process**

Should a church council fail to call a congregational meeting in accordance with the presbytery's requirement under section 10(4), or should the congregation fail to report to the presbytery commission on the required date, or fail to make a submission to the Assembly commission, then these failures shall not invalidate the deliberations of the presbytery commission and the Assembly commission.

*Defined terms: church council, congregation, presbytery*

#### **5.11 Responsibilities of presbytery if a congregation is dissolved**

- (1) Where a ministry settlement is terminated as a consequence of the presbytery dissolving the congregation, the presbytery must ensure that, for a period of 6 months from the date of dissolution, the minister continues to receive the entitlements he or she would have received under the ministry settlement.
- (2) The presbytery must deal with the property and finances of the congregation as required by chapter 16.
- (3) A termination under this chapter does not affect the good standing of the minister.

*Defined terms: congregation, minister, ministry settlement, presbytery*

#### **5.12 Right of appeal in relation to decision to form a congregation**

- (1) There is a right of appeal to the General Assembly against a decision of a presbytery to form a congregation.
- (2) An applicant under section 4 may appeal to the General Assembly against a decision of a presbytery not to form a congregation.

*Defined terms: congregation, General Assembly, presbytery.*

#### **5.13 Reporting to the General Assembly**

A presbytery must report to the General Assembly when it establishes a new congregation or co-operative venture, or when it dissolves a congregation.

*Defined terms: co-operative venture, congregation, General Assembly, presbytery.*

**5.14 Alteration of this Chapter**

Sections 9 to 11 and this section 14 cannot be altered, amended or deleted in any way except in accordance with the special legislative procedure.

*Defined term: special legislative procedure.*

## Chapter 6: Ministers and elders

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#### 6.1 Background

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- 6.13 Pastoral care and oversight of the congregation
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#### 6.16 Alteration of this chapter

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### **6.1 Background**

- (1) Within the ministry of the whole Church, Jesus Christ calls men and women to proclaim the Gospel in word and deed through the ordained ministry of word and sacrament and through ordination to the office of elder.
- (2) Ordained ministers of word and sacrament have, following the Presbyterian tradition, been known as “ministers”, and as “ministers of word and sacrament” and as “teaching elders”. References to ordained ministers in this Book of Order are made only to the single term “minister”.
- (3) In the Presbyterian tradition the minister is responsible for preaching and teaching the Word and administering the sacraments. In this tradition, the minister is understood as the guardian of the Gospel and along with the elders is concerned with the spiritual rule and pastoral oversight of congregations, leadership in mission and the government of the Church through its courts.
- (4) Baptism invites us to share in God's mission through our own vocation and commitment to God's new and coming world. This vocation and commitment take shape in a range of occupations and activities in society. Within this framework the Church sets

people apart to undertake specific ministries. These include the ministry of word and sacrament and that of eldership. Ordination to these offices is for life. However, election or induction to a church council or charge may be for a fixed period.

- (5) The Church recognises both men and women for ordination to the ministries of word and sacrament and eldership.

*Defined terms: charge, Church, church council, congregation, court, elder, induction, minister, ministry of word and sacrament, ordination.*

#### *Office of minister*

### **6.2 Nature of office of minister**

A minister

- (a) exercises an independent office in the service of Jesus Christ for the safeguarding of Christ's sovereignty over the Church, and
- (b) exercises this office in a collegial relationship with all the ministers of the Church.

*Defined terms: Church, minister.*

### **6.3 Functions of a minister**

- (1) The calling of a minister includes

- (a) leadership in worship,
- (b) leadership in mission,
- (c) pastoral care, and
- (d) spiritual nurture.

- (2) A minister exercises his or her calling after

- (a) completing his or her training and preparation for ministry, as provided for in chapter 9, and
- (b) being called or appointed to a ministry position, and
- (c) being ordained as a minister by a presbytery.

*Defined terms: call, minister, ministry position, ordination, presbytery.*

### **6.4 Leadership in worship**

A minister exercises leadership in worship when he or she

- (a) preaches the Word,
- (b) ensures that the Scriptures are read,
- (c) presides at the sacraments,
- (d) conducts public worship,
- (e) oversees hymns and music for services of worship,
- (f) informs the church council if someone other than the incumbent minister is to preach on any particular Sunday,
- (g) ensures that associated administrative tasks are undertaken.

*Defined terms: church council, minister.*

## **6.5 Leadership in mission**

A minister exercises leadership in mission when he or she

- (a) encourages the congregation to exercise its role in God's mission, including teaching, guiding and assisting members in playing their part,
- (b) discerns and promotes contemporary ways of communicating the gospel of Jesus Christ,
- (c) serves God in collegial relationship with the ministers of the Church,
- (d) under the authority of the church council, proclaims salvation and new life in Christ, baptising and bringing applicants into membership,
- (e) under the authority of the church council, ordains elders and deacons,
- (f) under the authority of the presbytery, participates in the ordination of ministers,
- (g) observes the discipline and government of the Church,
- (h) participates in the courts of the Church,
- (i) ensures that associated administrative tasks are undertaken.

*Defined terms: Church, church council, congregation, court, deacon, elder, member, minister, ordination, presbytery.*

## **6.6 Pastoral care**

A minister exercises pastoral care when he or she provides and assists in making provision for care and support for the congregation and wider community.

*Defined terms: congregation, minister.*

## **6.7 Spiritual nurture**

A minister exercises spiritual nurture when he or she

- (a) exercises spiritual leadership,
- (b) teaches and provides spiritual guidance,
- (c) nurtures applicants for baptism and membership,
- (d) ensures that associated administrative tasks are undertaken.

*Defined terms: member, minister.*

## **6.8 Responsibility of minister**

- (1) A minister who has been appointed to a congregation has ultimate responsibility for the conduct of worship and sacraments.
- (2) A minister is responsible for nurturing and practising his or her own spiritual life and for undertaking ministry development in accordance with the Minister's Development Plan Handbook approved from time to time by the Council of Assembly.

- (3) A certificate of good standing or a provisional certificate of good standing, as the case may require, must be held by all ministers who are:
  - (a) in a ministry settlement;
  - (b) holding a chaplaincy position; or
  - (c) employed in a national or presbytery position.
- (4) Although a minister is appointed to work within a specific ministry, the minister is responsible to the presbytery.
- (5) Ordination to the office of minister does not automatically grant the minister full membership in the courts of presbytery or the General Assembly.
- (6) A minister may solemnize marriage only between a man and a woman.

*Defined terms: congregation, General Assembly, minister, ordination, presbytery, supervision.*

#### *Office of elder*

### **6.9 Nature of office of elder**

- (1) An elder
  - (a) exercises a spiritual office in the Church,
  - (b) exercises leadership in mission,
  - (c) participates in the spiritual rule and pastoral oversight of a congregation, and
  - (d) participates in the government of the Church through its courts.
- (2) The congregation of a co-operative venture may elect to its church council a person who is not an elder.
- (3) For the purposes of representation at presbytery and the General Assembly, a person who is not an elder but is a member of the church council of a co-operative venture is treated as an elder.
- (4) Nothing in subsections (2) and (3) prevents the congregation of a co-operative venture from electing an elder to its church council.

*Defined terms: Church, church council, congregation, co-operative venture, court, elder, General Assembly, presbytery.*

### **6.10 Functions of an elder**

- (1) The calling of an elder includes
  - (a) leadership in worship,
  - (b) leadership in mission,
  - (c) pastoral care and oversight of the congregation, and
  - (d) spiritual nurture.

- (2) An elder exercises his or her calling only after
  - (a) being ordained and inducted in accordance with section 42 of chapter 9, and
  - (b) being elected to office by the congregation.

*Defined terms: congregation, elder, induction, ordination.*

#### **6.11 Leadership in worship**

An elder exercises leadership in worship when he or she

- (a) preaches the Word according to his or her gifts under the authority of the minister,
- (b) assists in the celebration of the sacraments under the authority of the minister,
- (c) presides at the celebration of communion if he or she is authorised to administer the sacraments,
- (d) baptises if he or she is authorised to administer the sacraments.

*Defined terms: congregation, elder, minister.*

#### **6.12 Leadership in mission**

An elder exercises leadership in mission when he or she

- (a) exercises leadership within the congregation,
- (b) observes the discipline and government of the Church, and
- (c) participates in the courts of the Church as required.

*Defined terms: Church, congregation, court, elder.*

#### **6.13 Pastoral care and oversight of the congregation**

An elder provides spiritual nurture, pastoral care and oversight of the congregation when he or she

- (a) provides pastoral care,
- (b) makes arrangements for baptism and membership.

*Defined terms: associate member, congregation, elder, member.*

#### **6.14 Spiritual nurture**

If suitably qualified, and under the direction of the minister, an elder may provide spiritual guidance including the nurture of applicants for baptism and membership.

*Defined terms: elder, member, minister.*

#### **6.15 Responsibilities of elders**

- (1) An elder is responsible to the church council for the performance of his or her duties.

- (2) An elder is responsible for nurturing and practising his or her own spiritual life and for undertaking such eldership formation as may be encouraged by the minister or church council.

*Defined terms: church council, elder, eldership formation, minister.*

#### **6.16 Alteration of this chapter**

This chapter cannot be altered, amended or deleted in any way except in accordance with the special legislative procedure.

*Defined term: special legislative procedure*

## Chapter 7: Church council

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### **7.1 Background**

- (1) A congregation requires spiritual oversight, leadership in mission, pastoral care, and governance.

- (2) This chapter describes flexible forms of organisation intended to meet the requirements of the congregation.
- (3) In the Presbyterian tradition, a congregation calls a minister and elects elders to undertake spiritual oversight, leadership in mission, and pastoral care. A congregation may elect either a deacons' court or a board of managers to manage the property and finances of the congregation.
- (4) A session may assume the functions of a board of managers, and may retain the name "session" or be called a parish council. The term "church council" is the generic term for a session or parish council in its various forms.
- (5) When commissioners are elected by a church council to serve in the higher courts of the Church, they are elected as commissioners rather than representatives and in attending, participating and voting at presbytery or the General Assembly, such commissioners, whether ministers or elders, vote in accordance with their own consciences and under the guidance of the Holy Spirit.

*Defined terms: board of managers, church council, commissioner, congregation, deacons' court, elder, General Assembly, minister, parish council, presbytery, session.*

## **7.2 Functions of a church council**

- (1) The church council provides for governance, spiritual oversight and pastoral care of its members and leadership in mission, plays a role in the wider community and, subject to chapter 16, has responsibility for the management of its finances and property.
- (2) To enable the congregation to identify and play its part in God's mission to the world, a church council must
  - (a) put in place systems and processes which allow for and comply with the policies of the General Assembly,
  - (b) organise activities, including meetings, to enable the congregation to discern and develop its part in God's mission,
  - (c) nominate office bearers for election by the congregation,
  - (d) elect elders to become members of presbytery in accordance with sections 22 to 24,
  - (e) nominate elders to presbytery to attend the General Assembly in accordance with section 16 of chapter 8,
  - (f) accept persons as members of the congregation and recognise persons as associate members,
  - (g) remove members and associate members from the appropriate congregational roll,
  - (h) appoint or remove any person exercising functions and responsibilities within the congregation, and

- (i) employ any person to undertake such duties as the church council considers necessary and appropriate.
- (3) To enable the congregation to fulfil its function to worship God, a church council must
  - (a) fix the times and places of public worship,
  - (b) along with the minister or interim moderator ensure that there is leadership in worship,
  - (c) provide for the celebration of the sacraments of baptism and holy communion,
  - (d) ensure that the minister or local ministry team has final authority as to who preaches and conducts worship, and
  - (e) apply to presbytery to train and commission elders to celebrate the sacraments of baptism and communion.
- (4) To enable the congregation to provide pastoral care for one another and the wider community, a church council must
  - (a) provide pastoral care for the congregation,
  - (b) support the minister or local ministry team,
  - (c) compile and maintain congregational rolls,
  - (d) respond to complaints, and
  - (e) deal with disciplinary matters in accordance with the requirements of the Book of Order.
- (5) In providing spiritual oversight of the congregation, a church council must provide teaching and training programmes for members of the congregation, children and youth.
- (6) In enabling the congregation to manage its finances and property, a church council may
  - (a) form either
    - (i) a committee under section 19, or
    - (ii) a board of managers under section 8, or
    - (iii) a deacons' court under section 9
 to administer the property and finances belonging to or held in trust for the congregation,
  - (b) receive reports from the committee, board of managers or deacons' court, as the case may be, at each meeting of the church council, and
  - (c) determine the use of the buildings owned on behalf of the congregation.

*Defined terms: associate member, board of managers, Book of Order, church council, complaint, congregation, deacons' court, elder, General Assembly, interim moderator, local ministry team, member, minister, office bearer, presbytery,*

### **7.3 Legislative proposals**

- (1) If a church council wishes to put forward a proposal for legislative action, the church council must present the proposal

to the presbytery with which it is associated for consideration and transmission to the General Assembly.

- (2) A church council must fix a day for the consideration of any legislative proposal that, in accordance with the special legislative procedure, has been sent down from the Council of Assembly under section 9 of Chapter 14.
- (3) A church council must expressly approve or disapprove, or abstain from approving or disapproving, the proposal.
- (4) A qualified approval, a proposal to amend, an equality of votes, or an abstention will be taken as disapproval of the proposal.
- (5) A church council that wishes to amend a proposal must send a fresh proposal to the General Assembly.

*Defined terms: church council, General Assembly, presbytery*

#### *Forms of Congregational Organisation*

##### **7.4 Options for structure of a church council**

- (1) A congregation must organise a church council to be its governing body.
- (2) A church council may be constituted by
  - (a) a session and a board of managers, or
  - (b) a session and a deacons' court, or
  - (c) a session or parish council that combines the functions of a session and either a board of managers or deacons' court.
- (3) Despite subsection (2) a congregation may, with the approval of its presbytery, organise its church council in any other way that the members and associate members consider appropriate for their circumstances.

*Defined terms: associate member, board of managers, church council, congregation, deacons' court, member, parish council, presbytery, session.*

##### **7.5 Approval of special structure of a church council**

Before approving the organisation of a church council constituted in accordance with subsection (3) of section 4, a presbytery must be satisfied that the proposed form of organisation will provide adequately for the functions of the church council.

*Defined terms: church council, presbytery*

##### **7.6 Officers of a church council**

- (1) The minister or his or her nominee or the moderator appointed by presbytery shall be Moderator of the church council.

- (2) The Moderator must:
  - a. Fulfil the moderator's responsibilities set out in the Book of Order including under chapter 7.16 and chapter 7.18;
  - b. Ensure that the church council is aware of and complies with its responsibilities set out in the Book of Order, Code of Ethics and Supplementary Provisions;
  - c. Facilitate the effective functioning of the church council to perform the functions outlined in chapter 7.2;
  - d. Lead the church council to facilitate the effective functioning of the congregation to perform the functions outlined in chapter 5.2;
  - e. Ensure as far as possible that where there is no settled ministry, the functions of ministry are exercised;
  - f. Report to the presbytery any sustained inability of the church council or congregation to perform their functions.
- (3) If the congregation has more than one minister or a local ministry team and the ministers or local ministry team cannot agree who should be Moderator of the church council, the matter must be decided by the presbytery.
- (4) A church council also appoints such other officers as it considers necessary and appropriate to fulfil its functions.
- (5) The Moderator of a church council may appoint one of the members of the church council to moderate a particular meeting of the church council.
- (6) A church council may only nominate for election and ordination as an elder a person who is a member.

*Defined terms: church council, elder, member, Moderator, ordination.*

### **Composition of Church Councils**

#### **7.7 Session**

- (1) The session of a congregation consists of
  - (a) any minister or ministers inducted, or local ministry team commissioned, by presbytery or any moderator appointed by presbytery, and
  - (b) the elders who have been ordained in accordance with chapter 9 and either elected to session by the congregation at a meeting of the congregation or appointed by presbytery.
- (2) The minister or a member of the session nominated by the minister shall be Moderator of the session.
- (3) If the congregation has more than one minister or a local ministry team and the ministers or local ministry team cannot

agree who should be Moderator of the session, the matter must be decided by the presbytery.

*Defined terms: congregation, elder, Interim Moderator, local ministry team, minister, Moderator, ordination, presbytery, session.*

## **7.8 Board of managers**

- (1) The board of managers of a congregation consists of
  - (a) members of the session chosen by the session to be members of the board, and
  - (b) members and associate members of the congregation elected by the congregation to be managers, and
  - (c) any minister or ministers of the congregation who choose to be a member of the board.
- (2) The congregation must determine the term for which it elects a member to the board of managers.
- (3) The board of managers must each year appoint one of its members to be chairperson for a fixed period of not more than one year.

*Defined terms: board of managers, congregation, minister, session.*

## **7.9 Deacons' court**

- (1) The deacons' court of a congregation consists of
  - (a) members of the session chosen by the session to be members of the deacons' court,
  - (b) members of the congregation elected by the congregation and ordained to the office of deacon, and
  - (c) any minister or ministers of the congregation who choose to be a member of the court.
- (2) If a congregation has more than one minister appointed to that congregation, the minister who is senior in appointment may choose to be a member of the deacons' court or may nominate the other or one of the other ministers to be a member of the court.
- (3) The provisions of this chapter and chapter 9 apply to the choice, ordination and induction of a deacon.
- (4) A deacons' court cannot admit to or depose any person from the office of deacon.
- (5) A deacons' court must each year appoint one of its members to be chairperson for a fixed period of not more than one year.

*Defined terms: congregation, deacon, deacons' court, induction, member, minister, ordination, session.*

### **7.10 Term of elder or deacon**

The congregation may determine the term for which it elects an elder to the church council or a deacon to the deacons' court.

*Defined terms: congregation, deacon, deacons' court, elder.*

### **7.11 Parish Council**

- (1) Sections 7 and 10 apply to the membership of a parish council that combines the functions of the session and either the board of managers or deacons' court, except that up to 40% of the members of a parish council need not be elders who have been ordained in accordance with chapter 9.
- (2) If a church council is organised as a session under section 4 (2) (c), the session also has the functions of either the board of managers or the deacons' court.
- (3) The parish council of a co-operative venture has the functions of a session or parish council.
- (4) Members of the parish council of a co-operative venture are treated as elders for the purposes only of representation at the General Assembly and the presbytery and for no other purpose, unless those members are ordained in accordance with section 9.

*Defined terms: board of managers, church council, co-operative venture, deacons' court, elder, General Assembly, ordination, parish council, presbytery, session*

### *Functions of board of managers or deacons' court*

#### **7.12 Functions**

- (1) A board of managers or deacons' court or a committee formed under section 19 must administer the property and finances of the congregation, including
  - (a) managing all finances and property belonging to the congregation or held in trust on its behalf,
  - (b) collecting all contributions and offerings from and to the congregation,
  - (c) keeping bank accounts and any other financial records as may be necessary,
  - (d) expending monies on behalf of the congregation, including payment of stipends, salaries and honoraria,
  - (e) preparing an annual budget and annual accounts for the congregation and any related entities,
  - (f) ensuring that the annual accounts are either audited or reviewed by a qualified auditor if required by New Zealand legislation, or if otherwise required by the

- Assembly Executive Secretary, the congregation, Presbytery, or funders,
  - (g) raising and securing loans,
  - (h) letting any building or other property,
  - (i) appointing and dismissing administrative staff, and
  - (j) any other function necessary for the proper administration of the property and finances of the congregation.
- (2) A board of managers or a deacons' court has the powers necessary to perform its functions.

*Defined terms: board of managers, congregation, deacons' court, session.*

#### *Respective responsibilities*

### **7.13 Responsibilities of minister or local ministry team**

- (1) The minister or local ministry team is responsible for the content and form of worship despite the functions of the church council set out in section 2.
- (2) A minister or local ministry team is responsible to the presbytery in relation to the performance of any power or the exercise of any function.

*Defined terms: church council, local ministry team, minister, presbytery.*

### **7.14 Responsibilities of church council**

- (1) In performing its functions, a church council
- (a) is responsible to the presbytery, and
  - (b) must give particular weight to the views of the minister or local ministry team.
- (2) A church council does not exercise authority over the minister or local ministry team except where specifically provided to the contrary in this Book of Order.

*Defined terms: Book of Order, church council, local ministry team, minister, presbytery.*

### **7.15 Responsibilities of a board of managers and deacons' court**

- (1) In the performance of its functions and the exercise of its powers under section 12, a board of managers or deacons' court is subordinate to the session and must
- (a) recognise and support the mission and ministry of the congregation,
  - (b) give particular weight to the views of the minister or local ministry team,
  - (c) comply with the requirements set out in chapter 16,
  - (d) obtain the approval of the church council and the congregation for the annual budget, including the expenditure of any monies,

- (e) arrange for the use or letting of any building or property, and
  - (f) consult with, and have regard to the views of, the minister or local ministry team and of the church council before appointing or dismissing administrative staff.
- (2) The session may reverse or alter any decision of the board of managers or deacons' court.

*Defined terms: board of managers, church council, congregation, deacons' court, local ministry team, minister, session.*

#### *Procedural matters*

#### **7.16 Meetings of a church council**

- (1) The Moderator presides over each meeting of the church council and must ensure that each meeting is opened and closed with prayer.
- (2) The Moderator must give the members of the church council not less than 10 working days' notice of a meeting.
- (3) The notice must be given in writing which may include by electronic communication.
- (4) The Moderator or the minister (or one of the ministers if there is more than one) may convene a special meeting of the council in case of urgency.
- (5) The Moderator must give reasonable notice to all members of a special meeting.
- (6) The Moderator must call a special meeting if not less than 3 members of the church council so request.
- (7) The Moderator
  - (a) cannot move or second a motion, and
  - (b) has no deliberative vote, but may, if the council is equally divided, exercise a casting vote.
- (8) A quorum of the church council consists of one third of the members of the church council, but must
  - (a) comprise not fewer than 3 members of the church council, and
  - (b) include the Moderator, and a minister if the Moderator is not a minister.
- (9) Where a presbytery has an ongoing inability to arrange for a minister to be present at meetings of a church council, the presbytery may permit the church council to meet without a minister for such period at the presbytery decides.

- (10) A church council meeting may be held by electronic means.

*Defined terms: church council, minister, Moderator, working day.*

**7.17 Reference by a member or associate member of congregation to a church council**

- (1) Any member or associate member of a congregation
  - (a) may request the church council to consider any matter concerning the Church or the congregation generally,
  - (b) may seek a decision with regard to that matter, and
  - (c) must provide details of the matter concerned.
- (2) A member or associate member of the congregation who wishes the church council to make a decision on a matter he or she has requested the council to consider may request an opportunity to speak on the matter concerned at the meeting at which it is to be considered.
- (3) If a member or associate member of the congregation requests an opportunity to speak on the matter, the church council may
  - (a) agree to or decline the request,
  - (b) allocate a fixed time for the member or associate member to speak, and
  - (c) set any other conditions as it considers appropriate including a limit on the time available to the member or associate member to speak.
- (4) The member or associate member must
  - (a) adhere to such conditions, and
  - (b) withdraw from the meeting at the expiration of the time allotted unless the council extends the time.
- (5) The council may
  - (a) make a decision where that is sought, and
  - (b) if it considers it an inappropriate matter for decision, decline to do so.
- (6) The council secretary must
  - (a) convey any decision to any person affected by it, and
  - (b) advise such person of his or her rights of appeal and necessary procedures.
- (7) If a member or associate member of the congregation is dissatisfied with the decision of the council or by a refusal to make a decision, the member or associate member may appeal to presbytery.

*Defined terms: associate member, church, church council, congregation, member, presbytery.*

### **7.18 Minutes**

The Moderator must ensure that there is a secretary of the church council and that the secretary

- (a) accurately records minutes of the proceedings of the church council,
- (b) sets out in the minutes the names of the members present, and
- (c) on request, makes available extracts of the minutes to persons affected.

*Defined terms: church council, Moderator.*

### **7.19 Powers to appoint committees and delegate**

A church council may appoint a committee and, subject to the restrictions in section 20(1), may delegate any of its functions to it.

*Defined term: church council.*

### **7.20 Powers of Committees**

- (1) Except to the extent lawfully authorised either generally or specifically by the church council, a committee appointed by the church council under section 19 cannot make decisions which bind the minister or local ministry team, church council or congregation.
- (2) A committee appointed by the church council may make recommendations to the church council on any matter relevant to its functions.

*Defined terms: church council, congregation, local ministry team, minister.*

### **7.21 Decisions of Session**

If a session makes a decision that affects the functions of the board of managers or deacons' court, it must

- (a) inform the board of managers or deacons' court, as the case may be, of the decision, and
- (b) provide a copy of any part of its minutes that relates to the decision.

*Defined terms: board of managers, deacons' court, session.*

### *Church council commissioners to presbytery*

### **7.22 Commissioners to presbytery**

Ministers and elders serving as members of presbytery are commissioners and not representatives and must vote in accordance with their own consciences under the guidance of the Holy Spirit.

*Defined terms: commissioner, elder, minister, presbytery*

### **7.23 Electing commissioners to presbytery**

- (1) An elder elected by a church council as that council's commissioner to presbytery must be a member of the church council.
- (2) Despite subsection (1), a church council may elect an elder from another congregation within the area of the presbytery if the church council is unable to elect an elder from within its membership.
- (3) Elders are ordinarily to be elected as commissioners to presbytery for a term of 12 months, but may be elected for a shorter term of not less than 3 months.
- (4) A church council must furnish to presbytery a letter of commission in respect of each elected commissioner.

*Defined terms: church council, commissioner, congregation, elder, presbytery supplementary decisions*

### **7.24 Election of alternate commissioner**

A church council may elect one of its members to act as an alternate for the elder or elders commissioned to presbytery in the event that a commissioned elder is unable to attend a presbytery meeting.

*Defined terms: church council, commissioner, elder, presbytery.*

### *Dissolution of a church council*

### **7.25 Dissolution of a church council**

If the presbytery is of the opinion that irreconcilable differences have arisen within a church council or between a church council and a congregation, the presbytery may dissolve the church council and appoint a temporary church council to act until the presbytery has arranged for a new council to be elected.

*Defined terms: church council, congregation, presbytery*

### **7.26 Alteration of this Chapter**

This chapter cannot be altered, amended or deleted in any way except in accordance with the special legislative procedure.

*Defined term: special legislative procedure*

## Chapter 8: Presbytery

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### **8.1 Background**

The presbytery is responsible for the worship, life, and mission of the Church. It provides the link between congregations and the General Assembly, facilitating and overseeing the worship, life, and mission amongst the congregations for which it has responsibility. Its task is to provide resources for the congregations for which it has responsibility and to cultivate a sense of community amongst those congregations.

*Defined terms: Church, congregation, General Assembly, presbytery.*

#### *Functions of presbytery*

### **8.2 General scope of presbytery's role**

- (1) A presbytery may exercise executive, judicial, and administrative functions, but has no legislative powers.
- (2) In performing its functions, a presbytery may exercise its authority

- (a) over its members, church councils, congregations, and over ministers, local ministry teams, ministry interns and licentiates normally resident within its bounds,
  - (b) in relation to any matter committed to its charge by the General Assembly,
  - (c) by approving or disapproving any proposal or other matter referred to it by the General Assembly.
- (6) A presbytery must comply with all instructions of the General Assembly.
- (4) A presbytery must appoint a presbytery council to act for it in exercising the presbytery's executive, judicial and administrative functions between physical meetings of the full presbytery.
- (5) Membership of a presbytery council must include the moderator and presbytery committee convenors or their nominated representatives, and may include other members of presbytery in order to include a balanced representation.
- (6) A presbytery council has the powers of the full presbytery in all matters other than the approval of the presbytery budget or the imposition of a levy, or voting on matters referred under the special legislation procedure.
- (7) The full presbytery or the presbytery council may delegate any of the presbytery's functions or powers to any committee or person as it sees fit, except in relation to approval of the presbytery's budget, the imposition of a levy, the termination of a ministry settlement and consideration of special legislation proposals.

*Defined terms: church council, congregation, General Assembly, licentiate, local ministry team, minister, ministry settlement, moderator, special legislation procedure*

### **8.3 Primary function of presbytery**

A presbytery's primary function is to facilitate and resource the life, worship, spiritual nurture and mission of the congregations for which it has responsibility.

*Defined terms: congregation, presbytery.*

### **8.4 Specific presbytery functions**

- (1) In achieving its primary function of facilitating the mission of the congregations for which it has responsibility, a presbytery has the following specific functions
  - (a) to oversee the mission of the congregations for which it has responsibility,
  - (b) to undertake regular reviews of the congregations for which it has responsibility,

- (c) to put in place effective ministry settlements in congregations,
- (d) to oversee supervision, education and training of ministers, local ministry teams and ministry interns,
- (e) to induct or commission people into ministry settlements to congregations or other specific ministries,
- (f) to license ministry intern graduates, ordain licentiates, induct ministers or commission local ministry teams,
- (g) if the presbytery is of the opinion that the ends of ministry are not being served by an ordained minister, it may terminate a ministry settlement,
- (h) to approve the organisation of church councils constituted under subsection (3) of section 4 of chapter 7,
- (i) to commission elders elected by church councils to represent them at presbytery,
- (j) to ensure the commissioning of ministers and elders to the General Assembly,
- (k) to recognise persons authorised to celebrate the sacraments,
- (l) to form and dissolve congregations,
- (m) if the minister of a congregation stands down or is stood down from office in the course of a disciplinary process, to appoint a temporary Moderator to the church council and arrange for supply during the period of the standing down,
- (n) to maintain ties with church schools and social services agencies,
- (o) to maintain ties with ecumenical partners,
- (p) to recognize new forms of mission or ministry,
- (q) to make proposals to the General Assembly,
- (r) to respond to requests from General Assembly,
- (s) to maintain a roll of ministers and ministries, including a roll of ministers who reside within the area for which the presbytery has responsibility but are not members of presbytery,
- (t) to hear and determine appeals from a decision of a church council,
- (u) to appoint a pastoral resolution committee,
- (v) to undertake the duties of Coordinating Partner or Participating Partner for Cooperative Ventures according to the Procedures for Cooperative Ventures, and
- (w) to appoint contact persons for disciplinary complaints as provided for in chapter 15.

- (2) A presbytery or presbytery council has the power to hear appeals and conduct reviews in accordance with the following paragraphs
  - (a) the presbytery council must appoint a commission of presbytery to hear and determine an appeal from a decision of a church council that has been brought by any person who believes that he or she has been affected by that decision,
  - (b) the procedures for appealing from a church council to a presbytery are, subject to any necessary modifications, the same as those that apply to an appeal from presbytery to General Assembly, as set out in section 23 of chapter 14. For the avoidance of doubt a person may not appeal from a church council to a presbytery on an employment matter which is governed by relevant Parliamentary legislation,
  - (c) any person or church council affected by the decision of a presbytery committee or work group may ask the presbytery council to review the committee's or work group's decision, and
  - (d) the procedures for reviewing a decision of a presbytery committee or work group are set out in the supplementary provisions for this chapter.
- (3) In achieving its primary function of facilitating the worship of the congregations for which it has responsibility, a presbytery has the following functions:
  - (a) to ensure that the Scriptures are read,
  - (b) to ensure that the Gospel is proclaimed, and
  - (c) to ensure that the sacraments are made readily available.
- (4) In achieving its primary function of facilitating the life of the congregations for which it has responsibility, a presbytery has the following functions
  - (a) to provide pastoral care for presbytery members,
  - (b) to provide for pastoral care within the wider community, and
  - (c) to deal with complaints and disciplinary matters in accordance with chapter 15.
- (5) In achieving its primary functions in relation to the spiritual nurture of the congregations for which it has responsibility, a presbytery has the following functions
  - (a) to exercise spiritual leadership within the congregations in its care and in the wider community,

- (b) to nurture ministers and leadership teams, and
- (c) to provide continuing education opportunities.

- (6) A presbytery has the following functions concerning property and finance
  - (a) to administer the property and finances belonging to presbytery or held in trust on its behalf,
  - (b) to supervise and oversee congregational property matters, and
  - (c) to fix levies on congregations for which it has responsibility and recover payment of those levies.

*Defined terms: church council, commissioning, congregation, co-operative venture, elder, General Assembly, induction, licentiate, local ministry team, minister, ministry settlement, moderator, ordination, pastoral resolution committee, presbytery council, presbytery*

### **8.5 Initiating proposals to Assembly**

- (1) If a church council presents a legislative or other proposal to a presbytery, the presbytery may
  - (a) adopt and transmit it to the General Assembly, or
  - (b) transmit the proposal to the General Assembly without expressing any opinion on it, or
  - (c) transmit the proposal to the General Assembly expressing an opinion on it, including in opposition to it, or
  - (d) decline either to adopt or transmit the proposal if the presbytery considers the proposal is trivial, lacks proper form or is offensive or for some other similar reason.
- (2) A presbytery may itself initiate a proposal and may transmit it to the General Assembly.

*Defined terms: church council, General Assembly, presbytery.*

### **8.6 Legislative proposals received from the General Assembly**

- (1) A presbytery must fix a particular day for the consideration, at a physical meeting of the full presbytery, of any legislative proposal that in accordance with the special legislative procedure has been remitted from the General Assembly under section 9 of chapter 14.
- (2) The presbytery must expressly either approve or disapprove or abstain from approving or disapproving the proposal.
- (3) A qualified approval, a proposal to amend, an equality of votes, or an abstention will be taken as disapproval of the proposal.
- (4) A presbytery that wishes to amend a proposal must send a new proposal to the General Assembly.

*Defined terms: church council, General Assembly, presbytery, special legislative procedure*

#### *General Assembly to establish presbyteries*

### **8.7 Formation, alteration and dissolution of presbyteries**

- (1) The General Assembly may
  - (a) form a presbytery,
  - (b) determine the name of a presbytery,
  - (c) fix the area for which a regional presbytery has responsibility,
  - (d) on its own initiative or at the request of a presbytery, alter the name of a presbytery, dissolve a presbytery, or change the area for which a regional presbytery has responsibility.
- (2) Before making a decision under subsection (1) (d), the General Assembly must
  - (a) notify any presbytery affected by a proposal, and
  - (b) give any affected presbytery the right to make a submission and to be heard on the proposal.

*Defined terms: General Assembly, presbytery.*

### **8.8 Relationships between presbyteries**

- (1) A presbytery must not interfere with or review the procedure or operations of another presbytery, but may
  - (a) seek to influence a decision of another presbytery by offering constructive comment, and
  - (b) if such comment is ineffective, make a proposal to the General Assembly in relation to that matter, after giving reasonable notice to the presbytery affected.
- (2) Despite subsection (1), any presbytery (including Te Aka Puahou and the Pacific Presbytery), may co-operate with another presbytery and combine to perform their respective functions as they see fit.

*Defined terms: General Assembly, presbytery, Te Aka Puahou.*

### **8.9 Membership of presbyteries**

- (1) The members of a presbytery are
  - (a) ministers appointed to ministry of a congregation or chaplaincy within the area of a presbytery, including those who are members of Te Aka Puahou,
  - (b) other ministers wishing to participate actively in, and able to contribute to, the worship, life, and mission of a presbytery who are appointed as additional full voting members by the presbytery subject to review of their appointments by the presbytery at intervals of not more than 3 years,

- (c) subject to subsections (2) and (3), one elder from each church council in the area of a presbytery elected and commissioned by the church council in accordance with sections 22 to 24 of chapter 7,
  - (d) if the ministry settlement for a congregation is a local ministry team, one member of that team elected and commissioned by the church council to take the place usually occupied by a minister,
  - (e) other ministers, licentiates, chaplains, elders or youth representatives whom a presbytery may invite to become members of presbytery for a specific time,
  - (f) additional elders who are to be appointed annually by a presbytery to make the total number of elders equal to the total number of ministers and chaplains.
- (2) Despite subsection (1) (c), a church council may elect and commission two elders to serve as members of presbytery if the congregation has more than 300 members or more than one full time nationally ordained minister.
  - (3) Despite subsection (1) (c), a church council may elect and commission more than one elder to serve as members of presbytery if the congregation includes two or more ethnic groups of more than 50 members and each elder is a member of a separate ethnic group.
  - (4) The General Assembly may resource a presbytery for a particular purpose by adding members from other presbyteries.

*Defined terms: chaplain, church council, commissioner, congregation, elder, General Assembly, local ministry team, minister, ordination, Presbyterian Women Aotearoa New Zealand, presbytery, Te Aka Puahou*

#### **8.10 Officers of presbytery**

- (1) A presbytery must
  - (a) elect a Moderator, and
  - (b) elect or appoint a clerk, and
  - (c) elect or appoint a treasurer, and
  - (d) ensure that the accounts of the presbytery are prepared each year and subject to examination by an external party approved by the Assembly Executive Secretary.
- (2) The Moderator's term of office may be terminated by the presbytery at a special meeting called for the purpose under section 14.
- (3) A presbytery may elect or appoint a person other than the Moderator as convenor of the presbytery council to constitute, preside over and generally direct the business of its meetings to ensure due order and efficiency.

*Defined terms: Moderator, presbytery.*

### **8.11 Moderator of presbytery**

- (1) The Moderator of a presbytery must
  - (a) constitute, preside over, and generally direct the business of the meetings of presbytery to ensure due order and efficiency,
  - (b) exercise pastoral oversight over members of presbytery, and
  - (c) perform other duties that may be prescribed by the supplementary provisions.
- (1A) Deputy moderators may be appointed to undertake specified duties of the Moderator where it is not practical for the Moderator to attend to these.
- (2) The Moderator may vacate the chair for the purpose of expressing his or her opinion or moving a motion, or if he or she is a party in a case before presbytery.
- (3) If the position of Moderator falls vacant through death, transfer, or for any other reason, the most recent former Moderator of a presbytery must assume and perform the Moderator's duties; and if that person is not available, the Moderator of the General Assembly must appoint a Moderator for that presbytery.
- (4) A person appointed under subsection (3) must cease to act as Moderator when presbytery elects a new Moderator.
- (5) If the Moderator is temporarily unavailable to perform his or her duties, a presbytery must elect an acting Moderator to exercise the duties of the office until they are resumed by the Moderator.
- (6) If the Moderator is an elder, the presbytery
  - (a) may authorise the Moderator to administer the sacrament of Holy Communion and officiate at ordinations and inductions including the laying on of hands during his or her tenure of office, and
  - (b) must ensure that the Moderator receives assistance and training as required, and
  - (c) must ensure that provision is made in its budget for the support of the Moderator equivalent to and including the allowances which would be made in the case of a minister.

*Defined terms: elder, General Assembly, induction, minister, Moderator, ordination, presbytery, supplementary provisions, support.*

### **8.12 Clerk and other officers of a presbytery**

- (1) A presbytery must appoint a clerk of presbytery.

- (2) The duties of the clerk are, but are not limited to, the following
  - (a) to keep a record of all proceedings of presbytery,
  - (b) to keep the roll of presbytery,
  - (c) to advise all affected parties of the decisions of presbytery,
  - (d) to attend to all correspondence on behalf of presbytery,
  - (e) to have custody of the books and records of presbytery, except as they may be assigned to other officers,
  - (f) to provide information and reports to the General Assembly and other bodies as required, and
  - (g) to prepare the agenda for meetings of presbytery.
- (3) If the clerk is temporarily unable to perform the duties of the office, or if the office of clerk is vacant, presbytery may appoint an acting clerk with full authority and responsibility to perform all the duties of the office until such a time as the clerk is available to resume those duties or presbytery elects or appoints another clerk.
- (4) A presbytery may elect or appoint other officers to perform particular duties for a specified term.

*Defined terms: General Assembly, presbytery.*

### **8.13 Meetings of presbytery**

- (1) The Council of Assembly must
  - (a) fix the time and place for the first meeting of a presbytery, and
  - (b) appoint a minister or an elder to convene, constitute and preside over the meeting until that presbytery elects a Moderator.
- (2) A full presbytery must meet at a physical location at least once a year and at other times that the presbytery may determine. At these other times, meetings may be conducted by electronic means.
- (3) A presbytery may allow the attendance of any person at a meeting of presbytery and such a person has the right to speak at the meeting, but not to move or second motions or to vote.
- (4) At each regular meeting, the presbytery or the presbytery council must fix the date, time and place of its next regular meeting.
- (5) If the Moderator and clerk agree that a change of date, time or place of meeting is appropriate, they may appoint another date, time or place for the meeting, but otherwise the date, time, and place of meeting already fixed must remain unchanged.

- (6) The clerk must give at least 10 working days' notice, in writing or by electronic communication, of the date, time and place of any meeting to each member of presbytery.

*Defined terms: Council of Assembly, elder, minister, Moderator, presbytery, presbytery council, working day.*

#### **8.14 Special and emergency meetings of presbytery**

- (1) A full presbytery or presbytery council may at a regular meeting instruct the clerk to convene a special meeting of the presbytery or the presbytery council to deal with particular business.
- (2) The Moderator of a presbytery must instruct the clerk to convene an emergency meeting if
  - (a) in the opinion of the Moderator, there is urgent business that warrants the holding of an emergency meeting, or
  - (b) the Moderator receives a written request from not less than 5 members of that presbytery to hold an emergency meeting.
- (3) To allow each member to attend a special or emergency meeting of presbytery, whether the meeting is to be held in a physical location or by electronic communication, the clerk must give sufficient notice in writing, stating the nature of the business to be considered.
- (4) A special or emergency meeting of presbytery may deal only with the business set out on the notice of the meeting.

*Defined terms: Moderator, presbytery, presbytery council.*

#### **8.15 Other constraints on meetings of presbytery**

- (1) A quorum for a meeting of the full presbytery held at a physical location is one third of the voting members, representing at least one third of the congregations of the presbytery.
- (2) A quorum for a meeting of the full presbytery conducted by electronic means is one third of presbytery members and one third of the congregations of the presbytery.
- (4) A quorum for a meeting of the presbytery held to license, ordain or induct a minister is five presbytery members plus the Moderator, or his or her substitute, and the clerk.
- (4) A quorum for a meeting of the presbytery council is two thirds of the council membership.
- (5) Except with the permission of the General Assembly, a presbytery must not meet while the General Assembly is in session.

*Defined terms: congregation, General Assembly, presbytery, presbytery council.*

*Commissioners to Assembly*

**8.16 Appointment of ministers and elders to attend the General Assembly**

- (1) A presbytery is responsible for the organisation of appointments of commissioners to attend the General Assembly.
- (2) Subject to chapter 11.12(4), the selection of commissioners is to be based on the total number of full members of congregations within a presbytery, on a fair and reasonable basis, and in accordance with subsection (3). For every 100 members a presbytery will commission one elder or minister and will allocate the commissions across the congregations within the presbytery.
- (3) In making that allocation the presbytery will take into account
  - (a) the number of members of each congregation,
  - (b) the desirability of ensuring that as near as practicable commissioners include
    - (i) equal numbers of ministers and elders,
    - (ii) recognition of the diversity of congregational types e.g. culture, rural/urban, small/large) within the presbytery,
    - (iii) those in active leadership roles in the church, and
    - (iv) those in non-congregation based roles who are full members of a presbytery, such as chaplains.
- (4) A minister is not eligible to hold an elder's commission to attend the General Assembly.
- (5) A presbytery must nominate which church councils are to elect elders in sufficient time to enable each church council to elect elders on a date 6 months before a General Assembly is due to meet. The presbytery must then appoint and commission such elders to attend the General Assembly.
- (6) Each presbytery must send a list of its commissioners to the Clerk of Assembly, before the deadline notified by the Clerk. In exceptional circumstances, and only after consultation with the Clerk of Assembly, a presbytery may commission a substitute for a commissioner who is unable to attend the General Assembly.
- (7) Every presbytery must ensure adequate reporting of events and decisions of the General Assembly to its congregations.

*Defined terms: church council, Clerk of Assembly, commissioners, congregation, elder, General Assembly, minister, presbytery.*

#### **8.17 Alteration of this chapter**

Sections 1 to 6 and this section 17 cannot be altered, amended or deleted in anyway except in accordance with the special legislative procedure.

*Defined term: special legislative procedure.*

## **Chapter 9: Training, ordination and commissioning for ministry**

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## **9.1 Background**

- (1) Baptism invites us to share in God's mission through our own vocation and commitment to God's world, now and to come. Within this framework, the Church sets apart some people to engage in that mission through specific ministries.
- (1A) Sexual relations outside marriage  
In accordance with the supreme and subordinate standards of the Church, church councils and presbyteries shall not accept for training, license, ordain or induct anyone involved in a sexual relationship outside of a faithful marriage between a man and a woman. In relation to homosexuality, and the interests of natural justice, this ruling shall not prejudice anyone who, as at 29 September 2006, had been accepted for training, licensed, ordained or inducted.
- (2) These people are trained, ordained, commissioned or authorised to minister in the name of Jesus Christ to, with, and for the whole Church. All bring and offer particular gifts and graces. They may be ordained, commissioned or authorised for particular functions or office at a service of public worship. Some are set apart for one of the four strands of ministry. These are
  - (a) the national ordained ministry,
  - (b) the local ordained ministry,
  - (c) the commissioned local shared ministry team, and
  - (d) te amorangi ministry.These positions may be stipendiary or non-stipendiary.
- (3) Some persons are set apart as elders or deacons.
- (4) Besides the ordained ministries, there are also ministries exercised by persons who are commissioned, whether by election or as representatives, to carry out particular leadership roles in the Church's participation in God's mission. These people may be paid or unpaid.
- (5) The Church recognises that men and women are called to be ordained and commissioned to ministry.
- (6) Amorangi ministry is unique to Te Aka Puahou. This ministry has been a key influence in developing the models of the local ordained ministry and the local ministry team.

- (7) The concept of amorangi ministry may be extended beyond Te Aka Puahou on terms and conditions set out in the supplementary provisions.

*Defined terms: amorangi ministry, Church, commissioning, deacon, elder, local ordained ministry, local ministry team, national ordained ministry, supplementary provisions, Te Aka Puahou.*

*Defined terms: church council, induction, licentiate, ordination, presbytery*

*Ministries for which ordination is required*

**9.2 Ordination for ministry of word and sacrament**

- (1) A presbytery may ordain a person to the ministry of word and sacrament who
- (a) offers himself or herself for ministry, and
  - (b) displays the appropriate character, qualities and gifts, and
  - (c) holds to the fundamentals of faith as defined by the Assembly, and
  - (d) has completed the training prescribed for the particular form of ministry by the General Assembly, and
  - (e) has been called to a charge or position in the Church, and
  - (f) holds a certificate of good standing or a provisional certificate of good standing.
- (2) In the case of a person ordained to the ministry of word and sacrament, a presbytery, or in the case of amorangi, Te Aka Puahou, may induct or commission him or her into one of the four strands of ministry.
- (5) A person ordained to the ministry of word and sacrament must carry out the requirements implicit in the Formula.
- (4) The name of every person ordained to the ministry of word and sacrament must be entered on a roll maintained for the purpose by the presbytery.
- (5) The clerk of a presbytery which ordains a person to the ministry of word and sacrament must advise the Assembly Executive Secretary of that ordination and the Assembly Executive Secretary must add the name of each such person to the roll of ministers.
- (6) A presbytery inducts a minister into each ministry position.

*Defined terms: Assembly Executive Secretary, charge, Church, commissioning, Formula, four strands of ministry, General Assembly, good standing, Induction, minister of word and sacrament, ordination, presbytery.*

### **9.3 Ordination of elders and deacons**

- (1) A person is eligible for ordination as an elder who
  - (a) is a member of a congregation, and
  - (b) offers him or herself for that service, and
  - (c) displays the appropriate character, qualities and gifts, and
  - (d) holds to the fundamentals of faith as defined by the Assembly, and
  - (e) has completed the training for the office prescribed by the church council, and
  - (f) is elected by the congregation.
- (2) A person is eligible for ordination as a deacon who
  - (a) is a member of a congregation, and
  - (b) offers him or herself for that service, and
  - (c) displays the appropriate character, qualities and gifts, and
  - (d) holds to the fundamentals of the faith as defined by the Assembly, and
  - (e) is elected by the congregation.

*Defined terms: church council, congregation, deacon, elder, General Assembly, member, ordination.*

#### *Provisions for ordination*

### **9.4 Preliminary requirements for ordination**

- (1) A person who seeks to train for one of the four strands of ministry must undergo a process in which the presbytery, or when appropriate Te Aka Puahou or the Pacific Presbytery, seeks to examine the particular form of ministry best suited
  - (a) to the person's vocation, and
  - (b) to meet the needs of the Church for leadership in its worship, life, and mission.
- (2) A person accepted by a presbytery for training for ordination for one of the four strands of ministry must
  - (a) undertake the training programme prescribed, and
  - (b) accept the authority of the presbytery during that training.
- (3) A person accepted by a church council for ordination as an elder must:
  - (a) undertake the training programme prescribed by the church council, and
  - (b) accept the authority of the church council for his or her conduct of the ministry for which he or she is ordained.

*Defined terms: Church, church council, elder, four strands of ministry, ordination, presbytery.*

## **9.5 Role of General Assembly in training of persons preparing for ordination**

- (1) The General Assembly must determine the policies, procedures, profiles of ministry, training needs and standards which shall govern the selection processes and training programmes for the four strands of ministry.
- (2) The training institutions approved by the General Assembly have the primary responsibility for the duration and content of their training and are responsible to the General Assembly to demonstrate how they meet the requirements of subsection (1).

*Defined terms: four strands of ministry, General Assembly.*

## **9.6 Authority of presbytery in selection, training, ordination and commissioning**

- (1) A presbytery must ensure that every person selected for training as a minister has adequate supervision.
- (2) A presbytery must ensure that in the selection processes and training programmes, structures of support are available for all those undergoing training programmes for local ordained ministry and local team ministry.
- (3) A presbytery may draw on national resources and structures to assist it in fulfilling its responsibilities under subsections (1) and (2), and must act in accordance with the policies and standards authorised by the General Assembly.

*Defined terms: General Assembly, local ministry team, local ordained ministry, minister, presbytery, Supervision, Support.*

### *National ordained ministry*

#### *Process leading to ordination*

## **9.7 Process for ordination for national ordained ministry**

- (1) A person wishing to offer for ordination to the national ordained ministry must
  - (a) obtain approval from his or her church council,
  - (b) register interest with the presbytery, and
  - (c) enter a process with his or her presbytery to examine the particular form of ministry best suited
    - (i) to the candidate's vocation, and
    - (ii) to meet the needs of the Church for leadership in its worship, life, and mission.
- (2) In carrying out the process referred to in subsection (1), a presbytery must

- (a) follow the supplementary provisions, and
- (b) examine the candidate's sense of call and suitability, and
- (c) either approve or disapprove the applicant's candidacy.

*Defined terms: candidate, Church, church council, national ordained ministry, ordination, presbytery, supplementary provisions.*

## **9.8 National assessment process**

If, after completing the process referred to in section 7, the presbytery and the candidate both wish to proceed, the candidate must enter the national assessment selection process.

*Defined term: candidate, presbytery*

## **9.9 Training for national ordained ministry**

A candidate selected for the national ordained ministry under section 8 must

- (a) undertake the training programme for that ministry as approved in accordance with section 5, and
- (b) comply with the supplementary provisions.

*Defined terms: candidate, national ordained ministry, supplementary provisions.*

## *Licensing, ordination, and induction*

### **9.10 Licensing of candidates for national ordained ministry**

- (1) A presbytery may license a candidate if it is satisfied that the candidate
  - (a) has satisfactorily completed his or her training programme, and
  - (b) meets the requirements for licensing prescribed by the supplementary provisions.
- (2) A licentiate who holds a provisional certificate of good standing is available for a call to a ministry position.

*Defined terms: call, candidate, good standing, licentiate, ministry position, presbytery, supplementary provisions.*

### **9.11 Ordination of licentiate**

- (1) The presbytery may ordain a licentiate who is
  - (a) called to a charge, or
  - (b) called to 6 months or more stated supply, or
  - (c) appointed to a position which calls upon the talents of the licentiate.
- (2) The presbytery must conduct a service of ordination for the licentiate, having regard to the supplementary provisions, which must include

- (a) the signing of the Formula, and
  - (b) the preaching of the Word, and
  - (c) a prayer of ordination, and
  - (d) the laying on of hands, joined in by all ministers who are present, and
  - (d) a declaration of ordination.
- (3) When presbytery has ordained a licentiate under subsection (1), the presbytery must also induct the licentiate into the position to which he or she has been called or appointed.

*Defined terms: call, congregation, Formula, induction, licentiate, minister, Moderator, ordination, presbytery, stated supply, supplementary provisions.*

#### *Co-operative venture*

#### **9.12 Appointment to co-operative venture**

- (1) If a co-operative venture appoints a licentiate, presbytery must ordain and induct the licentiate in accordance with the supplementary provisions and other requirements prescribed in section 11 (2).
- (2) Despite subsection (1), presbytery must also have regard to the ordination and induction procedures of the denominational partners represented in the venture.

*Defined terms: co-operative venture, induction, licentiate, ordination, presbytery, supplementary provisions.*

#### *Local ordained ministry*

#### **9.13 Ordination for local ordained ministry**

- (1) A presbytery may ordain a person for local ordained ministry to a congregation or to another presbytery-approved ministry context.
- (2) A local ordained minister is not automatically eligible for appointment to any other ministry position in the church other than the one for which he or she is trained.

*Defined terms: charge, Church, congregation, local ordained ministry, minister of word and sacrament, ministry position, ordination, presbytery.*

#### *Processes leading to local ordained ministry*

#### **9.14 A call to local ordained ministry can be identified in one of four ways**

- (1) During the course of its work, a ministry settlement board appointed under chapter 10 may discern that
  - (a) a particular person may be suitable for local ordained ministry, and

- (b) this person will further the worship, life and mission of the congregation.
- (2) A person within a congregation or charge which has no settled ministry may feel a call to local ordained ministry within their congregation and approach the ministry settlement board.
- (3) A person in a congregation with a ministry settlement may feel a call to local ordained ministry within the presbytery and, given support by his or her church council, may approach the presbytery which will
  - (a) consider the relevant supplementary provisions, and
  - (b) consider the mission and ministry needs of congregations without ministry settlement within the presbytery area, and
  - (c) if satisfied that the person is suitable, refer the person to the appropriate ministry settlement board.
- (4) A presbytery may recognise another ministry context where local ordained ministry is appropriate and the other ministry context oversight body may adopt its own process for identifying potential candidates for appointment.

*Defined terms: call, church council, congregation, local ordained ministry, ministry settlement, ministry settlement board, presbytery, supplementary provisions, support.*

#### **9.15 Training of candidates for local ordained ministry**

- (1) The ministry settlement board or other ministry context oversight body may recommend a candidate for local ordained ministry settlement if it is satisfied as to
  - (a) the suitability of the candidate for the particular position, and
  - (b) the fit between the skills of the candidate and the mission and ministry needs of the position.
- (2) After the presbytery has accepted a ministry settlement board recommendation by the congregation, or the recommendation of a ministry context oversight body, the candidate for local ordained ministry must be assessed by the national assessment selection process to determine whether the candidate meets the criteria for local ordained ministry as set out in the supplementary provisions.
- (3) After a candidate has been accepted under subsections (1) and (2), the presbytery must refer the candidate to the Knox Centre for Ministry and Leadership which must
  - (a) appoint a training advisor for the candidate, and
  - (b) appoint a training enabler for the candidate, and

- (c) adopt a training agreement and probationary programme for the candidate following consultation with the candidate, presbytery, training advisor and the training enabler, and
- (d) specify the period of probation, after consultation with the training adviser, the training enabler, the candidate, the presbytery and the church council or other ministry context oversight body, and
- (e) advise the presbytery when the period of probation has been completed.

*Defined terms: Assembly, candidate, charge, church council, local ordained ministry, ministry settlement, presbytery, supplementary provisions, training adviser, training enabler*

#### **9.16 Roles of training adviser and training enabler**

- (1) The training adviser appointed for the purposes of section 15 must
  - (a) help negotiate the training agreement, the period of probation, and the procedure for review in accordance with ministry training policy agreed to by the Assembly, and
  - (b) report to presbytery on the candidate.
- (2) The training enabler appointed for the purposes of section 15 must
  - (a) liaise with the training adviser and the candidate, and
  - (b) ensure presbytery fulfils its responsibilities, and
  - (c) facilitate and supervise the candidate's training, and
  - (d) report to the training adviser.

*Defined terms: Assembly, candidate, presbytery, training adviser, training enabler.*

#### **9.17 Commissioning of candidates for local ordained ministry**

The presbytery must conduct a commissioning service when the candidate begins working in the congregation or other ministry context position as a local ordained ministry probationer.

*Defined terms: candidate, commissioning, congregation, local ordained ministry probationer, presbytery.*

#### **9.18 Final review of candidate for local ordained ministry**

- (1) At the end of the probation period specified under subsection (3)(d) of section 15, the presbytery must conduct a final review of the candidate to satisfy itself that the candidate has achieved the requirements set out in the supplementary provisions.
- (2) If the presbytery is not satisfied with the final review, it may, in consultation with the Knox Centre of Ministry and Leadership,
  - (a) extend the probation period, or
  - (b) terminate the training agreement.

- (3) If the presbytery terminates the training agreement under subsection (2)(b), it must also
  - (a) terminate the local ordained ministry probationer's commission with the congregation or other ministry context oversight body, and
  - (b) reactivate the ministry settlement board for the congregation or
  - (c) advise the other ministry context oversight body of the termination of the commission.

*Defined terms: candidate, congregation, local ordained ministry, ministry settlement board, presbytery, training adviser.*

### **9.19 Ordination of candidate for local ordained ministry**

- (1) A presbytery may ordain the candidate and induct him or her into the local ministry position if
  - (a) presbytery is satisfied with the final review of the candidate and that the candidate meets with the requirements for local ordained ministry ordination prescribed by this chapter, and
  - (b) the congregation has met and issued a call to the candidate, or the other ministry context oversight body has offered a contract.
- (2) If the congregation does not call the candidate after the candidate has completed his or her training programme and probationary period, the presbytery must reactivate the ministry settlement board for the congregation.

*Defined terms: call, candidate, congregation, ministry settlement board, ordination, presbytery.*

#### *Training*

### **9.20 Continuing ministry formation of local ordained minister**

A local ordained minister must undertake regular and on-going training relevant to his or her ministry as specified by the presbytery and the Knox Centre for Ministry and Leadership.

*Defined terms: local ordained ministry, presbytery*

#### *Transfer to another ministry*

### **9.21 Transfer of local ordained minister to another local ordained ministry**

- (1) If a ministry settlement board wishes to appoint a local ordained minister from another congregation, or another ministry context oversight body wishes to appoint a person who is a local ordained minister in another position, the provisions of sections 14 to 16 apply.

- (2) The presbytery must not ordain the person again. The provisions for call and induction, in the relevant sections of chapter 10.12 and 10.15, apply.

*Defined terms: congregation, local ordained minister, ministry settlement board, ordination, presbytery.*

#### **9.22 Transfer of local ordained minister to national ordained ministry**

- (1) If a local ordained minister senses a call to the national ordained ministry, he or she must go through the assessment procedure provided for in sections 6 to 8.
- (2) In assessing a person for the national ordained ministry under sections 6 to 8, a presbytery and the national body charged with equipping the leadership of the Church must have regard to the person's experience as a local ordained Minister.

*Defined terms: call, Church, local ordained ministry, national ordained ministry, presbytery*

#### *Local shared ministry*

#### **9.23 Processes leading to identifying a local shared ministry team**

- (1) A call to serve in a local shared ministry team can be identified in one of the two ways described in subsections (2) and (3).
- (2) During the course of its work, the ministry settlement board may discern that particular ministry roles could be shared among members of a congregation in order to offer leadership and further the worship, life and mission of the congregation. After consulting with the congregation, the ministry settlement board may recommend to presbytery that a discernment process for local shared ministry be commenced.
- (1) Where no ministry settlement board has been established and the congregation has no settled ministry the church council may, after consultation with the congregation, recommend to presbytery that a discernment process to consider local shared ministry be commenced.
- (2) The discernment process referred to in subsections 23(2) and (3) takes place in accordance with the procedures outlined in the supplementary provisions.

*Defined terms: charge, congregation, local shared ministry, member, ministry settlement board.*

#### **9.24 Process for establishing a local shared ministry team**

- (1) If the ministry settlement board or the church council recommends to presbytery that there may be an opportunity for a local shared ministry in the congregation and the presbytery is satisfied that local shared ministry may meet the needs of the congregation, the presbytery must appoint an enabler to work with the congregation in accordance with the supplementary provisions.
- (2) The enabler will facilitate a discernment process with the congregation in accordance with the supplementary provisions.
- (2) If the congregation decides to call a local shared ministry team, the enabler will facilitate a call process in accordance with the supplementary provisions.
- (3) Following the call process which identifies suitable team members the church council may recommend to presbytery that a local shared ministry team be established and request presbytery to approve membership of the proposed team.
- (3) On receiving a recommendation from the church council, the presbytery must follow the processes set out in Chapter 10.18 and 10.19.

*Defined terms: congregation, local shared ministry team, ministry settlement board, presbytery.*

#### **9.25 Commissioning of local shared ministry team**

- (1) If presbytery is satisfied with the recommendation that a local shared ministry team should be called and with the membership of the local shared ministry team the presbytery must conduct a commissioning service for the team in accordance with the supplementary provisions.
- (2) If the congregation is a co-operative venture this must be done in partnership with partner churches.

*Defined terms: charge, congregation, local shared ministry team, ministry settlement board, presbytery.*

*Training and support systems*

**9.26 Continuing ministry formation for local shared ministry team**

When a local shared ministry team is established, the presbytery must ensure training for the members of the ministry team is provided in accordance with the supplementary provisions.

*Defined terms: congregation, local shared ministry team, presbytery, enabler.*

**9.27 Other assistance for on-going training of shared ministry team**

Each presbytery must ensure that an enabler is appointed to support and resource the ministry of a local shared ministry team.

*Defined terms: local shared ministry team, presbytery, support, enabler*

**9.28 Role of an enabler**

The role of an enabler includes, but is not limited to:

- (a) providing ongoing encouragement to the local shared ministry team;
- (b) ensuring the team receives ongoing training and development;
- (c) providing supervision and pastoral support for the team; and
- (d) such other tasks as are specified in the supplementary provisions.

*Defined terms: local shared ministry team, presbytery, enabler*

**9.29 Responsibilities of members of local shared ministry team**

Each member of a local shared ministry team must:

- (a) engage in training and ministry formation as identified by the team with the enabler;
- (b) reflect on his or her ministry experience and learning by consulting the enabler on a regular basis;
- (c) undertake the roles to which they are called;
- (d) fully participate in the life of the ministry team for mutual support and encouragement;
- (e) operate safely and ethically within the guidelines of the church.

*Defined terms: local shared ministry team, ministry formation, enabler*

*Limits to scope of ministry*

**9.30 Withdrawal of a member or members of a local shared ministry team**

- (1) If during the tenure of a local shared ministry team, a member withdraws from the local shared ministry team,
  - (a) the church council will advise the presbytery of the vacancy, and recommend the name of a person it judges as suitable to fill the vacancy,
  - (b) a presbytery must satisfy itself that
    - (i) the team is sustainable,
    - (ii) the person nominated is appropriate,
    - (iii) the nominee has the confidence of the congregation, and
    - (iv) training can be provided in accordance with the supplementary provisions
  - (c) If the presbytery is satisfied with the recommendation, the presbytery must conduct a commissioning service for that member,
  - (d) the person may be a local shared ministry team member who has previously resigned and is now available for recommissioning,
  - (e) If the congregation or presbytery is not satisfied that the person is suitable for the local shared ministry team, the church council must reconsider its recommendation.
- (2) If, during the tenure of a local shared ministry team, all members withdraw from the team,
  - (a) the congregation returns to the status of seeking ministry settlement, and
  - (b) the presbytery must establish a ministry settlement board or, in the case of a cooperative venture, proceed according to the Procedures for Co-operative Ventures.

*Defined terms: charge, church council, congregation, local shared ministry team, ministry settlement, ministry settlement board, presbytery.*

**9.31 Appointments outside local shared ministry team**

- (1) No individual ordained member of a local shared ministry team which presbytery has commissioned is eligible for call or appointment to another congregation unless
  - (a) he or she is a national ordained minister, or
  - (b) he or she proceeds to satisfy the requirements for the national ordained ministry.

- (2) However, if a ministry settlement board wishes to appoint as a local ordained minister a member of a local shared ministry team from another charge, the provisions of sections 14 to 19 apply.

*Defined terms: call, charge, congregation, local shared ministry team, local ordained ministry, minister, national ordained ministry.*

*Amorangi ministry (Bearer of Heavenly Tidings)*

**9.33 Requirements for amorangi ministry**

Te Aka Puahou sets the requirements for amorangi ministry.

*Defined terms: amorangi ministry, Te Aka Puahou.*

**9.34 Ministry within Te Aka Puahou**

Te Aka Puahou recognises that

- (a) there are those within it who are called by God to serve the Church in a self-supporting ministry, and
- (b) many of those who are called to this ministry will already be elders within the Maori community, and
- (c) the standing of such elders is of particular importance to the effectiveness of their ministry.

*Defined terms: Church, elder, Te Aka Puahou*

**9.35 Establishment of ministry in Te Aka Puahou**

- (1) A congregation within Te Aka Puahou is responsible for nominating a candidate for ministry in Te Aka Puahou.
- (2) Te Aka Puahou in accordance with its guidelines
  - (a) must examine and assess the suitability of a candidate for te amorangi ministry, and
  - (b) may accept, license, ordain, and induct a candidate into that ministry.

*Defined terms: amorangi ministry, candidate, congregation, induction, ordination, Te Aka Puahou.*

**9.36 Training for ministry in Te Aka Puahou**

- (1) Te Aka Puahou, in consultation with the Council of Assembly, is responsible for supervising the training of its candidates.
- (2) Te Aka Puahou must ensure that the course of study required for its candidates has regard to the background of Maori tradition, culture and values.

*Defined terms: candidate, Council of Assembly, Te Aka Puahou.*

### **9.37 Licensing, ordination, and induction of candidates**

- (1) When a candidate has completed the training required by Te Aka Puahou and the General Assembly body charged with the responsibility for equipping the leadership of the Church, Te Aka Puahou may license the candidate.
- (2) When a candidate is appointed to a position as an amorangi, Te Aka Puahou may ordain and induct the licentiate into the amorangi ministry.

*Defined terms: amorangi ministry, candidate, Church, induction, licentiate, ordination, Te Aka Puahou*

### **9.38 Continuing ministry formation of amorangi**

Te Aka Puahou, in consultation with the Assembly or its delegated body, must develop suitable continuing ministry formation opportunities that all amorangi must attend.

*Defined terms: amorangi, ministry formation, Te Aka Puahou.*

### **9.39 Transfer of amorangi to national ordained ministry**

If an amorangi seeks to enter the national ordained ministry, presbytery and Te Aka Puahou must have regard to the previous experience and training of the amorangi when deciding on his or her suitability for the national ordained ministry.

*Defined terms: amorangi, national ordained ministry, presbytery, Te Aka Puahou.*

### *Ministers from other denominations*

#### **9.40 Transfer of ministers from other denominations**

A person who is a minister or pastor of another Christian denomination and wishes to transfer to and become a minister of the Church must comply with the appropriate requirements and provisions laid down by the General Assembly.

### *Elders and deacons*

#### **9.41 Preparation for ordination of elders**

- (1) If a church council recognises one or more members of the congregation as having the appropriate qualities for the ministry of an elder, it may
  - (a) subject to their consent, nominate those members for election as elders at a meeting of the congregation, and
  - (b) provide training for elders prior to their ordination.
- (2) A congregation may, subject to their consent, nominate members for election as elders.

*Defined terms: church council, congregation, elder, member, ordination.*

#### **9.42 Ordination and Induction of elders**

- (1) When a church council is satisfied that
  - (a) a member of a congregation has the ability, the appropriate qualities, and the required training for the ministry of an elder, and
  - (b) the congregation has elected the member as an elder, it must arrange a service of ordination and induction in accordance with the supplementary provisions.
- (2) A person elected as an elder who has been ordained in another congregation is inducted in accordance with the supplementary provisions.

*Defined terms: church council, congregation, elder, induction, member, ordination, supplementary provisions.*

#### **9.43 Authorisation of elders to administer the sacraments**

- (1) Where a congregation considers it desirable and appropriate that an elder who is a member of the congregation or a member of a co-operative venture should be authorised to celebrate the sacraments in that congregation and the church council is satisfied that the elder has
  - (a) the appropriate qualities, skills and gifts, and
  - (b) agreed to being so authorised, the church council may request presbytery to authorise the elder accordingly.
- (1A) A presbytery may, at the request of the General Assembly or a synod, train and authorise elders who have been appointed to paid positions by these courts, to administer the sacraments within the context of their appointments.
- (2) If presbytery agrees to authorise the elder to celebrate the sacraments, presbytery may hold a service of worship or other appropriate recognition at which it presents the person with a certificate of authorisation.
- (3) The authorisation of an elder to celebrate the sacraments remains effective to the extent provided in the supplementary provisions.

*Defined terms: church council, congregation, co-operative venture, elder, member, presbytery, supplementary provisions.*

#### **9.44 Ordination and induction of deacons**

- (1) If a church council recognises one or more members of the congregation as having the appropriate qualities for the office of deacon, it may, subject to their consent, nominate those members for election as deacons at a meeting of the congregation.
- (2) When a church council is satisfied that
  - (a) a member of a congregation has the ability and the appropriate qualities for the office of deacon, and
  - (b) the deacons' court needs new members, and
  - (c) the congregation has elected the member as a deacon,it must arrange a service of ordination and induction in accordance with the supplementary provisions.
- (3) A person elected as a deacon who has been ordained in another congregation is inducted.

*Defined terms: church council, congregation, deacon, deacons' court, induction, member, ordination, supplementary provisions.*

#### *Recognised ministries*

#### **9.45 Power to appoint recognised ministries**

The General Assembly, a presbytery, a synod or a church council may elect, call, or appoint persons to carry out recognised ministries and functions in the Church other than the ordained ministries of word and sacrament and of eldership.

*Defined terms: Church, church council, elder, General Assembly, minister of word and sacrament, presbytery, recognised ministries.*

#### **9.46 Functions of recognised ministries**

- (1) Persons elected, called, or appointed under section 45 carry out functions in the worship, life, and mission of the Church by
  - (a) giving leadership,
  - (b) participating in youth work,
  - (c) assisting in education programmes within the congregation or the Church,
  - (d) providing spiritual care, and nurture,
  - (e) participating in the governance of the Church, and
  - (f) conducting public worship.

*Defined terms: Church, congregation, supplementary provisions.*

#### **9.47 Support for recognised ministries**

Having regard to the type and location of the particular recognised ministries, the General Assembly, a presbytery or church council must ensure the provision of adequate structures of support,

training, responsibility and ongoing ministry formation for all persons taking up specific roles and functions in the recognised ministries of the Church.

- (2) Presbyteries must enable access to training programmes for these forms of ministry.

*Defined terms: Church, church council, General Assembly, ministry formation, presbytery, support.*

#### **9.48 Commissioning of persons engaged in recognised ministry**

- (1) The General Assembly, presbytery or church council responsible for a person may commission that person for his or her specific ministry if satisfied that the person
  - (a) has displayed the appropriate qualities and gifts, and
  - (b) has completed the required training, and
  - (c) will receive on-going supervision, training and ministry formation as appropriate.
- (2) If a person proposes to exercise a recognised ministry in a co-operative venture, the General Assembly or a presbytery, as the case may be, must have regard to the view of the denominational partners in conducting the commissioning service.

*Defined terms: church council, co-operative venture, commissioning, General Assembly, presbytery.*

#### **9.49 Alteration of this chapter**

Section 1A and this section 9.49 cannot be altered, amended or deleted in any way except in accordance with special legislative procedure.

## **10: Ministry settlement and termination**

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## **10.1 Background and application**

- (1) A change in ministry settlement is an opportunity for the congregation to review its life and mission and the way it fulfils its functions and its financial viability.
- (2) During such a review a congregation, with the support of the presbytery, must clarify its mission, give consideration to how that mission may best be exercised, including the possibility of amalgamation with another congregation, and seek appropriate leadership.
- (3) This chapter provides the process for appointing a person or team to provide leadership.
- (4) This chapter contains the grounds for the termination of ministry settlements and the processes for termination in particular circumstances.

*{Defined terms: congregation, ministry settlement, presbytery.*

## **10.2 Opportunity for ministry settlement**

An opportunity for ministry settlement occurs in a congregation when at the request of the church council, or for any other reason, the presbytery is satisfied that there is no person or team to undertake the functions set out in chapter 6 or determines that the congregation can benefit from and support an additional person to undertake these functions.

*Defined terms: church council, congregation, ministry settlement, presbytery, support.*

## **10.3 Moderator**

- (1) Where there is no ministry settlement in a congregation, the presbytery must appoint a Moderator of the congregation.
- (2) The Moderator is usually a minister, but where circumstances demand, may be an elder.

- (3) The Moderator must ensure that ministry of word and sacrament is available to the congregation as set out in chapter 6.

*Defined terms: congregation, minister, Interim Moderator, ministry of word and sacrament, ministry settlement, presbytery.*

#### **10.4 Establishment of ministry settlement board**

- (1) When a minister informs his or her presbytery that he or she intends to leave the congregation, the presbytery must, without delay, appoint as its representatives on a ministry settlement board
- (a) one of its members, who is not a member of the congregation, as convener, and
  - (b) two members who may be elders from within the presbytery's area of responsibility or elsewhere.
- (2) The presbytery representatives on a ministry settlement board must include either
- (a) one minister and 2 elders, or
  - (b) two ministers and one elder.
- (3) When a presbytery establishes a ministry settlement board to appoint an additional minister to a congregation, the presbytery must appoint the current minister as a member of the board.
- (4) A presbytery may appoint the same person to act as both Moderator of the congregation and convener of the ministry settlement board.
- (5) Despite subsection (1), a presbytery must not appoint a minister or elder from the congregation seeking a ministry settlement as convener of the ministry settlement board.
- (6) The convener appointed by the presbytery must without delay constitute the ministry settlement board.
- (7) The membership of a ministry settlement board must include
- (a) three persons (including the convener), appointed by presbytery as provided in subsections (1) and (2) , and
  - (b) two persons appointed by the church council, and
  - (c) four persons elected by the congregation.
- (8) The church council must within a reasonable time of the convener's appointment
- (a) advise the congregation of the need to establish a ministry settlement board, and
  - (b) call a congregational meeting to elect the congregational members.

- (9) Despite section 3(5) of chapter 5, the convener of the ministry settlement board, or his or her representative, must moderate the congregational meeting called to elect its members to the ministry settlement board.
- (10) While the ministry settlement board is in existence, the convener of the ministry settlement board is a member of the church council, but if the minister is the Moderator of the church council, the minister continues as Moderator of the church council until the date of his or her departure from the congregation.
- (11) The presbytery may permit the congregation to elect additional representatives to the ministry settlement board if the church council so requests and presbytery is satisfied that additional representatives are necessary to serve the interests of the congregation.
- (12) A minister who has given notice of his or her intention to resign or retire from the congregation must not interfere in the process of establishing the ministry settlement board or in the deliberations of the board once it is established.

*Defined terms: church council, congregation, elder, minister, ministry settlement board, Interim Moderator, presbytery.*

#### **10.5 Members of boards for joint congregations**

- (1) Where both a presbytery and Te Aka Puahou or the Pacific Presbytery are responsible for a congregation that requires ministry settlement, the court which is responsible for the process must invite the other court to appoint 2 of its members to the ministry settlement board.
- (2) The members appointed under subsection (1) are in addition to any members appointed under section 4(7).

*Defined terms: congregation, ministry settlement, ministry settlement board, presbytery, Te Aka Puahou.*

#### **10.6 Special provisions for co-operative ventures**

- (1) The presbytery must invite each of the participating partner churches in the congregation to appoint one representative to the ministry settlement board if, in a co-operative venture
  - (a) there is an opportunity for ministry settlement, and
  - (b) the Church is the church responsible for the ministry settlement.

- (2) If the number of members appointed under subsections (1) and (2) exceeds the number of members from the congregation permitted under section 4 (7)(c), the presbytery must permit the congregation to elect sufficient members to exceed by at least one the members appointed under subsections (1) and (2).
- (3) The Procedures for Cooperative Ventures contain additional functions for the Ministry Settlement Board of a co-operative venture.

*Defined terms: Church, congregation, co-operative venture, Procedures for Cooperative Ventures, minister, ministry settlement, ministry settlement board, presbytery.*

#### **10.7 Functions of the Ministry Settlement Board**

- (1) A ministry settlement board has the following functions
  - (a) to review the life of the congregation as set out in the ministry settlement supplementary provisions, and
  - (b) to discern and recommend which of the four strands of ministry described in chapter 9 would be suitable for the congregation, and
  - (c) to make any other recommendation regarding the future of the congregation, and
  - (d) to develop a report of its review and recommendations for submission to the church council, the congregation and the presbytery.
- (2) The report developed under subsection (1)(d) must address the following:
  - (a) whether one of the four strands of ministry is the appropriate ministry settlement,
  - (b) which strand of ministry is appropriate,
  - (c) whether it is appropriate for the congregation to join or amalgamate with another congregation,
  - (d) whether it is appropriate for the congregation to continue,
  - (e) any other proposal for the future life, worship and mission of the congregation that the board considers appropriate.
- (3) If the report recommends a call to stipendiary ministry settlement from any of the four strands of ministry, it must include proposed terms of settlement in accordance with the supplementary provisions relating to conditions of service.
- (4) If the ministry settlement board discerns that there is a suitable candidate or candidates for either local ordained ministry or a local ministry team, the provisions of sections 15 to 28 of chapter 9 apply.

- (5) If the ministry settlement board discerns that there is a suitable candidate for amorangi ministry, the provisions of sections 35 to 40 of chapter 9 apply. If the ministry settlement board recommends an amorangi ministry otherwise than with Te Aka Puahou, the procedures in the supplementary provisions apply.

*Defined terms: amorangi ministry, church council, congregation, four strands of ministry, local ordained ministry, local ministry team, ministry settlement, ministry settlement board, presbytery Te Aka Puahou.*

#### **10.8 Obtaining church council and congregational approval**

- (1) Upon completion of the report of the ministry settlement board under section 7, the convener must call a meeting of the church council and submit the report to the church council for approval and submission to the congregation.
- (2) If the church council does not approve the report, the board must prepare a new report and submit the new report to the church council for approval.
- (3) If the church council approves the report, the church council must call a congregational meeting and submit the report to the congregation for approval and submission to the presbytery.
- (4) If the congregation does not approve the report, the board must prepare a new report and submit it to the church council and congregation.
- (5) If the congregation approves the report, the convener must submit it to presbytery for approval.

*Defined terms: church council, congregation, ministry settlement board, presbytery*

#### *National ordained ministry*

#### **10.9 Responsibilities of presbytery on receiving a recommendation for national ordained ministry**

- (1) The presbytery may approve the report submitted to presbytery under section 8(5) and its recommendations if
  - (a) the report recommends a national ordained ministry, and
  - (b) presbytery is satisfied that the congregation can sustain a stipendiary ministry settlement.
- (2) The presbytery must refer the recommendation to the ministry settlement board for reconsideration and resubmission to the church council, the congregation and the presbytery if the presbytery is not satisfied

- (a) that the recommendation for a national ordained minister will further the mission, life and worship of the congregation, or
- (b) that the congregation can sustain a stipendiary ministry, or
- (c) on any other matter submitted to it in the recommendation.

*Defined terms: church council, congregation, ministry settlement board, national ordained ministry, presbytery*

#### **10.10 Recommendation approved by presbytery**

- (1) Upon being advised that the presbytery has accepted the recommendation, the ministry settlement board must without delay carry out the recommendation.
- (2) The ministry settlement board must comply with the supplementary provisions in securing a ministry settlement.
- (3) Any minister on the national ministerial roll, or licentiate, who holds a certificate of good standing, or provisional certificate of good standing, may inform the ministry settlement board of an expression of interest in the position.
- (4) No minister, licentiate or student for ordination may lobby for a call to fill a ministry settlement.

*Defined terms: good standing, licentiate, minister, ministry settlement, ministry settlement board, presbytery, supplementary provisions.*

#### **10.11 Making a settlement**

- (1) If the ministry settlement board and the convener are satisfied that
  - (a) they have identified a suitable minister or licentiate who is in good standing for the ministry settlement, and
  - (b) the minister or licentiate is likely to accept a call if the church council, congregation and the presbytery approve the call,
 the ministry settlement board and the convener must proceed to comply with subsections (2) to (8).
- (2) The ministry settlement board and the convener must forward a report of the decision and recommendation in writing to the church council.
- (3) If the church council does not approve the call, the ministry settlement board must recommence procedures to make a ministry settlement.
- (4) If the church council approves the board's recommendation, the church council must give to the congregation not less than 10 working days' notice of a meeting to submit the proposed call for approval by the congregation.

- (5) The notice under subsection (4) must
  - (a) be in writing, which includes electronic communication, and distributed as widely as practicable amongst members and associate members of the congregation, and
  - (b) contain the name of the minister or licentiate whom the board and church council recommends as suitable for call, and
  - (c) certify that the recommended minister or licentiate holds a certificate of good standing, or a provisional certificate of good standing, and
  - (d) contain any relevant and sufficient information about the proposed minister to enable the congregation to make an informed decision when voting.
- (6) The convener must record the voting figures of members and associate members separately and include those figures in his or her report to presbytery.
- (7) If the congregation does not approve the recommendation to make a call, the ministry settlement board must recommence procedures to make a ministry settlement.
- (8) If the congregation approves the recommendation to make a call or appointment, it must appoint 2 members as commissioners, including one who is a member of the church council, to attend presbytery to support the call.

*Defined terms: associate member, call, church council, congregation, good standing, member, minister, ministry settlement, ministry settlement board, presbytery, working day.*

#### **10.12 Presbytery consideration of the call**

- (1) The convener of the ministry settlement board must
  - (a) inform the presbytery in writing that the congregation has voted to make a call for ministry settlement, and
  - (b) enclose a copy of the ministry settlement board's report.
- (2) The presbytery must consider the recommendation to make the call at a meeting not more than 10 working days after receiving the convener's written information and report.
- (3) The meeting of the presbytery may be either an ordinary or special meeting.
- (4) The convener's report must

- (a) detail the proceedings of the ministry settlement board, church council, and congregation, and
  - (b) attach any accompanying papers, and
  - (c) confirm that the minister or licentiate is in good standing, and
  - (d) provide satisfactory evidence that the proposed ministry settlement will advance the life, worship and mission of the congregation, and
  - (e) include details of the voting figures, and
  - (f) recommend that the presbytery approve the proposed call.
- (5) If the congregation has recommended any changes to the terms of settlement approved by the presbytery under section 7 (3), the convener must obtain the approval of the presbytery to these changes before seeking the approval of the presbytery to make the call.
- (6) If the minister to whom the call is addressed is a member of the presbytery responsible for the congregation seeking ministry settlement, presbytery must invite representatives of the congregation in which the minister is settled to the presbytery meeting to present the views of that congregation.
- (7) At the meeting of the presbytery
- (a) the convener and the commissioners of the congregation seeking a ministry settlement must present the report and recommendation and speak in support of the proposed call, and
  - (b) the presbytery must
    - (i) consider the report of the convener and the ministry settlement board, and
    - (ii) have regard to the views of the representatives of the other congregation, and
    - (iii) decide whether to approve or reject the call.
- (8) The presbytery must not place a call in the hands of a minister or licentiate who does not hold a certificate of good standing or a provisional certificate of good standing.
- (9) If the presbytery does not approve the call, the ministry settlement board must recommence procedures to make a ministry settlement.

*Defined terms: call, church council, congregation, good standing, licentiate, minister, ministry settlement, ministry settlement board, presbytery, working day.*

### **10.13 Call within a presbytery**

- (1) A presbytery must place the call in the minister's or licentiate's hands if
  - (a) the presbytery sustains the call, and
  - (b) the minister or licentiate is a member of the presbytery.
- (2) If the minister or licentiate does not accept the call, the ministry settlement board must recommence procedures to make a ministry settlement.
- (3) If the minister or licentiate accepts the call, the procedures in section 15 apply.

*Defined terms: minister, ministry settlement board, presbytery*

#### **10.14 Call to a member of another presbytery**

- (1) The presbytery issuing the call must transmit the call, together with an extract of the minutes of the relevant proceedings, to the presbytery to which the minister being called belongs if
  - (a) the presbytery approves the call, and
  - (b) the minister or licentiate is a member of another presbytery.
- (2) The presbytery issuing the call may appoint one or more commissioners to support the call.
- (3) If the call is addressed to a minister or licentiate who is not in charge of a congregation of the Church, the presbytery issuing the call may appoint commissioners to support the call before the body to which the minister is responsible.
- (4) The congregation issuing the call must pay the commissioners' expenses under subsections (2) or (3).
- (5) The presbytery responsible for the minister to whom the call is addressed must consider the call at a meeting not more than 10 working days after receiving the call.
- (6) The meeting of the presbytery may be either an ordinary or special meeting.
- (7) Before the meeting of the presbytery responsible for the minister to whom the call is addressed, the clerk of that presbytery must request that the church council of the congregation of the minister to whom the call is addressed appoint 2 commissioners to appear and represent the congregation's interests.
- (8) At the meeting of the presbytery responsible for the minister to whom the call is addressed

- (a) the commissioners representing the presbytery that has issued the call must present their report and recommendation and speak in support of the call,
  - (b) the presbytery responsible for the minister to whom the call is addressed must
    - (i) consider the report and have regard to the views of the commissioners representing the congregation of the minister to whom the call is addressed, and
    - (ii) decide whether to approve or reject the call.
- (9) If the presbytery responsible for the minister to whom the call is addressed approves the call, it must place the call in the minister's hands.
- (10) If the presbytery responsible for the minister to whom the call is addressed does not approve the call, its clerk must inform the presbytery that has issued the call.
- (11) If the presbytery responsible for the minister to whom the call is addressed does not approve the call, then the ministry settlement board must recommence procedures to make a ministry settlement.

*Defined terms: call, Church, church council, congregation, minister, ministry settlement, ministry settlement board, presbytery, working day.*

#### **10.15 Call accepted and induction date set**

- (1) If the minister or licentiate to whom the call is addressed accepts the call,
- (a) the presbytery that issued the call must set a date for induction, and, in the case of a licentiate, ordination, and notify the minister or licentiate to whom the call is addressed and the presbytery responsible for him or her, and
  - (b) the presbytery responsible for the minister to whom the call is addressed must sever the pastoral tie between the minister and his or her congregation from that date.
- (2) If the minister or licentiate to whom the call is addressed does not accept the call, the ministry settlement board must recommence procedures to make a ministry settlement.

*Defined terms: call, congregation, induction, licentiate, minister, ministry settlement, ministry settlement board, ordination, presbytery.*

#### *Local ordained ministry*

#### **10.16 Responsibilities of presbytery on receiving a recommendation for local ordained ministry**

- (1) The presbytery must proceed as set out in subsections (2) to (5) if

- (a) the report submitted to presbytery under section 8 (5) recommends a local ordained ministry, and
  - (b) the presbytery is satisfied that the congregation can sustain a stipendiary local ordained ministry settlement.
- (2) The presbytery must
  - (a) meet the candidate named in the recommendation, and
  - (b) examine his or her suitability for local ordained ministry.
- (3) If the presbytery is satisfied that the candidate is suitable for local ordained ministry, the presbytery must follow the procedures set out in section 17.
- (4) If the presbytery is not satisfied
  - (a) that the recommendation will further the mission, life and worship of the congregation, or
  - (b) that the candidate is suitable for local ordained ministry, or
  - (c) on any other matter, including any stipendiary responsibilities, submitted to it in the recommendation,
 the presbytery must not approve the recommendation.
- (5) If the presbytery does not approve the recommendation, it must refer the recommendation to the ministry settlement board for reconsideration and resubmission to the church council, the congregation and the presbytery.

*Defined terms: candidate, church council, congregation, local ordained ministry, ministry settlement board, presbytery.*

#### **10.17 Recommendation for local ordained ministry approved by presbytery**

- (1) If the presbytery approves the ministry settlement board's recommendation for local ordained ministry and commences the procedures in sections 16 to 21 of chapter 9, subsections (2) to (4) apply.
- (2) Where a probationary period has been specified under section 15 of chapter 9, the presbytery must arrange a service to commission the candidate to undertake local ordained ministry.
- (3) The Interim Moderator must continue as Moderator of the church council until
  - (a) the candidate completes his or her period of probation, and
  - (b) the presbytery has accepted the candidate as a local ordained minister, and
  - (c) the presbytery has ordained and inducted the local ordained minister into the congregation.

- (4) The presbytery must ordain and induct the candidate if satisfied that
  - (a) the candidate fulfils the standards applicable to local ordained ministry, or
  - (b) the candidate has completed a satisfactory probationary period.
- (5) The presbytery must not ordain or induct the candidate if the candidate
  - (a) does not complete his or her period of probationary service, or
  - (b) fails to fulfil the standards applicable to local ordained ministry.
- (6) The presbytery must reconvene the ministry settlement board to recommence procedures to make a ministry settlement if
  - (a) the presbytery does not ordain or induct the candidate under subsection (4), or
  - (b) the candidate withdraws from the probationary process.

*Defined terms: candidate, commissioning, congregation, induction, Interim Moderator, local ordained ministry, ministry settlement, ministry settlement board, ordination, presbytery.*

#### *Local ministry team*

### **10.18 Responsibilities of presbytery on receiving a recommendation for a local shared ministry team**

- (1) If the report submitted to the presbytery under section 8(5) recommends a local shared ministry, or if the presbytery receives a report pursuant to chapter 9 from a church council recommending the appointment of a local shared ministry team, presbytery must proceed as set out subsections (2) to (5).
- (2) The presbytery must:
  - (a) receive a report from the enabler outlining the proposed team members and their suitability for local shared ministry and
  - (b) approve or disapprove the formation of the local shared ministry team.
- (3) The presbytery must not approve the recommendation unless it is satisfied
  - (a) that a local shared ministry will further the mission, life and worship of the congregation, and

- (b) that all members of the team are suitable for local shared ministry, or
  - (c) on any other matter, including any stipendiary responsibilities submitted in the recommendation.
- (4) If the presbytery does not approve the recommendation, it must refer the report to the ministry settlement board to recommence procedures for ministry settlement. If the recommendation was made by the church council, the report of presbytery must be provided to the church council.

*Defined terms: congregation, local shared ministry, ministry settlement, ministry settlement board, presbytery.*

#### **10.19 Proposal for local shared ministry approved by presbytery**

- (1) If the presbytery approves the recommendation of the ministry settlement board or the church council for local shared ministry, presbytery must proceed as set out in subsections (2)-(4).
- (2) The presbytery must arrange a service to commission the team members to undertake local shared ministry in accordance with the supplementary provisions.
- (3) The Interim Moderator, if one has been appointed, must continue as Moderator of the church council until:
  - (a) presbytery has accepted the local shared ministry team; and
  - (b) presbytery has confirmed the commissioning of all members of the team; and
  - (c) presbytery has determined how accountability to presbytery and oversight by presbytery will be exercised in relation to the local shared ministry team.
- (4) The presbytery must ensure that the congregation has access at all times to ongoing support, including an enabler.
- (5) If the presbytery does not confirm the commissioning of the local ministry team, it must refer the report to the ministry settlement board to recommence procedures for ministry settlement.

*Defined terms: commissioning, Interim Moderator, local shared ministry, minister, ministry settlement, ministry settlement board, presbytery.*

#### *Termination of ministry settlement and resignation*

#### **10.20 Termination of ministry settlement**

- (1) A ministry settlement may be terminated at any time on any of the grounds set out in section 21 in accordance with the procedures provided for in this chapter.
- (2) The procedures provided for termination of a ministry settlement under this chapter do not apply to any order made in the course of a disciplinary process under chapter 15.

*Defined term: ministry settlement*

#### **10.21 Grounds for termination of a ministry settlement**

The grounds for termination of a ministry settlement are

- (a) death,
- (b) resignation,
- (c) retirement,
- (d) dissolution of the pastoral tie as a result of conduct found to be unbecoming under chapter 15,
- (e) call or appointment to another ministry position,
- (f) medical, physical, mental or other incapacity affecting the capacity of the minister to adequately perform the responsibilities associated with the ministry settlement,
- (g) inability to perform the responsibilities associated with the ministry settlement caused by inadequacy of any kind, including an unacceptably low standard of performance of duties, or incompatibility with the congregation or a sufficiently large proportion of it, so as to seriously affect the harmony of the congregation or its ability to carry out the functions of a congregation as set out in chapter 5,
- (h) inability of the congregation to meet its financial or other obligations to the minister under the ministry settlement,
- (i) reduction of the numbers of the congregation to such an extent that it can no longer be considered a congregation justifying ministry settlement, and
- (j) in the case of a fixed term appointment, the expiration of the fixed term.
- (k) failure to hold a certificate of good standing or a provisional certificate of good standing.

*Defined terms: congregation, minister, ministry position, ministry settlement*

#### **10.22 Termination of ministry by death**

- (1) A ministry settlement and pastoral tie is terminated upon the death of a minister.
- (2) The church council must meet as soon as possible after the death of a minister settled under a ministry settlement.

- (3) If there is another minister settled in the congregation, that minister shall act as moderator at the meeting. If there is no such minister, the secretary of the church council, or in his absence the most senior elder by date of ordination must act as moderator. The meeting must record the death of the minister and cause the presbytery clerk to be informed of the minister's death.
- (3) The presbytery must proceed on the basis that an opportunity for ministry settlement has occurred in respect of that congregation.

*Defined terms: church council, congregation, minister, ministry settlement, presbytery.*

### **10.23 Termination of ministry by resignation**

- (1) A minister who wishes to resign from a ministry settlement must apply in writing to the presbytery of which the minister is a member.
- (2) If an application to resign from a ministry settlement is received by a presbytery, the presbytery must order that the application to resign lie on the table until the procedures set out in this section have been completed and a decision made.
- (3) If a minister applies to resign from the ministry of the Church at the same time as he or she applies to resign from a ministry settlement, the application to resign from the ministry of the Church must first be determined in accordance with section 32 and if under that section the application to resign from the ministry of the Church is accepted by presbytery, the application to resign from the ministry settlement must be accepted by the presbytery without further enquiry and the procedure provided for in this section need not apply.
- (4) The presbytery must appoint a commission of no fewer than 3 nor more than 5 of its members (of whom at least one must be a minister and at least one an elder) to confer with the minister seeking to resign in order to ascertain the reasons leading to the application to resign.
- (5) The presbytery must notify the church council, the congregation and any other ministers of the ministry team if the applicant minister is part of a ministry team, that it has received the application to resign and fix a time and place at which the church council and other members of the ministry team may appear before the presbytery commission to make known their attitude towards the application and any concerns the church council, or the congregation and other members of the ministry team, may have.

- (6) If, after the church council has been advised of the application to resign and is aware of the reasons for it, the church council notifies the presbytery that it concurs in the resignation, the presbytery commission may accept the resignation without further enquiry.
- (7) If the presbytery commission does not receive the concurrence of the church council, it must proceed to consider whether the application ought to be accepted and in doing so must have regard to the best interests of both the applicant and the congregation. After having considered all matters placed before the presbytery commission, it must report its conclusion and recommendation to the presbytery.
- (8) The presbytery must then determine whether to accept the resignation. If it does so then the ministry settlement is at an end and the presbytery must proceed on the basis that an opportunity for ministry settlement has occurred in respect of that congregation.
- (9) If the presbytery does not agree to accept the resignation, it must advise the applicant, the church council, the congregation and other members of the ministry team if the minister is part of a ministry team.
- (10) When an application to resign has been accepted, the minister remains a minister of the Church, but if the presbytery considers that disciplinary action under chapter 15 ought to be initiated, it may proceed in accordance with the procedures provided for in that chapter.

*Defined terms: Church, church council, congregation, minister, ministry settlement, presbytery.*

#### **10. 24 Termination of ministry by retirement**

- (1) When a minister retires, he or she must advise the church council and the presbytery clerk.
- (2) On receiving advice of a minister's retirement, the presbytery must proceed on the basis that an opportunity for ministry settlement has occurred in respect of the congregation.

*Defined terms: church council, congregation, minister, ministry settlement, presbytery*

#### **10. 25 Termination under chapter 15 as a result of a determination of unbecoming conduct**

Where a disciplinary commission has made an order that a pastoral tie be dissolved and advised the presbytery accordingly, the presbytery must determine the ministry settlement, advise the church council that it has done so and proceed on the basis that an opportunity for ministry settlement has occurred in respect of the congregation.

*Defined terms: church council, congregation, disciplinary commission, ministry settlement.*

#### **10. 26 Appointment to another ministry position**

Where a minister has been appointed to another ministry position within the Church, he or she must advise the presbytery clerk and the presbytery must proceed on the basis that there is an opportunity for ministry settlement in the congregation where the minister was settled.

*Defined terms: congregation, ministry settlement position, ministry settlement, presbytery.*

#### **10. 27 Review because of medical, physical, mental or other incapacity of the minister**

- (1) Where a presbytery has been advised by a church council, or has otherwise learned, that a minister settled in a congregation has, for a continuous period of 6 months, or cumulative periods of 6 months in any 12 month period, been unable adequately to carry out his or her responsibilities associated with the ministry settlement because of
  - (a) medical incapacity or illness of any kind,
  - (b) mental incapacity,
  - (c) physical injury,
  - (d) home or family obligations,the presbytery must appoint a commission of not more than 5 persons, including where practical at least one minister and one elder, to investigate the situation.
- (2) The presbytery commission must in writing request the minister concerned
  - (a) to provide to the commission such medical, psychiatric, or other information, as it considers relevant, and
  - (b) where it considers it necessary, to consent in writing to undergo any medical, psychiatric, or other evaluation at the cost of the presbytery by a registered medical practitioner or practitioners nominated by the commission.
- (3) Any request by a presbytery commission under this section must state the reasons for the request and the possible outcomes of the

enquiry being undertaken by the commission. The minister must also be advised that the information obtained, including any reports, will be kept in confidence by the commission.

- (4) The minister must also be informed that if at the conclusion of the enquiry the commission believes that the minister is unlikely to be able to return to full time ministry and to carry out all or substantially all of the responsibilities associated with the ministry settlement because of his or her incapacity, the commission will be obliged to decide whether the ministry settlement ought to be terminated and if so on what terms and when.
- (5) The minister must comply with any request made under subsection (2) and cooperate with the obtaining of any evaluation required, including making himself or herself available for examination by any nominated medical practitioner or practitioners.
- (6) The commission must conduct the enquiry by way of a hearing at which the minister is entitled to be present, and, if he or she wishes, to be legally represented.
- (7) The minister is entitled to present to the commission such material as he or she wishes and is entitled to peruse all reports and other material obtained by the commission and to be present during any presentation of oral evidence. The commission must not obtain information orally in the absence of the minister or rely on any information obtained from any source in the absence of the minister, except that if the minister has been given an opportunity to be present and chooses not to attend, the commission may proceed in his or her absence and rely on any information obtained in his or her absence.
- (8) The commission in conducting its enquiry must observe the rules of natural justice.
- (9) If the commission concludes after completing its investigation that the minister is not likely to be able to return to full time ministry and to carry out the responsibilities associated with the ministry settlement, it may recommend to the presbytery that the ministry settlement should be terminated on terms specified by the commission and the presbytery must adopt and act on such recommendation. A commission must provide presbytery with reasons for its recommendation. If the ministry settlement is terminated, the presbytery must proceed on the basis that there is an opportunity for ministry settlement in respect of the congregation.

- (10) All information obtained in the course of commission's investigation, including any report or reports, must be kept confidential and used only for the purposes of the enquiry and for determining whether the minister will be able to resume, full, or limited or partial duties, and when.
- (11) Termination by the presbytery of a ministry settlement under this ground does not terminate the membership of the minister in the Church nor his or her standing as a minister, but the presbytery must advise the Assembly Executive Secretary of the termination, which shall be recorded on the roll of ministers.
- (12) A minister who has been the subject of an enquiry and whose ministry settlement has been terminated under this section may appeal against the determination to the General Assembly. An appeal to the General Assembly will be heard by an appellate commission appointed by the General Assembly for the purpose and must be dealt with by rehearing on the papers and information that was before the presbytery committee, except that the appellate commission may take into account any new information not available to the presbytery commission so long as that information is made fully available to the minister.

*Defined terms: Assembly Executive Secretary, Church, church council, congregation, elder, General Assembly, minister, ministry settlement, presbytery.*

#### **10. 28 Review because of inability of the minister**

- (1) Where a presbytery has been advised by a church council, or has otherwise learned, that the ends and purposes of a ministry settlement are not being met because of
  - (a) inadequacy of any kind on the part of the minister, or
  - (b) an unacceptably low standard of performance of the responsibilities of the minister, or
  - (c) an incompatibility between the minister and the congregation, or a sufficiently large proportion of it, such as to seriously affect the harmony of the congregation, or the congregation's ability to perform its functions set out in chapter 5,
  - (d) failure of the minister to hold a certificate of good standing or a provisional certificate of good standing.  
the presbytery must appoint a presbytery commission to enquire into such concerns or complaints.
- (2) A commission appointed under subsection (1) must consist of not more than 5 persons, including where practical at least one minister and one elder.

- (3) A commission appointed under this section may determine its own procedure provided that it must comply with the principles of natural justice.
- (4) In undertaking its enquiry, the commission must determine whether the ends and purposes of the ministry settlement are being met. If the commission decides that the ends and purposes of the ministry settlement are not being met, the commission must consider ways and means, if any, of alleviating the situation and must explore every alternative solution. If the commission comes to the conclusion that the only way of dealing with the situation and ensuring for the future that the congregation is able to perform its functions under chapter 5 is to terminate the ministry settlement, the commission must report to the presbytery accordingly. A commission must provide presbytery with reasons for its report.
- (5) On receiving such advice, the presbytery must implement the commission's recommendations and terminate the ministry settlement. If the ministry settlement is terminated, the presbytery must proceed on the basis that an opportunity for ministry settlement has occurred in respect of the congregation.
- (6) Termination by the presbytery of a ministry settlement under this ground does not terminate the membership of the minister in the Church nor his or her standing as a minister, but the presbytery must advise the Assembly Executive Secretary of the termination, which shall be recorded on the roll of ministers.
- (7) A minister who has been the subject of an enquiry and whose ministry settlement has been terminated under this section may appeal against the termination to the General Assembly. An appeal to the General Assembly will be heard by an appellate commission appointed by the General Assembly for the purpose and must be dealt with by rehearing on the papers and information that was before the presbytery committee, except that the appellate commission may take into account any new information not available to the presbytery commission so long as that information is made fully available to the minister.

*Defined terms: Assembly Executive Secretary, Church, church council, congregation, elder, General Assembly, minister, ministry settlement, presbytery.*

## **10. 29 Inability of the congregation to meet its financial or other obligations to the minister**

- (1) Where a presbytery has reason to believe, or has received a complaint, that a congregation is not meeting its obligations to a

minister under a ministry settlement, the presbytery must appoint a commission from its members (including at least one minister and one elder) to enquire into the situation.

- (2) Where after enquiry, including enquiry from the church council, the commission comes to the conclusion that the congregation is unable, and in the foreseeable future is likely to be unable, to meet its obligations under the ministry settlement, and there is no immediately obvious and feasible means of remedying the situation, the commission must advise the presbytery accordingly.
- (3) On receiving such advice, the presbytery must advise the congregation in writing of the advice it has received and of its intention at the expiration of 6 months to terminate the ministry settlement.
- (4) Where a congregation receives such advice, it must permit the minister during the 6 months such time as he or she reasonably requires as part of his or her ministry duties to seek some other position.
- (5) At the expiration of the 6 months period, the presbytery commission must ascertain whether anything has occurred which might change the conclusion previously arrived at. If there has been such a change the commission must reconsider the conclusion previously arrived at. If there has been no such change or if the commission considers any change has not been sufficient to alter its previous conclusion, the commission must advise the presbytery which shall then terminate the ministry settlement.
- (6) A termination under this section does not affect the standing of a minister.
- (7) The presbytery must then consider whether the congregation should be dissolved, as provided for in chapter 5.10.

*Defined terms: Church, church council, congregation, elder, minister, ministry settlement, presbytery.*

### **10. 30 Reduction of the numbers of a congregation**

- (1) Where a presbytery has received information or a complaint that a congregation has been so reduced in numbers that presbytery has reason to believe that the congregation should no longer be considered to be a congregation justifying ministry settlement, the presbytery must advise the congregation in writing that presbytery has received such information or complaint and must appoint from presbytery members a presbytery commission of 3 persons,

including at least one minister and one elder, to enquire into the situation.

- (2) The commission must carry out an enquiry into the situation and the numbers of the congregation, and after discussing the matter with the church council, must advise the presbytery of its conclusion.
- (3) If that conclusion is to the effect that the congregation is so reduced in numbers that it can no longer be considered a congregation justifying ministry settlement, the presbytery must terminate the ministry settlement.
- (4) In the event of such a termination, the presbytery must ensure that for a period of 6 months the minister continues to receive the entitlements he would have received under the ministry settlement from the congregation, or if the congregation is unable to do so, from presbytery.
- (5) A termination under this section does not affect the standing of a minister.
- (6) The presbytery must then consider whether the congregation should be dissolved, as provided for in chapter 5.10.

*Defined terms: Church, church council, congregation, elder, minister, ministry settlement, presbytery.*

#### **10. 31 Termination in the case of a fixed term ministry**

In the case of a fixed term ministry, the ministry settlement must be terminated by presbytery in accordance with the terms of that fixed term ministry.

*Defined terms: ministry settlement, presbytery*

#### **10. 32 Resignation from ministry of the Church**

- (1) A minister who wishes to resign from the ministry of the Church must apply in writing to the presbytery of which the minister is
  - (a) a member, or
  - (b) on the roll of ministers maintained by that presbytery.
- (2) If an application to resign from the ministry of the Church is received by a presbytery, the presbytery may either
  - (a) accept the resignation without further enquiry, or
  - (b) appoint a commission of no fewer than 3 nor more than 5 of its members (of whom at least one must be a minister and at

least one an elder) to confer with the minister seeking to resign in order to ascertain the reasons leading to the application to resign.

- (3) After conferring with the minister, the commission must report its conclusions to the presbytery and, if the minister still wishes to resign from the ministry of the Church, the presbytery must accept the resignation.
- (4) On acceptance of a resignation of a minister from the ministry of the Church, the presbytery must declare that the person is no longer a minister of the Church and cause the name of the minister to be removed from the roll of ministers maintained by the presbytery in accordance with section 2(4) of chapter 9.
- (5) The clerk of a presbytery which removes the name of a minister from the roll of ministers under this section must advise the Assembly Executive Secretary of that removal and the Assembly Executive Secretary must remove the name of such person from the roll of ministers.
- (6) A person who has resigned from the ministry of the Church but subsequently wishes to become a minister of the Church again must comply with the appropriate requirements and provisions laid down by the General Assembly or set out in supplementary provisions.

*Defined terms: Assembly Executive Secretary, Church, elder, General Assembly, minister, presbytery, supplementary provisions.*

#### **10.33 Ministers emeriti/ae**

- (1) Subject to subsection(2), when a minister retires or becomes incapacitated, he or she
  - (a) must be granted by the presbytery the status of minister emeritus or minister emerita, and
  - (b) is eligible to be appointed as a member of the presbytery.
- (2) Subsection (1) does not apply if the presbytery of which the minister is a member considers that its application would not be in the interests of the Church.

*Defined terms: Church, minister, presbytery*

#### **10.34 Removal of names from rolls of ministers**

In addition to the power of the presbytery under section 32, the presbytery may remove from the roll of ministers the name of a person who

- (a) is the subject of an order under section 27(l) of chapter 15, or
- (b) has been engaged in another occupation and not been a member of any presbytery for 5 years or such longer period not exceeding 7 years that may be determined in accordance with supplementary provisions.

*Defined terms: minister, presbytery*

#### **10.35 Alteration of this chapter**

This chapter cannot be altered, amended or deleted in any way except in accordance with the special legislative procedure.

## Chapter 11: Te Aka Puahou

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### 11.1 Preamble

Kei hopu to ringa ki te Aka	Beware lest you take hold of the
Taepa	loose vine
Engari kia mau ki te Aka	Instead, hold fast to that which is
Matua	firmly rooted.

I am the Vine, you are the Branches.

He that abideth in me, and I in him

The same shall bring forth much fruit.

John 15 v 5

### 11.2 Introduction

- (1) The Church commenced relationships with Maori after the signing of the Treaty of Waitangi. The work and mission which had been established soon spread.
- (2) This work and mission, beginning with home missions and having developed an identity of its own, was recognised by the establishment of the Maori Synod that later became known as Te

Aka Puahou. The relationship of Te Aka Puahou with the courts of the Church therefore paralleled the relationship between the Crown and Maori begun with Te Tiriti o Waitangi and gives rise to similar obligations and responsibilities between those involved.

- (3) Te Aka Puahou is that part of the Church within which Maori, and those others who choose to associate within and under the maru of that part of the Church, can carry out the mission of God from a Maori cultural perspective.
- (4) Te Aka Puahou is a court of the Church that provides and maintains its maru throughout Aotearoa New Zealand. Although Te Aka Puahou has many characteristics of a presbytery, it does not have the territorial boundaries that define the jurisdiction of a presbytery, and those who come within and under its maru do so from all parts of Aotearoa New Zealand.
- (5) In this chapter, “maru” means shelter and authority and embraces both senses. It conveys the Wairua of Te Aka Puahou.

*Defined terms: Church, court, presbytery, Te Aka Puahou.*

### **11.3 Functions of Te Aka Puahou**

- (1) Te Aka Puahou has executive and administrative powers and duties but no legislative powers.
- (2) The duties of Te Aka Puahou are
  - (a) to ensure that the Word of God is read and proclaimed, divine ordinances regularly observed, and the various duties of ministry discharged in the pastorates within and under the maru of Te Aka Puahou,
  - (b) to receive and decide on proposals from church councils, hear and determine appeals from church councils and consider and adjudicate on complaints,
  - (c) to originate, recognise, close or otherwise deal with pastorates within and under the maru of Te Aka Puahou,
  - (d) to appoint and transfer members of staff and authorise study leave,
  - (e) after seeking and having regard to the advice of the General Assembly’s Church Architecture Reference Group, to approve the building and to approve the sites and plans of new churches, manses, school rooms, or halls,
  - (f) to provide for supply to meet vacancies, ordain licentiates to the office of the ministry, induct ministers into their pastoral charges and release them from their charges,
  - (g) to liaise with schools and hostels and to engage in social service work,

- (h) to hold Te Aka Puahou visitations of pastorates within and under its maru at least once in 5 years,
- (i) to oversee all matters relating to the condition of pastorates within and under its maru,
- (j) to assess students for the ministry and license them on completion of their course of training,
- (k) to set apart ministers and others for service,
- (l) to discuss proposals sent to Te Aka Puahou by the General Assembly and to send proposals to the General Assembly,
- (m) to exercise executive and administrative authority generally over its own members, sessions, pastorates, students, licentiates and other workers, and over all matters which the General Assembly may from time to time commit to its charge and supervision,
- (n) to report to the General Assembly, and
- (o) to have Te Aka Puahou's annual accounts audited or reviewed by a qualified auditor if required by New Zealand legislation, or if otherwise required by the Assembly Executive Secretary, Te Aka Puahou or funders.

*Defined terms: Church Architecture Reference Group, church council, General Assembly, licentiate, minister, pastorate, session, Te Aka Puahou.*

#### **11.4 Power to appoint committees**

Te Aka Puahou may appoint and delegate to a committee any of its functions set out in section 3.

#### **11.5 Responsibilities of ministers**

Ministers within and under the maru of Te Aka Puahou are responsible for the discharge of their duties to Te Aka Puahou and not to the church council of any pastorate.

*Defined terms: church council, minister, pastorate, Te Aka Puahou.*

#### **11.6 Members of Te Aka Puahou**

- (1) Te Aka Puahou consists of
  - (a) all ministers called or appointed to minister within and under the maru of Te Aka Puahou,
  - (b) other ministers, including ministers of other denominations, associated by Te Aka Puahou with Te Aka Puahou, except that the General Assembly may determine in a particular case that a particular minister should not be so included,
  - (c) a representative elder from each church council within and under the maru of Te Aka Puahou,
  - (d) associate members appointed by Te Aka Puahou or by the General Assembly, except that the General Assembly may

- determine in a particular case that a particular person should not be so appointed, and
- (e) a number of elders appointed by Te Aka Puahou from any church council within and under the maru of Te Aka Puahou sufficient to ensure that there are other members of Te Aka Puahou equal in number to the number of members who are ministers, but no more than two such elders may be appointed from any one church council.

*Defined terms: church council, elder, General Assembly, minister, Te Aka Puahou*

### **11.7 Associates of Te Aka Puahou**

Te Aka Puahou may associate temporarily in its deliberations with a member of any presbytery, and such a person may be present and may be given the right to speak or to vote, or both.

*Defined terms: presbytery, Te Aka Puahou.*

### **11.8 Meetings**

- (1) Te Aka Puahou must hold
  - (a) an annual meeting at a time and place fixed by it at the previous annual meeting, and
  - (b) at least 3 other meetings each year at times and places fixed by it.
- (2) The Moderator or the secretary of Te Aka Puahou may call a special meeting of Te Aka Puahou at any time.
- (3) Five members, including at least 3 ministers, constitute a quorum at any meeting of Te Aka Puahou.
- (4) Members or associate members of pastorates or parishes within and under the maru of Te Aka Puahou may attend meetings of Te Aka Puahou and may speak and, if Te Aka Puahou agrees, vote on business before the meeting, except that in relation to particular matters Te Aka Puahou may resolve to meet in the absence of members or associate members of pastorates or parishes.

*Defined terms: associate member, member, minister, Moderator, parish, pastorate, Te Aka Puahou*

### **11.9 Officials**

- (1) The officials of Te Aka Puahou are the Moderator and the secretary.
- (2) Te Aka Puahou must appoint a treasurer.

- (3) The functions of the officials are such as are delegated to them respectively by Te Aka Puahou.
- (4) The Moderator must be elected from among the ministers and elders for a term of 3 years, except that in the case of an elder who wishes to be appointed for a term of one year, Te Aka Puahou may agree to such a term and in that case the intention to seek a one year term must be notified to pastorates before the election takes place.
- (5) Te Aka Puahou may extend the term of a Moderator for one further term of 3 years.
- (6) Nominations for election as Moderator may be made by parishes or pastorates and must be made to the annual meeting of Te Aka Puahou preceding the expiry of the term of the previous Moderator or, in case of the death or resignation of a Moderator, to the first meeting of Te Aka Puahou after such death or resignation.
- (7) The secretary must give notice calling for nominations for election as Moderator at least 2 months before a meeting at which an election is to be held and nominations must be received at least one month before such a meeting.
- (8) A pastorate may nominate one or 2 persons for election as Moderator and if nominating 2 must indicate their order of preference.
- (9) Te Aka Puahou must appoint a nominating committee which must consider the nominations received and inform all parishes and pastorates of the names of the 3 persons who have received the greatest number of nominations and each parish or pastorate may then propose one of those persons as its choice for Moderator.
- (10) At the meeting at which the election of Moderator is to take place, the nominating committee must inform Te Aka Puahou which name received the greatest number of proposals and Te Aka Puahou must then consider the appointment of Moderator. Te Aka Puahou is not bound to appoint the person who has received the greatest number of proposals or any person nominated and may call for further nominations before making an appointment.
- (11) If the Moderator is an elder, Te Aka Puahou
  - (a) may authorise the Moderator to administer the sacrament of Holy Communion and officiate at ordinations and inductions

- including the laying on of hands during his or her tenure of office, and
- (b) must ensure that the Moderator receives assistance and training as required, and
- (c) must ensure that provision is made in its budget for the support of the Moderator equivalent to and including the allowances which would be made in the case of a Minister.

*Defined terms: elder, induction, minister, Moderator, ordination, parish, pastorate, support, Te Aka Puahou*

#### **11.10 Role and responsibilities of Moderator**

- (1) The role of the Moderator of Te Aka Puahou is to
  - (a) exercise spiritual leadership,
  - (b) be responsible for pastoral care of those who are within and under the maru of Te Aka Puahou,
  - (c) represent and promote Te Aka Puahou in meetings with other denominations and across society as a whole,
  - (d) visit pastorates at least annually by arrangement and in accordance with preparations made by pastorates,
  - (e) officiate at ordinations and inductions,
  - (f) preside at Te Aka Puahou meetings,
  - (g) represent and on appropriate occasions to speak on behalf of Te Aka Puahou, but any pronouncement so made by the Moderator, whether in a representative capacity or not, does not bind Te Aka Puahou or the Church or any General Assembly,
  - (h) encourage continuing education for Ministers and elders.

*Defined terms: Church, General Assembly, elder, Induction, minister, Moderator, ordination, pastorate, Te Aka Puahou.*

#### **11.11 The Secretary**

- (1) Te Aka Puahou must appoint a secretary and set out the duties of the office at the time of appointment.
- (2) The secretary is responsible to Te Aka Puahou.

#### **11.12 Relation of Te Aka Puahou to presbyteries and the General Assembly**

- (1) Any overlapping of function and responsibility that may occur in consequence of Te Aka Puahou being a court of the Church which provides and maintains its maru throughout Aotearoa New Zealand, and accordingly within the territorial jurisdiction of presbyteries throughout Aotearoa New Zealand, must be dealt with by presbyteries and Te Aka Puahou alike with goodwill and sympathetic consideration.

- (2) Any dispute which Te Aka Puahou and a presbytery cannot resolve must be determined by the General Assembly.
- (3) Ministers and elders within and under the maru of Te Aka Puahou have, in accordance with chapter 8, a right to membership of presbyteries within which their pastorate or sphere of activity is located.
- (4) Notwithstanding any other provision in this Book of Order, Te Aka Puahou may appoint one commissioner per pastorate to attend each General Assembly.

*Defined terms: Church, court, elder, General Assembly, minister, presbytery, Te Aka Puahou*

#### **11.13 Membership of Pastorates**

Membership of pastorates within and under the maru of Te Aka Puahou is not confined to Maori and any member of a congregation may become a member of any such pastorate and have the rights of membership.

*Defined terms: congregation, member, pastorate, Te Aka Puahou*

#### **11.14 Procedure**

Te Aka Puahou may adopt standing orders for the proper conduct of its regular business.

#### **11.15 Appeal**

All decisions of Te Aka Puahou are subject to appeal to the General Assembly. For the avoidance of any doubt a person may not appeal from Te Aka Puahou to the General Assembly on an employment matter which is governed by the relevant Parliamentary legislation.

#### **11.16 Ministry Training**

In receiving and licensing students for the ministry, Te Aka Puahou and the principal of the training institution approved by the General Assembly are to be guided by the regulations for students as approved from time to time by the General Assembly.

*Defined terms: General Assembly, Te Aka Puahou.*

## Chapter 12: The Synod of Otago and Southland

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  - 12.2 Jurisdiction over synod properties
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### 12.1 Preamble

- (1) The Synod of Otago and Southland was founded in 1866. In 1901, on the union of the Presbyterian Church of Otago and Southland and the Presbyterian Church of New Zealand, the Synod of Otago and Southland took its current form.
- (2) The Otago Foundation Trust Board is the perpetual trustee for Presbyterian properties within the Synod boundaries, and administers trust funds from which the Synod makes funding allocations. These funds and parish properties are governed by the Otago Foundation Trust Board Act 1992.
- (3) Regulations regarding the membership and procedures of the Synod are set by the Synod itself, and are available from the synod clerk.

*Defined terms: Church, court, presbytery.*

### 12.2 Jurisdiction over synod properties

- (1) The Synod has exclusive jurisdiction over congregation and church camp properties within its bounds subject to the provisions of the Otago Foundation Trust Board Act 1992.
- (2) The Otago Foundation Trust Board is the perpetual trustee for Presbyterian properties within the Synod bounds other than General Assembly property.
- (3) Congregations within the bounds of the Synod apply to the Synod, through their presbyteries, for approval to undertake property transactions or building proposals, or to borrow money, or to make applications to the Lotteries Grants Board.

*Defined terms: congregation, presbytery.*

### **12.3 Synod financial jurisdiction**

The Synod has exclusive jurisdiction over the allocation of income from funds administered by the Otago Foundation Trust Board, subject to the provisions of the Otago Foundation Trust Board Act 1992.

### **12.4 Synod ecclesiastical and judicial functions**

The Synod has ecclesiastical and judicial functions. It may advise and encourage presbyteries, hear and judge appeals against presbytery decisions and adopt proposals to the General Assembly. It generally promotes the interests of the Church within its bounds. Audits of presbytery records within the Synod bounds are overseen by the Synod.

*Defined terms: Church, General Assembly, presbytery.*

### **12.5 Appeal**

The Synod's decisions on property matters and funding allocations are final, and may not be appealed to the General Assembly. Decisions of the Synod on other matters are subject to appeal to the General Assembly.

## Chapter 13: Pacific Presbytery

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  - 13.2 Purposes of the presbytery
  - 13.3 Functions of the presbytery
  - 13.4 Congregational membership of the presbytery
  - 13.5 Individual membership of the presbytery
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- 

### 13.1 Status of Pacific Presbytery

- (1) The Pacific Presbytery (the presbytery), formerly the Pacific Islands Synod, is a court of the Church. It has the status of a presbytery, but it is without the territorial boundaries that define the jurisdiction of a presbytery. The presbytery has responsibility for the Pacific Island congregations which have resolved to be under its oversight, and for the ministers under its authority.

*Defined terms: Church, Pacific Presbytery, presbytery*

### 13.2 Purposes of the Pacific Presbytery

The purposes of the presbytery are to

- (a) fulfil the functions of a presbytery for the congregations and ministers under its oversight,
- (b) enhance, articulate and mobilise the contributions of Pacific Islanders to the Church,
- (c) offer distinctive and culturally strong Pacific Islands expressions of the Gospel of Jesus Christ to the Presbyterian Church of Aotearoa New Zealand, and
- (d) provide a forum within the Church for Pacific Island people to share matters of common and special concern.

### 13.3 Functions of the Pacific Presbytery

The general scope, jurisdiction, responsibilities, functions and procedures of the presbytery are the same as for a regional presbytery, and the provisions of sections 5.4 to 5.13, chapter 8 and chapter 16 apply to the presbytery, unless otherwise amended by the following additional provisions, or by the supplementary provisions to this chapter.

### 13.4 Membership of the Pacific Presbytery

The Pacific Presbytery comprises

- (a) congregations that vote by majority of 60% to join the Pacific Presbytery;
- (b) all ministers called or appointed to minister within and under the oversight of the Pacific Presbytery
  - a. in the congregations as in (a) above,
  - b. as officers within the Pacific Presbytery and
  - c. ministers without ministry settlements and ministers emeriti/ae who choose to be under the oversight of the Pacific Presbytery
- (c) up to two elders from each church council under the oversight of the Pacific Presbytery;
- (d) The Pacific Presbytery may also associate people as follows
  - a. other ministers, including ministers of other denominations, associated by the Pacific Presbytery with the Pacific Presbytery, unless the General Assembly determines in a particular case that a particular minister should not be so included;
  - b. groups within congregations of other presbyteries associated by the Pacific Presbytery to enable ethnic fellowships;
  - c. other members of the Presbyterian Church associated by the Pacific Presbytery to participate as individuals.

*Defined term: congregation*

### **13.5 Transition provisions**

- (1) This chapter comes into force on the date of its passing by the General Assembly (6 October 2012).
- (2) Any person or congregation who on the date of this chapter coming into force was a member of the Pacific Islanders' Synod continues to be a member of the Pacific Presbytery.

## **Chapter 14: Meetings of Church in Assembly**

### **Index to Chapter 14**

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- 14.3 Powers of General Assembly
- 14.4 Duties of General Assembly in carrying out the mission of the Church

#### *Composition and duties of General Assembly*

- 14.5 Membership of General Assembly
- 14.6 Quorum
- 14.7 The legislative function of the General Assembly
- 14.8 Legislative or other proposals
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- 14.10 The judicial function of the General Assembly
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#### *Council of Assembly*

- 14.12 Establishment and responsibilities of the Council of Assembly
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- 14.29 Date, time and place of General Assembly meetings

#### *Special and Emergency Assemblies*

- 14.30 Special Assembly
- 14.31 Emergency Assembly

## 14.32 Alteration of this Chapter

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### 14.1 Background

- (1) The General Assembly is the governing body of the Church. As such it exercises authority over all synods, presbyteries, church councils, congregations, faith communities and also over ministers, elders, and members and associate members of congregations.
- (2) The Church meets in Assembly in the following ways
  - (a) as the General Assembly of the Church,
  - (b) as a Special Assembly, and
  - (c) as an Emergency Assembly.

*Defined terms: Assembly, associate member, Church, church council, congregation, elder, Emergency Assembly, faith community, General Assembly, member, minister, presbytery, Special Assembly*

### *Purposes and functions of General Assembly*

### 14.2 Primary purposes and functions of General Assembly

- (1) The primary purposes and functions of the General Assembly are
  - (a) to worship God,
  - (b) to facilitate and resource the life, worship, and spiritual nurture of the Church,
  - (c) to act in a judicial capacity as the supreme judicial body of the Church,
  - (d) to act in an administrative capacity as the supreme administrative body of the Church,
  - (e) to act as the legislative body of the Church, and
  - (f) to deal with such other matters that the General Assembly considers appropriate.
- (2) A decision of the General Assembly is conclusive and binding on the whole Church.
- (3) The General Assembly may, without being limited by any specific power set out in this Book of Order, do anything that in its opinion is necessary or desirable to further the mission of the Church, except in relation to changes to the Book of Order that can only be effected by the special legislative procedure.

*Defined terms: Book of Order, Church, General Assembly, special legislative procedure.*

### 14.3 Powers of General Assembly

- (1) The General Assembly has all the powers necessary for it to perform its purposes and functions set out in this chapter.

- (2) The General Assembly may establish committees or commissions to which it may delegate such powers, other than legislative powers, as it considers appropriate.
- (3) If the General Assembly considers that the operation of a committee or commission ought to be continuous, it may appoint that committee or commission to be a standing committee.
- (4) The General Assembly may appoint the members of all committees or commissions for such term as it thinks fit.
- (5) The General Assembly may receive reports from committees and commissions and may act in respect of any report as it considers appropriate.
- (6) The General Assembly may, in accordance with chapter 3, issue supplementary provisions and forms to assist with implementing this chapter.

*Defined terms: General Assembly, supplementary provisions*

#### **14.4 Duties of General Assembly in carrying out the mission of the Church**

- (1) Consistent with its mission and with a view to establishing, promoting and administering national and world-wide ministries of witness, service, growth, development, and education and to promote international relationships, the General Assembly
  - (a) develops overall objectives for furthering its mission,
  - (b) prepares a strategy to guide the Church,
  - (c) sets priorities for the work of the Church,
  - (d) deals with matters which it determines are of concern to the Church, and
  - (e) where appropriate, co-operates and acts jointly with other churches and other religious faiths and national and international bodies or organisations.
- (2) The General Assembly must appoint a nominating committee to make nominations for appointment as provided for in this Book of Order.

*Defined terms: Book of Order, Church, General Assembly.*

#### *Composition and duties of General Assembly*

#### **14.5 Membership of General Assembly**

- (1) The General Assembly consists of
  - (a) ministers and elders elected by presbyteries to be commissioners,
  - b) Commissioners appointed by Te Aka Puahou in accordance with Chapter 11.12(4),

- (c) associate members, being ministers or elders or any other persons whom the Assembly require to be present for the conduct of its business,
  - (d) additional members, being young adult representatives who are members of the Church or of a co-operative venture, and
  - (e) other persons and representatives of organizations that an Assembly resolves should be included in its membership.
- (2) Appointments to the General Assembly must be made in accordance with section 16 of chapter 8 and section 26 of this chapter.

*Defined terms: Church, Clerk of Assembly, commissioner, co-operative venture, elder, General Assembly, member, minister, Presbyterian Women Aotearoa New Zealand, presbytery,*

#### **14.6 Quorum**

Forty members (including the Moderator) including at least 10 ministers and 10 elders constitute a quorum of the General Assembly provided that there are members present from at least half of the presbyteries.

*Defined terms: elder, General Assembly, minister, Moderator, presbytery.*

#### **14.7 The legislative function of the General Assembly**

- (1) The General Assembly may pass resolutions defining
  - (a) the constitution of the Church and its constituent bodies as set out in the Book of Order, and
  - (b) the powers, authority and duties of those bodies and the procedures with which they must comply.
- (2) Subject to subsection (4), resolutions passed by the General Assembly are binding.
- (3) The General Assembly in exercising its legislative functions may from time to time authorise and issue documents that provide
  - (a) statements of doctrine and faith for members of the Church,
  - (b) governance of the Church, and
  - (c) constitutions of bodies and organisations which are subsidiary to or associated with the Church.
- (4) Except in the case of legislative proposals affecting provisions of the Book of Order that can be altered, amended or deleted only in accordance with the special legislative procedure, the General Assembly may alter, amend or delete any other provision of the Book of Order by resolution.
- (5) If when considering a legislative proposal affecting a provision of the Book of Order, the General Assembly resolves to move on to

the next item of business on its agenda, the proposal lapses unless the Assembly then also resolves that discussion of the proposal should resume at a later date.

*Defined terms: Book of Order, Church, General Assembly, special legislative procedure*

#### **14.8 Legislative or other proposals**

- (1) The General Assembly must initiate any action by proposal.
- (2) The following may place a proposal for legislative or other action before the General Assembly
  - (a) the Council of Assembly or any of its committees or commissions,
  - (b) a presbytery,
  - (c) a synod,
  - (d) a church council through its presbytery, or
  - (e) a commissioner of the General Assembly while the Assembly is sitting.
- (3) Except in the case of a proposal proposed by a commissioner of the General Assembly while an Assembly is sitting, notice of intention to propose or transmit a proposal to the Assembly must be received by the Clerk of Assembly not later than the time provided for by the Standing Orders of the Assembly.

*Defined terms: Assembly, Clerk of Assembly, church council, Council of Assembly, General Assembly, presbytery.*

#### **14.9 Special legislative procedure**

- (1) In dealing with any proposal to alter, amend or delete a provision of the Book of Order that cannot be accomplished except in accordance with the special legislative procedure, the following procedure must be adopted
  - (a) if the General Assembly accepts such a proposal, it must remit the proposal to all presbyteries and church councils, including Te Aka Puahou and the Pacific Presbytery, for consideration,
  - (b) if, in the opinion of the General Assembly, the proposal requires urgent action, the General Assembly may, at the same time as it remits the proposal to presbyteries and church councils, pass the proposal as an interim provision of this Book of Order having force until the next General Assembly meets,
  - (c) the Clerk of Assembly must call for responses from presbyteries and church councils in respect of any proposal remitted to them,
  - (d) a presbytery or church council which receives a proposal so remitted may communicate to the following General Assembly its approval or disapproval of the proposal by

- forwarding that approval or disapproval to the Clerk of Assembly who shall report it to the Assembly,
  - (e) the General Assembly must proceed to reconsider the proposal,
  - (f) the General Assembly must have regard to the responses of approvals or disapprovals received from presbyteries and church councils,
  - (g) the General Assembly must accept or reject the proposal, except that, if before accepting or rejecting the proposal, the Assembly resolves to move on to the next item of business on its agenda, the proposal lapses unless the Assembly then also resolves that discussion of the proposal should resume at a later date.
- (2) If both a majority of presbyteries and a majority of church councils to which the proposal was remitted and which responded expressed disapproval, the General Assembly
    - (a) must not accept it, and
    - (b) may resubmit the proposal.
  - (3) If the General Assembly resubmits the proposal, the same procedure applies.
  - (4) If the General Assembly accepts the proposal either in the first instance or upon reconsideration, it becomes a part of this Book of Order and is final and binding on the Church and its constituent bodies.

*Defined terms: Book of Order, Clerk of Assembly, Church, church council, General Assembly, Pacific Presbytery, presbytery, special legislative procedure, Te Aka Puahou*

#### **14.10 The judicial function of the General Assembly**

- (1) The General Assembly is both an appellate and review authority.
- (2) The General Assembly, in its appellate function, must receive and decide appeals and complaints referred to it by
  - (a) a presbytery,
  - (b) any party in respect of a decision by a presbytery.
- (3) The General Assembly may, as part of its function of oversight, review a decision by a presbytery, the Church Property Trustees or a body that reports to the General Assembly, either on its own initiative or on the application of a party to the decision.
- (4) In an exceptional case, and if the General Assembly considers it appropriate because of the general importance of the matter, the General Assembly may deal with a matter placed before it

by a presbytery although the presbytery has not itself determined the matter.

- (5) This section does not apply to disciplinary matters. These are dealt with under Chapter 15.

*Defined terms: disciplinary matter, General Assembly, presbytery.*

#### **14.11 Powers and duties relating to administrative functions**

In carrying out its administrative functions, the General Assembly must

- (a) provide a system of administrative services in order to fulfil its objectives and to provide services for the whole Church that can be performed more effectively from a national base,
- (b) make standing orders for the conduct of its own proceedings,
- (c) oversee all organisations associated with the Church,
- (d) when it considers it necessary to do so, issue supplementary provisions under chapter 3,
- (e) appoint commissions and committees to conduct the general operations of the Church or for any specific purpose,
- (f) appoint a panel of persons to constitute the Assembly Judicial Commission,
- (g) review and make final decisions where required in respect of administration by commissions and committees established by the General Assembly,
- (h) oversee presbyteries, including the formation of new presbyteries, and if the General Assembly considers it to be desirable, the dissolution or amalgamation of presbyteries,
- (i) maintain a roll of ministers and licentiates, and
- (j) where it considers it appropriate, set assessments on church councils and recover payment of those assessments.

*Defined terms: Assembly Judicial Commission, Church, church council, General Assembly, presbytery, supplementary provisions.*

#### *Council of Assembly*

#### **14.12 Establishment and responsibilities of the Council of Assembly**

- (1) The General Assembly must establish a Council of Assembly.
- (2) The responsibilities of the Council of Assembly are to
  - (a) act in place of the General Assembly between Assemblies to consider and determine administrative issues relating to the Church. In this regard the General

- Assembly delegates its administrative responsibility to the Council of Assembly between Assemblies,
- (b) implement policy and strategy for the Church within the direction set by the General Assembly, make recommendations regarding policy to the General Assembly, to implement decisions of the General Assembly and report to the General Assembly on policy development and operations,
  - (c) review, form, reform and discharge groups to carry out General Assembly functions without infringing the powers of the General Assembly and delegate functions to appropriate groups, persons, or bodies,
  - (d) receive reports from the groups referred to in paragraph (c) and report policy issues to the General Assembly,
  - (e) act as a Commission of Assembly in appointing the Assembly Executive Secretary where appointment by the General Assembly is not possible without the calling of an emergency meeting,
  - (f) oversee and direct the Assembly Executive Secretary in managing all employees of the General Assembly, and in relation to the Assembly Executive Secretary, act as a Commission of Assembly to concur in the acceptance of a call or resignation, or terminate an appointment,
  - (g) receive nominations from the nominating committee and make appointments to the Council of Assembly, commissions, committees and other bodies,
  - (h) adopt a budget, allocate funds raised for the work of the General Assembly, and apply untagged legacies and donations as it sees fit,
  - (i) adopt the annual accounts of the General Assembly and any related entities, ensure that those annual accounts are audited or reviewed by a qualified auditor if required by New Zealand legislation and report on those accounts to the General Assembly,
  - (j) determine staffing and resourcing requirements for the General Assembly and the Council of Assembly,
  - (k) nominate co-conveners of the nominating committee to the General Assembly,
  - (l) appoint a commission to consider, prior to an Assembly and if the Council thinks it advisable to do so, any particular matter which has been submitted to the Clerk of Assembly with the instruction to the commission that it must report to the Assembly on that matter but not determine it,
  - (m) summon an Emergency Assembly to determine proposals or references, after consultation with the Book of Order Advisory Committee,
  - (n) refer any appeal, proposal or reference to the Assembly Judicial Commission, after taking advice from the Book of

- Order Advisory Committee, and appoint the Commission for the purposes of any such proceeding comprising
- (i) not less than 3 nor more than 5 members from the panel of Assembly Judicial Commission members, and
  - (ii) not more than 2 other members of the Church, being a person or persons particularly suited for appointment having regard to the subject matter of the proceeding, and
  - (iii) an advisor as to procedure, being a member of the Book of Order Advisory Committee or its nominee,
- (o) appoint members of the Board of Knox College and Salmond College Inc, review the performance of the Board and approve amendments to the Constitution of the Board,
  - (p) consult widely within the Church where practicable,
  - (q) accept that a retirement savings scheme has a similar purpose to the Beneficiary Fund after receiving advice from the Trustee of the Beneficiary Fund, and
  - (r) do anything else which the Assembly may direct.

*Defined terms: Assembly, Assembly Executive Secretary, Assembly Judicial Commission, Book of Order Advisory Committee, Church, Clerk of Assembly, Council of Assembly, Emergency Assembly, General Assembly, member, Special Assembly.*

#### **14.13 Membership of Council of Assembly**

- 1) The Council of Assembly consists of
  - (a) a convener nominated by the Nominating Committee and elected by the General Assembly,
  - (b) a deputy convener nominated by the Nominating Committee and elected by the General Assembly to complement the skills of the convener and, if the convener is not proximate to Wellington, to provide close liaison with the Assembly Executive Secretary, but at least one of the convenor and deputy convenor must have significant organisational governance experience,
  - (c) one representative from each presbytery (Northern, Pacific, Kaimai, Te Aka Puahou, Central, Alpine, Southern)
  - (d) one Asian/Multicultural representative,
  - (e) the Moderator of the General Assembly,
  - (f) the convenors of the Leadership Sub-committee and Resource Sub-committee of the Council of Assembly.
- (2) There shall also be five associate (non-voting) members of the Council of Assembly as follows
  - (a) the Moderator of Te Aka Puahou,
  - (b) one representative of the Synod of Otago and Southland,
  - (c) the Assembly Executive Secretary,
  - (d) one representative of the Presbyterian Church Property Trustees, and

- (e) the Moderator of the Pacific Presbytery.
- (3) Except for the Moderator of the General Assembly, the Moderator of Te Aka Puahou, the Assembly Executive Secretary, and the Moderator of the Pacific Presbytery, each member of the Council of Assembly shall be appointed for a four year term with at least two new members nominated by the Nominating Committee and elected by the General Assembly being elected at each biennial General Assembly. Any member's term of office may be extended for a further two year term.  
This subsection shall not apply to the convenor who may serve in that role for four years in addition to any other term of up to six years that the person has already served on the Council of Assembly.
- (4) In the event of the convenor resigning between biennial General Assemblies, an interim convenor must be nominated by the Nominating Committee and elected by the Council of Assembly to serve until the next biennial General Assembly.
- (5) In the event of any other member of the Council of Assembly nominated by the Nominating Committee and elected by the General Assembly resigning between biennial General Assemblies, a new member of the Council of Assembly must be nominated by the Nominating Committee and elected by the Council of Assembly. That new member's maximum term of six years membership of the Council of Assembly will not commence until that new member's appointment at the next biennial General Assembly. This subsection will not apply if the member of the Council of Assembly mentioned in subsection (4) resigns within the period of six months immediately before the next biennial General Assembly.
- (6) The Nominating Committee will invite each presbytery other than Te Aka Puahou and the Pacific Presbytery to submit the names of three suitably skilled people from which the Nominating Committee must make recommendations to the Assembly that provide for a good mix of age, experience and gender within the Council of Assembly.
- (7) The Moderator Designate shall be an observer at meetings of the Council of Assembly for a period of one year prior to the General Assembly at which he or she takes up the role of Moderator.

*Defined terms: Assembly Executive Secretary, Presbyterian Church Property Trustees, Council of Assembly, General Assembly, Pacific Islanders' Synod, Te Aka Puahou.*

#### *Officers of Assembly*

##### **14.14 Election of the Moderator**

- (1) Each General Assembly must elect a Moderator.
- (2) Each General Assembly must elect a Moderator designate for the next Assembly, but election as Moderator designate does not bind the General Assembly when electing a Moderator.
- (3) The procedure for nomination and election is to be set out in the supplementary provisions.

*Defined terms: General Assembly, Moderator, supplementary provisions.*

##### **14.15 Term of office of the Moderator**

- (1) A Moderator assumes office immediately upon election at a General Assembly and, subject to subsection (2), retains the office until the election of a successor at the next General Assembly.
- (2) The Council of Assembly may call an Emergency Assembly for the purpose of terminating the tenure of a Moderator. In that event, the immediate past Moderator becomes Moderator for the Emergency Assembly,
- (3) If the office of Moderator becomes vacant, an Emergency Assembly may elect an interim Moderator to hold office until
  - (a) the procedures for the nomination and election of a Moderator have been complied with, and
  - (b) a General Assembly has elected a new Moderator.

*Defined terms: Council of Assembly, Emergency Assembly, General Assembly, Moderator.*

##### **14.16 Duties of the Moderator**

The duties of the Moderator are to

- (a) preside over all meetings of the Assembly,
- (b) preserve order at meetings of the Assembly,
- (c) open each sitting day of the Assembly with prayer and close it with the benediction,
- (d) take all votes of the Assembly and announce the result of every vote,
- (e) pronounce the decision of any judicial proceedings of the Assembly,
- (f) protect each member of the Assembly in the exercise of his or her rights,
- (g) ensure that each member of the Assembly has an opportunity to express his or her views within the framework of the standing orders, and
- (h) fulfil such other requirements as the Assembly may impose.

*Defined terms: Assembly, Moderator.*

#### **14.17 Powers of the Moderator**

- (1) Upon election and by virtue of the office, the Moderator is a member of any Assembly held during his or her term as Moderator.
- (2) The Moderator cannot move or second a motion and has no deliberative vote, but may, if the Assembly is equally divided, exercise a casting vote.
- (3) The Assembly may authorise a Moderator who is an elder (but not a minister) to administer the sacrament of Holy Communion during his or her tenure of office.
- (4) During his or her tenure of office, a Moderator may make statements on behalf of the Church and represent it on appropriate occasions; however, a Moderator must, before making a statement, whether in a representative capacity or not, use his or her best endeavours to consult the Council of Assembly, the Assembly Executive Secretary, or any relevant committee or Assembly employee.
- (5) Statements made in accordance with subsection (4) do not bind the Church or an Assembly.

*Defined terms: Assembly Executive Secretary, Assembly, Church, Council of Assembly, elder, minister, Moderator*

#### **14.18 Assembly Executive Secretary and Clerk of Assembly**

- (1) The Assembly Executive Secretary must be appointed by the General Assembly in accordance with the supplementary provisions.
- (2) The Assembly Executive Secretary has the authority and other executive powers that the General Assembly or the Council of Assembly determines and may delegate his or her powers and duties.
- (3) The Assembly Executive Secretary is by virtue of that office also the Clerk of Assemblies held during his or her tenure of office.
- (4) The Clerk, and any deputy clerks are, by virtue of their offices, members of the Assembly and have the rights and responsibilities of members.

*Defined terms: Assembly, Assembly Executive Secretary, Clerk of Assembly, General Assembly, supplementary provisions.*

#### **14.19 Powers and duties of the Clerk of Assembly**

- (1) The Clerk of Assembly must

- (a) constitute and maintain the roll of members of the Assembly,
  - (b) record the proceedings of the Assembly,
  - (c) keep minutes of its proceedings,
  - (d) preserve its papers, and
  - (e) when required to do so by the Assembly, attest extracts from those minutes.
- (2) Extracts of minutes attested by the Clerk under this section are to be treated as conclusive and are not subject to correction.
  - (3) The Clerk has the authority and other executive powers that the Assembly or the Council of Assembly determines.

*Defined term: Assembly, Clerk of Assembly.*

#### **14.20 Delegation by Clerk of Assembly**

- (1) The Clerk of Assembly may delegate the powers and duties for which the Clerk is responsible.
- (2) The Assembly may accept as deputy clerks any persons to whom powers and duties are delegated under this section.

*Defined term: Assembly, Clerk of Assembly.*

#### *References and appeals to Assembly*

#### **14.21 Delegation of judicial function**

- (1) If it considers it appropriate, the General Assembly may, either generally or in a specific case, delegate its judicial functions to a commission that it appoints for that purpose.
- (2) A commission cannot sub-delegate any function delegated to it under this section
- (3) This section does not apply to disciplinary matters. These are dealt with under Chapter 15.

*Defined terms: disciplinary matter, General Assembly.*

#### **14.22 References by presbytery for advice or decision**

- (1) A presbytery may refer to the General Assembly for advice or for decision any matter, or part of a matter, or any point arising in a matter, which has been brought before it or any part of a matter or any point arising in a matter which is considered to be of special difficulty.
- (2) A reference may be in respect of any matter dealt with or being dealt with by a presbytery and within its jurisdiction.

- (3) Where a reference includes or may include matters connected with the doctrine, discipline, worship, or government of the Church, the reference must identify those matters clearly.
- (4) Assembly must receive references and appeals by way of proposal.
- (5) In respect of a reference
  - (a) the presbytery must
    - (i) forward to the Clerk of Assembly all documents and extracts of minutes connected with the reference,
    - (ii) appoint one or more members of the presbytery making the reference to support the reference, and
  - (b) the Clerk of Assembly must advise all parties concerned with the reference of the General Assembly sitting at which the reference will be heard, and
  - (c) the General Assembly must give all parties an opportunity to be heard when the Assembly considers the reference.
- (6) A reference to the General Assembly stops all further action on or application of the matter dealt with in the reference until such time as the Assembly has heard the reference.
- (7) If the Council of Assembly decides that it is impractical or undesirable to delay any action or implementation of the matter, subsection (6) does not apply.

*Defined terms: Church, Clerk of Assembly, Council of Assembly, General Assembly, presbytery*

#### **14.23 Procedure for judicial action on appeal**

- (1) Any person or church council affected by a decision of a presbytery may lodge an appeal to the General Assembly. This section does not apply to disciplinary matters. These are dealt with under Chapter 15. For the avoidance of any doubt this section does not apply to an employment matter which is governed by relevant Parliamentary legislation.
- (2) Any person or body wishing to appeal against a decision of a presbytery must lodge the appeal within 10 working days of the notification of the decision.
- (3) The presbytery must
  - (a) forward to the Clerk of Assembly within 10 working days of the appeal being lodged all records and all papers in its possession relating to the case,
  - (b) draw up and forward to the Clerk of Assembly the reasons for its decision under appeal,

- (c) at the same time supply to each of the parties to the appeal a copy of all the records and papers (including the reasons for the decision) forwarded to the Clerk of Assembly.
- (4) The Clerk of Assembly must instruct the parties as to the rules and forms of procedure relevant when requested to do so or when the Clerk of Assembly considers it appropriate to do so.
- (5) The parties concerned must abide by and follow that instruction.
- (6) If any party does not do so, the General Assembly may determine that the appeal has been abandoned.
- (7) An appeal to the General Assembly stops all further action on the matter that is the subject of the appeal until such time as the Assembly has given judgment, except that if the Council of Assembly decides that it is impractical or undesirable to delay any action or implementation of the matter, this subsection does not apply.
- (8) Once the General Assembly has given judgment, any further action must be in accordance with that judgment.
- (9) In dealing with an appeal, the General Assembly must
  - (a) call upon the parties to the appeal and the members of the inferior court appointed by that court to appear before the General Assembly,
  - (b) limit the number of speakers to 2 from each party (whatever the number of persons that party comprises),
  - (c) permit one speaker from each party to reply in addition to the 2 speakers in support.
  - (d) give to the members of the General Assembly the opportunity to put questions through the Moderator to any party including the representatives of the inferior court, whether or not that person has spoken in accordance with paragraphs (b) or (c).
- (10) The members of the inferior court appointed to appear on its behalf have the same rights to be heard as parties to the appeal.
- (11) At the conclusion of the hearing, the General Assembly must invite the parties to retire and must then consider the case and either immediately proceed to judgment or take time to consider the matter.
- (12) The General Assembly must recall the parties when it is ready to deliver judgment and deliver the judgment orally, unless the Assembly chooses to deliver the judgment in writing in which

case it should be transmitted to the parties by the Clerk of Assembly and the inferior court advised of the judgment.

- (13) Upon the delivery of judgment in an appeal, the inferior court must act in accordance with it.
- (14) The Clerk of Assembly must provide the Book of Order Advisory Committee with a copy of the final judgment.

*Defined terms: church council, Clerk of Assembly, court, disciplinary matter, General Assembly, presbytery, working day.*

#### **14.24 General provisions for appeals and references**

- (1) No party to any reference or appeal may distribute papers relevant to the reference or appeal, including those forwarded to the Clerk of Assembly, to any member of the General Assembly other than the Clerk of Assembly.
- (2) No party to any reference or appeal may make any approach to any member of the General Assembly that is to hear the reference or appeal.

*Defined terms: church council, Clerk of Assembly, General Assembly, presbytery.*

#### **14.25 Advice to judicial body**

- (1) The General Assembly or Council of Assembly may appoint a committee or person to
  - (a) advise it or its delegate on the judicial procedures appropriate to the case,
  - (b) examine all material available pertaining to the case, and
  - (c) consider the available facts and circumstances.
- (2) The committee or person may provide the General Assembly, the Council of Assembly or the delegate with whatever advice that the committee or person considers appropriate.

*Defined terms: Council of Assembly, General Assembly.*

#### *Procedural matters*

#### **14.26 Procedures for appointments to General Assembly**

##### *Commissioners*

- (1) Each presbytery must send a list of its commissioners to the Clerk of Assembly. The provisions of section 16 of chapter 8 apply to the election of commissioners.

##### *Associate members*

- (2) The Council of Assembly may invite those persons whom it considers may assist in the conduct of the business of the General Assembly and are not commissioners to be associate members for specific purposes.

#### *Additional members*

- (3) Presbyteries, Te Aka Puahou, the Pacific Presbytery, and the Council of Asian Congregations may in accordance with the supplementary provisions appoint additional members to represent young people who are members of congregations of the Church or of a co-operative venture.

#### *Observer members*

- (4) Ministers on the rolls of a presbytery or Te Aka Puahou or the Pacific Presbytery who have intimated to the Clerk through the presbytery clerk their intention of being present and elders who have intimated to the Clerk through the session/parish clerk their intention of being present are observer members. They have the right to attend the General Assembly but they have no speaking rights nor right to vote.

*Defined terms: Church, commissioner, congregation, co-operative venture, Council of Assembly, elder, General Assembly, member, minister, presbytery, session, supplementary provisions, Te Aka Puahou*

### **14.27 Privileges of members of the General Assembly**

- (1) Every duly appointed member of a General Assembly has the right to
  - (a) be present at any sitting of the Assembly,
  - (b) participate in the business of the Assembly,
  - (c) speak in accordance with the rules imposed under standing orders, and
  - (d) vote.
- (2) Despite subsection (1), the Assembly may limit the right of a member to be present at a committee meeting.
- (3) To avoid doubt, the Assembly is not in session before the opening prayer or after the benediction.

*Defined term: General Assembly.*

### **14.28 Discipline during General Assembly meetings**

While in session, the Assembly has the power of discipline in relation to its members, associate members and observer members and may censure or expel any member, associate member or observer member for all or part of a meeting for any breach of its order or authority.

*Defined term: General Assembly.*

### **14.29 Date, time and place of General Assembly meetings**

- (1) At each meeting of the General Assembly, the Assembly must fix the date, time and place of the next meeting.

- (2) If the Moderator and the Clerk of Assembly agree that a change of date, time or place of the next meeting is appropriate, they may appoint another date, time or place for the meeting, but otherwise the date, time and place of meeting already fixed must remain unchanged.
- (3) In the event of a change of date, time or place of a meeting, the Clerk of Assembly must give as much notice to affected persons as is practical in the circumstances.
- (4) In exceptional circumstances where it is impracticable to hold a General Assembly which participants can attend in person, the Council of Assembly may determine that a General Assembly be held by electronic means.

*Defined terms: Clerk of Assembly, General Assembly, electronic means.*

### *Special and Emergency Assemblies*

#### **14.30 Special Assembly**

- (1) A General Assembly may convene a Special Assembly to determine any business referred to it.
- (2) A Special Assembly has the same membership as the General Assembly which convened it, except that the General Assembly that convenes a Special Assembly may prescribe a change to the representation for the Special Assembly.
- (3) Provisions in this chapter applying to a General Assembly apply with the necessary modifications to a Special Assembly.

*Defined terms: church council, commissioners, General Assembly, presbytery, Special Assembly*

#### **14.31 Emergency Assembly**

- (1) The Council of Assembly may convene an Emergency Assembly to consider any matter of emergency.
- (2) The Clerk of Assembly must convene an Emergency Assembly if requested to do so by three or more presbyteries.
- (3) The business for which an emergency meeting is called must be stated in the summons sent to the members and no other business may be transacted at the meeting.
- (4) Before the business of an emergency meeting is dealt with, the action of summoning the emergency meeting must be sustained by resolution, and the Emergency Assembly
  - (a) must determine whether or not a matter referred to it is an emergency, and
  - (b) if it decides that the matter is not an emergency, must refer it to the next General Assembly.

- (5) An Emergency Assembly consists of one commissioner for every 1000 members of regional presbyteries, or part thereof as at 30<sup>th</sup> June, rounded up to the next even number, two commissioners each from Te Aka Puahou and from the Pacific Presbytery and those associate members associated for the specific purpose of the Emergency Assembly. Each presbytery should send equal numbers of ministers and elders.
- (6) The Council of Assembly may appoint not more than 3 members additional to those provided for in subsection (5) as it thinks appropriate in the particular circumstances.
- (7) The quorum for an Emergency Assembly is 60% of those eligible to attend.
- (8) Provisions of this chapter applying to a General Assembly apply with the necessary modifications to an Emergency Assembly.
- (9) An Emergency Assembly may be conducted in person or by electronic means.

*Defined terms: Council of Assembly, Emergency Assembly, General Assembly, minister, presbytery, Te Aka Puahou.*

#### **14.32 Alteration of this Chapter**

This chapter cannot be altered, amended or deleted in any way except in accordance with the special legislative procedure.

*Defined term: special legislative procedure.*

## Chapter 15: Discipline

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**15.1 Background**

- (1) Discipline is the process by which the Church seeks to exercise the authority given by Christ, both in the guidance, control and nurture of its members, and in the correction of offenders. The

Church exercises this authority to discipline its ministers, elders, office bearers, church workers, members and associate members whose conduct is unbecoming. Unbecoming conduct is defined as conduct that calls into question the suitability of the respondent to retain office or alternatively membership of the church. The Church's purpose in exercising discipline is to honour God by making clear the significance of membership in the body of Christ, to encourage behaviour consistent with that calling, to correct or restrain wrongdoing; and to restore the peace and unity of the church. Its intention is to be restorative rather than punitive.

- (2) In dealing with matters of discipline, the proceedings must be distinguished by Christian gentleness, impartiality, and faithfulness.
- (3) The Church's disciplinary procedures, as set out in this chapter, have been developed to assist it to deal consistently on a step-by-step approach with complaints and to incorporate principles of natural justice. This process is not a substitute for the secular judicial system; neither do these procedures diminish in any way the traditional biblical obligation to conciliate, mediate, and adjust points of difference as far as possible without recourse to judicial proceedings.
- (4) Persons exercising discipline must act in a timely manner and consider at every stage the possible effects of the procedure on the health and well-being of all those affected, including the congregation or faith community of which those persons are a part.
- (4) Persons involved in exercising discipline must remember at all times and at all stages of the proceedings the importance of confidentiality.
- (6) Other disputes, grievances and complaints of a nature that do not involve conduct that is unbecoming shall be referred to the Pastoral Resolution Committee of the Presbytery.
- (7) Time: Any decision-maker acting pursuant to the powers provided in this chapter, may, in their discretion, extend or shorten the time appointed by any of the provisions in this chapter, for doing any act or taking any step in any matter or proceeding, on such terms as the decision-maker considers just and reasonable. The decision-maker may extend time although the application for the extension is not made until after the expiration of the time appointed or fixed. The decision-maker can act pursuant to this subsection on an application of any party to any matter, or in its own discretion.

- (8) Cases not provided for: If any case or circumstance arises for which no provision or form of procedure is prescribed by this chapter or elsewhere in the Book of Order, the decision-maker shall proceed in a manner that he or she or they consider is best calculated to promote the purpose and object of this chapter 15 and is consistent with this section.
- (9) Rehearings: In addition to any other powers given to decision-makers pursuant to this chapter 15, any decision-maker has the power and discretion, if he or she or they think fit, to rehear any matter it has determined, on such terms, if any, as the decision-maker deems consistent with the purposes and objects of this chapter 15, set out in sections 1 and 2.
- (10) Any decision-maker may seek advice from the Book of Order Advisory Committee at any time.

*Defined terms: associate member, Church, church worker, conduct unbecoming, congregation, elder, faith community, member, minister, office bearer, Pastoral Resolution Committee.*

#### *Who are Involved in disciplinary procedures*

### **15.2 Grounds for the exercise of discipline**

- (1) Conduct unbecoming of a minister, elder or other office bearer, or church worker of the Church or a member or associate member of a congregation may result in discipline being exercised. Conduct unbecoming includes sexual misconduct.
- (2) Discipline is exercised on the basis of a complaint lodged and processed in accordance with this chapter.
- (3) If a respondent to a charge of sexual misconduct has been convicted in a court of law of any criminal charge relating to sexual misconduct, the Church must, for the purposes of dealing with a complaint concerning the same matter, accept such charge as proven without further inquiry, and proceed to consider penalty and other matters provided for in this chapter without further proof of such charge.
- (4) If a respondent who has been charged with sexual misconduct has been acquitted in a court of law of any criminal charge relating to sexual misconduct, the Church may, in its discretion, investigate and/or lay a complaint concerning the same matter under this chapter.

*Defined terms: associate member, Church, church worker, complaint, conduct unbecoming, congregation, elder, member, minister, office bearer, sexual misconduct.*

### **15.3 Who may be subject to discipline**

- (1) Ministers, elders, other office bearers, church workers and members and associate members of a congregation, may be subject to the discipline of the Church.
- (2) If a disciplinary process is commenced against a person who is a minister or an elder, other office bearer or church worker and that person resigns before the process is completed, the process may be completed despite the resignation.
- (3) If a disciplinary process is commenced against a person who is a member or associate member of a congregation and the person ceases to be a member or associate member before the process is completed, the process may be continued despite the person ceasing to be a member or associate member.

*Defined terms: associate member, Church, church worker, congregation, elder, member, minister, office bearer.*

#### **15.4 Who exercises discipline**

The Church's primary courts of discipline are presbyteries.

*Defined terms: Church, court, Pacific Presbytery, presbytery, Te Aka Puahou.*

*Complaint proceedings for exercise of discipline by assessors*

*Preliminary: Contact and support persons*

#### **15.5 Appointments for the disciplinary process**

- (1) Each primary court of discipline must appoint contact persons who are commissioned to
  - (a) receive complaints, and
  - (b) advise and assist complainants, whether or not the allegations are yet in writing, and
  - (c) supply complainants with a copy of chapter 1 and this chapter of the Book of Order.
- (2) Contact persons may, if requested by a complainant or potential complainant, assist that person to formulate his or her complaint in writing.
- (3) A contact person may offer to the complainant the names of suitable persons available to act as a support person for him or her, and the contact person may, if he or she chooses to, act as a support person.

*Defined terms: Book of Order, complaint, complainant, contact person, support person.*

#### **15.6 Appointment of officers by Council of Assembly to deal with complaints**

- (1) The Council of Assembly must appoint a Complaints and Disputes Manager. The role and duty of the Complaints and Disputes Manager includes:
  - (a) To receive complaints about the persons who are subject to discipline as specified in clause 15.3. Complaints may be received by the Complaints and Disputes Manager directly from the complainant or from a contact person.
  - (b) On receipt of a complaint, to arrange for the pastoral care of both the complainant and the respondent where appropriate. Pastoral care may include assisting the complainant with the complaints process.
  - (c) Be responsible for the timely running of the complaints process including arranging Complaints Assessment Committees, Disciplinary Commissions and Appeals Commissions.
  - (d) To appoint counsel to present any complaint where a Complaints Assessment Committee has found that a complaint should proceed to a hearing.
  - (e) To give advice to commission members or a Complaints Assessment Committee, and procedural advice to the parties.
  - (f) Where appropriate, and where the parties agree, to arrange mediation.
  - (g) To monitor that the orders of any Disciplinary Commission made under 15.27 or Assembly Judicial Commission under 15.39 are complied with and, in cases of non-compliance, report to the Assembly Executive Secretary.
  - (h) To maintain records relating to Disciplinary and Assembly Judicial Commission hearings.
- (2) The Complaints and Disputes Manager may delegate any of the tasks referred to in sub-paras (a) to (h) above.
- (3) The Council of Assembly must also appoint a panel of assessors from whom a Complaints Assessment Committee may be appointed in respect of particular complaints. That panel must contain a number of assessors who are legally qualified, but not all assessors need be so qualified. The panel must include both men and women.
- (4) The Council of Assembly must also appoint a panel of persons from whom a disciplinary commission may be constituted to hear any complaints which are referred to such a commission in accordance with this chapter. That panel must contain a number of persons who are legally qualified, but not all members of the panel need be so qualified. The panel must include both men and women.

*Defined terms: Book of Order, complainant, complaint, contact person, Council of Assembly, disciplinary commission, member.*

*Process for initiating complaints*

**15.7 Lodging of complaint**

- (1) A complaint must be in writing signed by the complainant and must be made to either a contact person or directly to the Complaints and Disputes Manager.
- (2) If a complaint or allegation designed to be a complaint is made to any member of a primary court of discipline who is not a contact person, the member of the primary court must direct the complainant to a contact person or the Complaints and Disputes Manager.
- (3) Where appropriate, the Complaints and Disputes Manager may refer a prospective complainant to a contact person for assistance in formulating a complaint in writing.
- (4) No disciplinary action is to be taken on an anonymous complaint.
- (5) Where no complaint has been made but a presbytery or the Complaints and Disputes Manager or the Assembly Executive Secretary or a church council considers that they ought to lay a complaint against a person, they must
  - (a) appoint a representative to pursue the complaint and adopt the role of the complainant in respect of that matter, and
  - (b) indemnify that person in respect of their conduct in good faith as complainant.
- (6) On receiving a complaint, the contact person must forward it to the Complaints and Disputes Manager within 10 working days.

*Defined terms: church council, complainant, complaint, contact person, court, presbytery, working day.*

**15.8 Self Accusation**

- (1) Where no complaint has been made under section 7, a person who considers that they have been involved in conduct that is unbecoming, may self-accuse by providing the details of the conduct (in writing) to the Complaints and Disputes Manager and including a request that they be subject to the Church's disciplinary procedures.
- (2) Where a person self-accuses in accordance with subsection (1) the disciplinary procedures set out in this chapter shall be applied as if a complaint had been received under section 7(1).

*Defined terms: complaint, contact person*

### **15.9 Appointment and procedures of Complaints Assessment Committee for particular complaints**

- (1) As soon as practical after receiving a complaint under section 7, or after obtaining details of a complaint from a contact person. the Complaints and Disputes Manager must appoint from the panel of assessors appointed by the Council of Assembly under section 6 a Complaints Assessment Committee of not fewer than 3 and not more than 5 assessors to deal with the complaint.
- (2) The Complaints and Disputes Manager must ensure that at least one member of the Complaints Assessment Committee is legally qualified.
- (3) No person who is a member of the congregation with which either the complainant or the respondent is associated may be appointed to the Complaints Assessment Committee that is to deal with the complaint.
- (4) The Complaints and Disputes Manager shall nominate one of the appointed assessors to convene the committee.

*Defined terms: assessor, complainant, complaint, Complaints and Disputes Manager, congregation, contact person, Council of Assembly, respondent, working days.*

### **15. 10 Service of complaint and other documents**

- (1) The Complaints and Disputes Manager must ensure that within 5 working days of receiving a written complaint, a copy of the complaint and of chapter 1 and this chapter of the Book of Order are delivered to the respondent.
- (2) Documents may be delivered physically or by electronic communication.
- (3) Recipients of communications are to acknowledge receipt of documents.

*Defined terms: , Book of Order, complaint, Complaints and disputes Manager, respondent, support person, working day.*

### **15. 11 Response by respondent**

- (1) Subject to subsection 3, a response must be delivered to the Complaints Assessment Committee within 15 working days after the day on which the complaint was delivered to the respondent under section 10.
- (2) The Complaints Assessment Committee may decide whether to extend the time for a response to be delivered by the respondent.

*Defined terms: complaint, respondent, working day.*

#### **15.12 Complaints Assessment Committee Process**

- (1) The Complaints and Disputes Manager must ensure that a copy of any response from the respondent to the complaint is delivered without delay to the complainant or the complainant's representative.
- (2) The Complaints Assessment Committee may then take such steps as it deems appropriate to inquire into the complaint, including:
  - (a) Requesting the complainant to respond in writing to the respondent's response to the complaint.
  - (b) Interviewing the complainant and the respondent.
  - (c) Interviewing any witnesses it considers will assist the committee in reaching its determination.
  - (d) Seeking further responses from the complainant and respondent as it sees fit, and
  - (f) Making any inquiry it considers necessary in the investigation of the complaint.
- (3) The Complaints Assessment Committee may appoint a person to assist it in its investigation.
- (4) The Complaints Assessment Committee must comply with the principles of natural justice in carrying out its inquiries.

*Defined terms: complainant, respondent, working day*

#### **15.13 Interim standing down from office or membership**

- (1) At any time after receiving a complaint, the Complaints Assessment Committee may direct that the respondent must
  - (a) stand down temporarily from exercising the duties associated with any office or offices held by the respondent,
  - (b) refrain from participating as a member or associate member of any congregation.
- (2) At any time after receiving a complaint, the Complaints Assessment Committee may suspend the Good Standing of any respondent.
- (3) Before giving a direction under subsection (1) or issuing a suspension under subsection (2) or both, the Complaints Assessment Committee must give the complainant and respondent an opportunity to be heard.
- (4) At any such hearing, the parties to the complaint may be represented by legal counsel.

- (5) The Complaints Assessment Committee may seek comment from the relevant church council, presbytery or any other person before making its decision.
- (6) Whenever the Complaints Assessment Committee gives a direction under this section, it must without delay inform the Complaints and Disputes Manager who must inform the Assembly Executive Secretary and the relevant presbytery. The presbytery must without delay inform the appropriate church council.

*Defined terms: Assembly Executive Secretary, church council, complaint, complainant.*

#### **15.14 Church council to be advised of complaint**

Where a complaint has been made against a minister or a church worker, the Complaints and Disputes Manager may, if appropriate, inform a senior officer of the relevant church council that a complaint has been made, and provide a summary of the nature of that complaint; the officer may, if appropriate, provide such information to the church council.

*Defined terms: church council, church worker, complainant, complaint, minister.*

#### **15.15 Consideration of complaint**

- (1) The Complaints Assessment Committee must, within 30 working days, as calculated in accordance with subsection (2), consider the complaint, and any other relevant evidence, and make a determination in relation to the complaint.
- (2) The period of 30 working days begins when final comment is received from the respondent or, if comment is not received, the expiry of the timeframe in section 11.

*Defined terms: complainant, complaint, respondent, working day*

#### **15.16 Determination of the complaint by Complaints Assessment Committee**

- (1) The Complaints Assessment Committee must determine the matter as follows:
  - (a) If the complaint is considered by the Complaints Assessment Committee to be unsustainable or trivial and not worthy to proceed further, they must dismiss it, but not before giving the complainant the opportunity to be heard.
  - (b) If the conduct to which the complaint relates occurred more than 5 years before the complaint was made, the Complaints Assessment Committee must dismiss the complaint unless the complaint relates to sexual

misconduct. The Complaints Assessment Committee may, in its unlimited discretion, extend (or refuse to extend) that period of time if they first give both the complainant and the respondent the opportunity to be heard.

- (c) Except in complaints relating to sexual misconduct, the Complaints Assessment Committee must consider the suitability of mediation and, if they think it appropriate, may direct that a mediation process be undertaken,
  - (d) Except in complaints relating to sexual misconduct, the assessors may direct that the complaint be dealt with by the exercise of oversight by the relevant presbytery.
  - (e) If a complaint is considered by the Complaints Assessment Committee to not involve conduct that is unbecoming, it may direct that the complaint be dealt with by a Pastoral Resolution Committee.
- (2) If the Complaints Assessment Committee determines there is a reasonable prospect of conduct unbecoming being proved, and if in any other case the Complaints Assessment Committee does not consider action under any other paragraph of subsection (1) to be appropriate, the Complaints Assessment Committee must
- (a) direct that a charge of conduct unbecoming the respondent be laid and referred to the Complaints and Disputes Manager for the appointment of a disciplinary commission to deal with the matter, or
  - (b) refer the matter to the New Zealand Police.

*Defined terms: complainant, complaint, disciplinary commission, Pastoral Resolution Committee, presbytery, respondent.,*

- (3) If the Complaints Assessment Committee determines there is insufficient evidence to warrant further action in relation to the original complaint but that the evidence discloses sufficient evidence of other conduct which would amount to conduct unbecoming the Committee may direct that a charge of conduct unbecoming be laid in relation to that further evidence or matter.

#### **15.17 Notification of decision of Complaints Assessment Committee**

- (1) Within 5 working days of making a determination under section 16, the assessors must notify their determination in writing to
- (a) the complainant,
  - (b) the respondent,
  - (c) the contact person,
  - (d) the relevant church council
  - (e) the relevant presbytery,
  - (f) the Assembly Executive Secretary, and
  - (g) the Complaints and Disputes Manager.

*Defined terms: Assembly Executive Officer, complainant, contact person, Pacific Presbytery, presbytery, respondent, Te Aka Puahou, working day.*

- (2) At the request of the relevant presbytery, in appropriate circumstances, a Complaints Assessment Committee or the Assembly Executive Secretary may authorise a summary of a determination to be made available to a congregation affected by a determination.

#### **15.18 Complaints Assessment Committee's determination is final**

- (1) A determination made by the Complaints Assessment Committee under section 16 is final, and there is no right of appeal.
- (2) However, if the Complaints Assessment Committee directs that a mediation process be undertaken and that process fails, the Complaints Assessment Committee must then direct that the complaint be determined by one or more of the other courses of action set out in section 16.

*Defined terms: Complaints Assessment Committee, complaint.*

#### **Implementation of determination of Complaints Assessment Committee**

#### **15.19 Appointment of Presenting Counsel**

- (1) If the Complaints Assessment Committee finds that charges should be laid against the respondent, the Complaints and Disputes Manager shall appoint a legally qualified person to present the complaint.
- (2) The person appointed to present the complaint shall be responsible for drafting the charges to be laid and will serve a copy of the charge(s) on the respondent 15 working days of being appointed as Presenting Counsel.

#### **Disciplinary Commission**

#### **15.20 Appointment and membership of disciplinary commission**

- (1) If under section 16 (2) (a) the Complaints Assessment Commission directs that a charge of conduct unbecoming the respondent be laid, the Complaints and Disputes Manager must, as soon as reasonably possible, appoint
  - (a) not fewer than 3 and not more than 5 persons from the disciplinary commission panel to constitute the disciplinary commission, and

- (b) a person to conduct the complaint before the disciplinary commission.
- (2) A disciplinary commission must
  - (a) be chaired by a person who is legally qualified, and
  - (b) include at least one man and one woman.
- (3) Before hearing a complaint proceeding, a disciplinary commission appointed under subsection (1) must consider whether in the particular circumstances it is desirable that the membership of the commission should reflect particular cultural or ethnic elements of society and, if the commission is of that opinion, it may, despite subsection (1), co-opt one or more suitable persons as additional members of the commission.
- (4) All members of a disciplinary commission, including any additional members appointed under subsection (3), have a vote.
- (5) Although the relevant presbytery plays no part in the selection or appointment of the commissioners, the disciplinary commission is nevertheless deemed to be a commission of presbytery.

*Defined terms: Complaints Assessment Committee, complaint, Complaints and Disputes Manager, disciplinary commission, presbytery.*

#### *Powers*

##### **15.21 Powers of disciplinary commission**

- (1) A disciplinary commission has the power to seek advice on procedural and legal issues from
  - (a) the Book of Order Advisory Committee of the General Assembly or a member of that group,
  - (b) The Complaints and Disputes Manager or
  - (c) a person requested by that group to provide such assistance and advice.
- (2) A disciplinary commission may determine its own procedure but must apply the principles of natural justice in conducting the hearing of a complaint proceeding so that both the complainant and the respondent have a fair hearing.

*Defined terms: Book of Order Advisory Committee, complainant, complaint, disciplinary commission, General Assembly, respondent.*

#### *Procedures of disciplinary commission*

##### **15. 22 Procedural entitlements of parties**

- (1) A disciplinary commission must ensure that
  - (a) the respondent has received a formal written charge that includes sufficient particulars of the charge so that the

respondent is able to prepare their defence, and

- (b) the complainant and the respondent receive not less than 15 working days' notice of the date of the hearing and the time and place at which the hearing is to be held.
- (2) The complainant and the respondent are entitled to appear before the disciplinary commission with or without legal counsel or other representative and with or without a support person. Responsibility for conducting the complaint remains with the Presenting Counsel.
- (3) A complaint may be withdrawn on the application of the complainant with the leave of the disciplinary commission.

*Defined terms: complainant, complaint, disciplinary commission, respondent, support person.*

#### **15.23 Failure of respondent to appear**

If the respondent fails to appear before the disciplinary commission when called upon (and no adequate reason is given for the failure), the disciplinary commission may proceed with the hearing in the respondent's absence and determine the case.

*Defined terms: disciplinary commission, respondent*

#### **15.24 Evidence of criminal conviction**

If a respondent has been convicted in a court of law of a criminal charge, a disciplinary commission

- (a) must, for the purposes of dealing with a disciplinary matter under these procedures, accept the charge as proven without further inquiry, and
- (b) may proceed without further proof of the charge.

*Defined terms: disciplinary commission, respondent.*

#### *Hearing*

#### **15.25 Conduct of hearing**

- (1) A disciplinary commission may conduct a hearing in private or may, as it thinks fit, allow specified persons or persons generally to be present during the hearing.
- (2) A disciplinary commission will normally conduct a hearing in person but may, as it thinks fit, conduct part or all of the hearing by electronic means.
- (3) A disciplinary commission may receive, in oral or written form, any relevant evidence and may give such weight to any evidence as it thinks appropriate in the circumstances.

- (4) A disciplinary commission may:
  - (a) give directions to the parties regarding process prior to the hearing, including a direction to the parties to exchange briefs of evidence before the hearing, and relating to the discovery of documents, and
  - (b) call upon persons to attend before it and give evidence at the hearing.
- (5) Every witness appearing before a disciplinary commission must be examined on a solemn affirmation administered by the person presiding at the hearing.

*Defined term: disciplinary commission.*

#### **15.26 Record of Hearing**

A disciplinary commission must keep an accurate record of

- (a) the evidence and any submissions it receives on the matter before it, and
- (b) its determination of the matter.

*Defined term: disciplinary commission.*

#### *Process for hearing evidence*

##### **15.27 Examination of witnesses**

- (1) After considering any submissions that the parties may wish to make, the disciplinary commission must decide on the procedure to be followed for the examination of witnesses, but any such procedure must have regard to the rules for natural justice.

*Defined term: disciplinary commission.*

##### **15.28 Procedure if witness unable to attend hearing**

- (1) If a person whose evidence is required is unable to attend the hearing, a disciplinary commission may appoint 2 or more of its members to hear and record the evidence, examine the witness, and submit the evidence, duly authenticated, to the commission.
- (2) The parties and their legal counsel are entitled to be present at the presentation of evidence under subsection (1) and examine the witness.
- (3) Witnesses will normally appear in person but a disciplinary commission may, as it thinks fit, permit a witness to appear by electronic means.

*Defined term: disciplinary commission.*

#### *Decision of disciplinary commission*

##### **15.29 Basis for decision**

- (1) Before making a decision, the disciplinary commission must give the parties the right to make submissions.

- (2) A disciplinary commission must determine the matters before it on the balance of probabilities. Allegations must be proved to a standard commensurate with the seriousness of the complaint.
- (3) In giving its decision, a disciplinary commission must declare whether a charge is proved or not proved.

*Defined term: disciplinary commission.*

### **15.30 Orders that may be made by disciplinary commission**

- (1) If a disciplinary commission finds a charge proved, it should consider the appropriateness, if the parties agree, of ordering a restorative justice process be undertaken prior to making any other order except in the case of sexual misconduct. The Complaints and Disputes Manager is responsible for organising restorative justice.
- (2) If a charge is proved, a disciplinary commission may make one or more of the following orders:
  - (a) that mediation be undertaken by the parties,
  - (b) if the complainant and the respondent agree, that a restorative justice process be instituted,
  - (c) that the respondent be censured,
  - (d) that an educative or restorative programme be undertaken by the respondent,
  - (e) that a specified rehabilitative process be set up for the respondent or some other affected person, or both,
  - (f) that the respondent be required to cease and desist from the conduct complained of,
  - (g) that the respondent be required to undertake specified education or accept specified supervision,
  - (h) that the respondent be required to enter under specified conditions into a period of probation,
  - (i) that the respondent's compliance with any specific requirements imposed under paragraphs (d), (e), (f), (g) or (h) must be actively and systematically monitored by the relevant presbytery for a specified time,
  - (j) that for an appropriate specified period the respondent be suspended from membership, associate membership, a function, or office, or cease training or attending a specific church for a specified period or until the presbytery decides otherwise,
  - (k) that the respondent's membership or associate membership of the Church be terminated,
  - (l) that specified information be suppressed, including the identity of, or matter that could identify either or both the complainant or respondent,
  - (m) if the respondent is a minister, that any pastoral tie be dissolved and he or she be removed from office,

- (n) if the respondent is a minister, that his or her name be removed from the roll of ministers,
- (o) that the respondent be removed from office or membership, or associate membership, as appropriate and his or her name be removed from the roll of members or associate members, as appropriate.
- (p) if the respondent is a licentiate, that his or her licence be revoked,
- (q) that the respondent apologise in writing to the complainant in a form to be approved by the disciplinary commission or the Assembly Judicial Commission, as appropriate,
- (r) that the respondent pay compensation and restitution as specified to the complainant,
- (s) that the reasonable costs of providing counselling or pastoral care to an affected party, or any other reasonable costs, be reimbursed or paid by the respondent,
- (t) that any order requiring a respondent to stand down from office or membership or associate membership be revoked.

*Defined terms: Assembly Judicial Commission, associate member, Church, complainant, complaint, disciplinary commission, licentiate, member, minister, presbytery, respondent,*

### **15.31 Promulgation of Decision**

- (1) A disciplinary commission may give an oral decision at the conclusion of the hearing.
- (2) Not later than 20 working days after the conclusion of the hearing (whether or not an oral decision has been given), the disciplinary commission must record its decision in writing, together with the reasons for the decision.
- (3) Not later than 2 working days after the decision is recorded in writing under subsection (2), a copy of the decision and reasons must be delivered to the following:
  - (a) the complainant,
  - (b) the respondent,
  - (c) the Complaints Assessment Committee
  - (d) the relevant presbytery
  - (e) the relevant church council
  - (f) the Complaints & Disputes Manager
  - (g) the Assembly Executive Secretary
  - (h) the Book of Order Advisory Committee.
- (4) If the disciplinary commission considers it appropriate, the full decision or a summary of it may be provided to the employer, employing body, congregation or faith community of the respondent, or any other party. A redacted version of the

decision or a summary may be published by the Assembly Executive Secretary for the purpose of education in the Church.

*Defined terms: Assembly Executive Secretary, church council, complainant, congregation, contact person, court, disciplinary commission, faith community, respondent, working day.*

### **15.32 Name suppression**

- (1) The disciplinary commission must consider whether the name of the complainant or the respondent, or any matter that might tend to identify the complainant or the respondent, should be published and, having regard to subsections (2) and (3), may order accordingly.
- (2) In a case that relates to a complaint of sexual misconduct, the complainant's identity or any matter that might tend to identify the complainant must not be published.
- (3) Subject to subsection (2), unless there are exceptional circumstances
  - (a) the complainant's name must not be published
    - (i) without their written consent, or
    - (ii) until the complainant has been given an opportunity to be heard on this question, and
  - (b) if the complaint is dismissed, the respondent's name must not be published
    - (i) without their written consent, or
    - (ii) until the respondent has been given an opportunity to be heard on this question.

*Defined terms: complainant, complaint, disciplinary commission, respondent, sexual misconduct.*

### **15.33 Record of complaint proceeding to be retained**

- (1) At the completion of its responsibilities under sections 20 to 32, a disciplinary commission must deliver the record of the complaint proceeding to the Assembly Executive Secretary.
- (2) The Assembly Executive Secretary must keep the record in a confidential file.
- (3) The Assembly Executive Secretary may allow material from the confidential file to be made available to the extent they direct.

*Defined terms: Assembly Executive Secretary, complaint, disciplinary commission.*

#### *Action to be taken after decision of disciplinary commission*

### **15.34 Immediate implementation of decision**

- (1) A decision of a disciplinary commission takes immediate effect unless
  - (a) the disciplinary commission directs that implementation of

- the decision be deferred until any appeal is determined or until the time for appeal expires and no appeal has been lodged, or
- (b) if the respondent appeals against the decision, the Assembly Judicial Commission directs that implementation of the decision be deferred until the appeal is determined.
- (2) Subject to any direction that may be made under subsection (1), when a church council or presbytery receives a decision promulgated by a disciplinary commission under section 31, it must
- (a) give effect to the decision by implementing any recommendations the disciplinary commission makes, and
  - (b) if the respondent has been found guilty of conduct unbecoming and the disciplinary commission so recommends, use its best endeavours to
    - (i) secure the rehabilitation of the respondent, and
    - (ii) support the victim of the conduct.

*Defined terms: Assembly Judicial Commission, church council, disciplinary commission, presbytery, respondent.*

### **15.35 Decisions of disciplinary commissions binding**

A church council or presbytery has no power

- (a) to act as a court of appeal, or
- (b) to depart from or vary any finding or decision of the disciplinary commission.

*Defined terms: church council, disciplinary commission, presbytery.*

#### *Appeal to Assembly Judicial Commission*

### **15.36 Right of appeal**

- (1) The complainant and the respondent may appeal to an Assembly Judicial Commission against a decision of a disciplinary commission that a complaint has been proved or not proved.
- (2) The respondent may appeal to an Assembly Judicial Commission against a penalty imposed on them.
- (3) The Assembly Executive Secretary may appeal a decision of a disciplinary commission on the advice of presenting counsel. The Assembly Executive Secretary may also seek advice from the Book of Order Advisory Committee.

*Defined terms: Assembly Judicial Commission, complainant, complaint, disciplinary commission, respondent.*

### **15.37 Time for lodging appeal**

An appeal under section 36 must be lodged with the Complaints and Dispute Manager not later than 15 working days after the written reasons for a decision have been delivered in accordance with section 28.

*Defined terms: Assembly Executive Secretary, working day.*

*Process for conducting appeal*

**15.38 Appeal on the record of evidence**

- (1) An appeal is by way of rehearing on the record of the evidence taken by the disciplinary commission in the course of the complaint proceeding and shall not be a re-hearing of evidence.
- (2) The evidence recorded by the disciplinary commission and authenticated by the presiding person is the evidence before the Assembly Judicial Commission on an appeal.

*Defined terms: Assembly Judicial Commission, complaint, disciplinary commission.*

**15.39 Leave to admit new evidence**

- (1) On the application of a party, an Assembly Judicial Commission may, in its discretion, grant leave for further evidence on questions of fact to be presented but an Assembly Judicial Commission must not grant such leave unless it is satisfied that
  - (a) the party seeking leave could not, with due diligence, have discovered the evidence before the hearing before the disciplinary commission, and
  - (b) the weight or cogency of the new evidence might have had an important influence on the result of the earlier hearing.
- (2) If leave is granted under subsection (1), the Assembly Judicial Commission may either refer the whole case back to the disciplinary commission for a new hearing or may itself receive the evidence and proceed to a determination of the case.

*Defined terms: Assembly Judicial Commission, disciplinary commission.*

**15.40 Record of appeal**

An Assembly Judicial Commission must keep an accurate record of the evidence and submissions received by it.

*Defined term: Assembly Judicial Commission.*

**15.41 Determination of appeal**

- (1) Before it makes a decision or gives an order, an Assembly Judicial Commission must give every party to the appeal an opportunity to make submissions.
- (2) An Assembly Judicial Commission must declare whether the

appeal is allowed or refused and, in any event, may modify or replace any order made by the disciplinary commission.

- (3) If in exceptional circumstances it considers it appropriate to do so, the Assembly Judicial Commission may either refer the whole case back for a re-hearing by a differently constituted disciplinary commission or may itself rehear the evidence and proceed to a determination of the case.
- (4) The decision of an Assembly Judicial Commission is final and is not subject to appeal.

*Defined terms: Assembly Judicial Commission, disciplinary commission.*

#### **15.42 Orders that may be made by Assembly Judicial Commission**

Where an Assembly Judicial Commission refuses an appeal, the Commission may make any order or orders that a disciplinary commission might make under section 30 where it finds a charge proved.

*Defined terms: Assembly Judicial Commission, disciplinary commission.*

#### **15.43 Promulgation of decision on appeal**

- (1) An Assembly Judicial Commission may give an oral decision at the conclusion of the appeal hearing.
- (2) Not later than 20 working days after the conclusion of the hearing (whether or not an oral decision was given), the Assembly Judicial Commission must record its decision in writing, with reasons.
- (3) Not later than 2 working days after the decision is recorded in writing, a copy of the decision and reasons must be delivered to
  - (a) the Moderator of the General Assembly
  - (b) the Assembly Executive Secretary
  - (c) the complainant
  - (d) the respondent
  - (e) the Complaints Assessment Committee
  - (f) the Complaints and Disputes Manager
  - (g) the primary court of discipline
  - (h) the Book of Order Advisory Committee
- (4) if the Assembly Judicial Commission considers it appropriate, the full decision, or summary of it, may be provided to the employer, employing body, congregation, or faith community, of the respondent, or any other party.
- (5) The Assembly Judicial Commission must also inform the relevant church council, of the outcome of the hearing and may advise the Church as a whole.

*Defined terms: Assembly Executive Secretary, Assembly Judicial Commission, Church, church council, complainant, congregation, contact person, court, faith community, General Assembly, Moderator, presbytery, respondent, working day.*

#### **15.44 Name suppression**

- (1) The Assembly Judicial Commission must consider whether the name of the complainant or the respondent or any matter that might tend to identify the complainant or the respondent should be published and, having regard to subsections (2) and (3), may order accordingly.
- (2) In a case that relates to a complaint of sexual misconduct, the complainant's identity or any matter that might tend to identify the complainant must not be published
- (3) Subject to subsection (2), unless there are exceptional circumstances:
  - (a) the complainant's name must not be published
    - (i) without their written consent, or
    - (ii) until the complainant has been given an opportunity to be heard on this question, and
  - (b) if the complaint is dismissed, the respondent's name must not be published:
    - (i) without their written consent; or
    - (ii) until the respondent has been given an opportunity to be heard on this question.
- (4) The Assembly Judicial Commission may recommend to the Assembly Executive Secretary whether or not its finding should be made public, and the Assembly Executive Secretary must carry out that recommendation.

*Defined terms: Assembly Executive Secretary, Assembly Judicial Commission, complainant, complaint, respondent, sexual misconduct.*

#### ***Powers and duties of disciplinary commissions and Assembly Judicial Commission***

##### **15.45 Procedure if censure ordered**

- (1) If a disciplinary commission or Assembly Judicial Commission directs that the respondent be censured, the disciplinary commission or Assembly Judicial Commission must call the respondent to appear before it.
- (2) When the respondent appears, the person presiding must declare the censure to the respondent in the presence of the disciplinary commission or Assembly Judicial Commission, as the case may be, and must also address the respondent in an appropriate manner, having regard to the nature of the case.

- (3) If the respondent fails to appear, the person presiding must ensure that the censure is delivered to the respondent in writing, together with a suitable written address, having regard to the nature of the case.

*Defined terms: Assembly Judicial Commission, disciplinary commission, respondent.*

#### **15.46 Costs**

- (1) A disciplinary commission or Assembly Judicial Commission may, as it thinks fit, order costs against a party to a complaint proceeding or an appeal relating to a complaint proceeding, as the case may be.
- (2) Costs may be ordered only in relation to
  - (a) costs incurred in investigating and disposing of a complaint proceeding (including the costs of any party to the proceeding)
  - (b) the cost of supplying support services to a complainant or respondent.

*Defined terms: Assembly Judicial Commission, complainant, complaint, disciplinary commission, respondent.*

#### **15.47 Expenses and allowances**

- (1) The expenses and allowances relating to contact persons, the Complaints and Disputes manager, assessors, presenting counsel, and the disciplinary commission appointed in relation to a complaint proceeding must be met by the relevant presbytery. Without breaching confidence, on receiving notice of a complaint, the Assembly Executive Secretary must advise the presbytery of possible costs and the basis on which they will be charged. The presbytery and the Assembly Executive Secretary must agree on how the costs are to be charged to the presbytery.
- (2) There is no entitlement for a respondent or complainant to have legal costs met but, in exceptional circumstances, the Assembly Executive Secretary may authorise payment of legal counsel. In any proceeding where legal counsel is retained, the following provisions apply
  - (a) Without breaching confidence, the Assembly Executive Secretary must advise the presbytery that a complaint relating to a person in the presbytery's jurisdiction has been referred to a disciplinary commission and that legal counsel needs to be appointed, the cost to be borne by the presbytery.
  - (b) A description of the scope and content of intended legal services must be agreed between the Assembly Executive Secretary and legal counsel providing the legal

- services, and agreed by the presbytery, before the service is provided.
- (c) The legal counsel must provide an estimate of fees for the intended legal services, stipulating the counsel's hourly rate and anticipated time for the task. The Assembly Executive Secretary must, if appropriate, with the agreement of presbytery, approve that estimate in writing, in whole or in part prior to the legal services being provided.
  - (d) The legal counsel must provide the Assembly Executive Secretary and the presbytery with a report on the legal services which have been provided, and the professional fees incurred.
- (2) The presbytery may, in its discretion, meet the out-of-pocket expenses (but not including loss of income) of the complainant or the respondent, or both, in accordance with supplementary provisions issued for the purpose.
  - (3) If a disciplinary commission or Assembly Judicial Commission orders reimbursement of the reasonable costs of providing counselling or pastoral care, or other reasonable costs, those costs (to the extent they are not met under the Injury Prevention, Rehabilitation, and Compensation Act 2001) must be paid by the relevant presbytery, as appropriate, in accordance with supplementary provisions issued for the purpose and may be recovered from the relevant party.

*Defined terms: Assembly Executive Secretary, Assembly Judicial Commission, complainant, complaint, contact person, disciplinary commission, General Assembly, presbytery, respondent, supplementary provisions.*

#### **15.48 Register**

- (1) The Assembly Executive Secretary must set up and maintain a register of all complaint decisions.
- (2) The register, insofar as it relates to a particular person, must be made available, in appropriate circumstances, to enable the record of a minister or other office bearer or church worker to be assessed if, in the opinion of the Assembly Executive Secretary, there is a genuine need to ascertain that record, as for example, when processing a Police vetting request or when a congregation is considering a minister for call.

*Defined terms: Assembly Executive Secretary, call, church worker, complaint, congregation, office bearer, minister.*

#### **15.49 Requirement to Report**

- (1) Members of church councils who become aware of allegations relating to sexual misconduct, or any complaint relating to a child or young person, must report that

allegation to the Complaints and Disputes Manager without delay.

### **15.50 Immunity and Indemnity of Church Representatives**

- (1) In this section "Church Representatives" includes the following persons:
  - (a) Any Contact Person.
  - (b) Any Complaints and Disputes Manager.
  - (c) Any member of a panel of Assessors and the Complaints Assessment Committee for any particular case.
  - (d) Any member of a Disciplinary Commission and the Disciplinary Commission for any particular case.
  - (e) Any member of an Assembly Judicial Commission and the Assembly Judicial Commission for any particular case.
  - (f) Any Mediator providing mediation assistance under this chapter or any Supplementary Provision.
  - (g) The Assembly Executive Secretary.
  - (h) Any legally qualified person providing advice or assistance under this chapter including any prosecutor or other person appointed to conduct a complaint.
  - (i) Any member of the Book of Order Advisory Committee or person appointed by that committee to provide advice or assistance under this chapter.
  - (j) Any other person acting for and on behalf of the Church under this chapter in relation to any matter.
- (2) No Church Representative is personally liable for anything done, reported, stated, or omitted in the exercise, or intended exercise, of the powers and performance or intended performance of their duties set out in this chapter, unless they acted in bad faith.
- (3) No complaint or any other proceedings whether under this chapter or otherwise howsoever shall lie against any Church Representative personally in respect of anything done or omitted to be done by that Church Representative whilst discharging or purporting to discharge any

responsibilities under this chapter, unless that Church Representative acted in bad faith.

- (4) Any person alleging bad faith on the part of any Church Representative must obtain leave to commence complaint proceedings under this chapter from the Book of Order Advisory Committee.
- (5) For the avoidance of doubt this section does not affect the right of review or appeal in respect of any determination provided under this chapter.

#### **15.51 Alteration of this chapter**

Sections 1 to 6 and this section 51 cannot be altered, amended or deleted in any way except in accordance with the special legislative procedure.

*Defined term: special legislative procedure.*

## Chapter 16: Property and finance

### Index to chapter 16

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### **16.1 Background**

To enable the Church to fulfil its life, worship, and mission, it requires both financial and spiritual resources. This chapter deals with the management of the Church's financial resources, which include both real and personal property.

*Defined term: Church*

#### *Property*

### **16.2 Property to be held by trustees**

- (1) This section and sections 3 to 7 apply to all properties that serve the life, worship and mission of the Church, other than properties held by other churches for co-operative ventures.
- (2) The Presbyterian Church Property Act 1885 and its amendments and The Otago Foundation Trust Board Act 1992 set out the duties and responsibilities of the Trustees.
- (3) All properties held in New Zealand for the Church are vested in either
  - (a) the Presbyterian Church Property Trustees if the property is parish property held north of the Waitaki River, or
  - (b) the Otago Foundation Trust Board if the property is held south of the Waitaki River.
- (4) The Trustees hold all property upon trust under the Acts of Parliament relating to Church property.

- (5) The law relating to the administration of charitable trusts applies to all property vested in the Trustees.
- (6) The Trustees must have regard to any relevant supplementary provisions issued under chapter 3.
- (7) Members of church councils are responsible for the day-to-day management of property held in trust by the Trustees.
- (8) The Trustees must ensure that the proper administration of the property takes place in accordance with the relevant trusts and rules of the Church.
- (9) The Trustees must exercise due care and prudence in making and carrying out decisions

*Defined terms: Church, church council, co-operative venture, court, Presbyterian Church, Property Trustees, supplementary provisions, trustees.*

### **16.3 Property responsibilities of a congregation**

- (1) The church council is responsible for the management and administration of all property of the congregation and must do everything necessary or appropriate for the use and management of all property associated with the life, worship, and mission of the congregation including
  - (a) the care and maintenance of all property,
  - (b) the provision of adequate insurance cover on all property,
  - (c) determining the use of land and buildings, subject to any provisions of chapter 5,
  - (d) dealing with proposals for the acquisition, leasing or disposal of any property, and
  - (e) obtaining the authority of the congregation regarding any proposal concerning property that would have a significant effect on the use of the buildings.
- (2) Before proceeding with any proposal relating to property, the church council must comply with the supplementary provisions.
- (3) Where a congregation is a co-operative venture, the church council must consult the partners in the co-operative venture and the Regional Forum in that region on all property matters.
- (4) Before making any decision to buy, lease or sell property, the church council must
  - (a) take account of the life, worship and mission of the congregation,
  - (b) determine whether the proposal enables the congregation to fulfil its life, worship, and mission, and
  - (c) comply with the supplementary provisions and secure necessary approvals from the relevant trustees.

- (5) The church council must regularly at intervals of not more than a year, review the following matters in respect of each property for which it is responsible
  - (a) the state of repair,
  - (b) the adequacy of the insurance cover,
  - (c) the arrangements for public risk insurance and personal accident insurance for voluntary workers,
  - (d) the value and liabilities in respect of each property, and must implement any requirements imposed by the presbytery or the supplementary provisions.
- (6) The church council must ensure, and regularly monitor that it complies with, all requirements of legislation in force which affect the use and maintenance of real property.

*Defined terms: church council, congregation, co-operative venture, presbytery, supplementary provisions, trustees.*

#### **16.4 Property responsibilities of a presbytery**

- (1) A presbytery has the following functions in relation to church buildings
  - (a) approval of sites and plans for new buildings,
  - (b) approval of the erection of new buildings for the purposes of the Church,
  - (c) oversight of building proposals submitted by congregations,
  - (d) approval of plans for re-erection or renovation of, and alterations and additions to the buildings in excess of a sum determined by the Council of Assembly and specified in the supplementary provisions, and
  - (e) approve the purchase of existing buildings.
- (2) A presbytery must not approve any building proposals in excess of a sum determined by the Council of Assembly and specified in the supplementary provisions unless it is satisfied that any person or persons engaged in drawing up plans and specifications for such buildings is or are competent and recognised by the appropriate industry body.
- (3) A presbytery must approve all purchases, sales, exchanges, leases and other transactions affecting Church property (including Church campsites where appropriate) within the area for which it has responsibility and in doing so must have regard to the requirements of the supplementary provisions relating to value and terms of leases.
- (4) Before approving any building proposal subject to the requirements of the Trustees, whether by way of new building, alteration, addition, or purchase of existing buildings (but not

including maintenance), the presbytery must obtain and be satisfied with the report of the Church Architecture Reference Group on the proposal.

This subsection does not apply to any proposal for maintenance of buildings.

- (5) In exercising its responsibilities for worship and mission through the purchase, development and sale of sites, the presbytery must consult with the negotiating partners through the Joint Regional Committee in their region.
- (6) In the case of parishes south of the Waitaki river, subsections (1) to (6) must be read subject to the requirement that any application by a congregation or Church campsites to purchase, sell, build, dismantle, remove, lease, subdivide, or borrow on the security of anything over \$5,000 must be approved by the Synod of Otago and Southland. Such applications must be made through presbyteries which may recommend but cannot decide on such applications.

*Defined terms: Church, Church Architecture Reference Group, congregation, Council of Assembly, Negotiating Partners, presbytery, supplementary provisions, trustees.*

#### **16.5 Appointment and functions of property committee**

- (1) A presbytery must appoint a property committee and may delegate to it any of its functions relating to property.
- (2) In delegating any function to a property committee under subsection (1), a presbytery cannot delegate a power to sub-delegate.
- (3) The functions of the property committee are to
  - (a) advise church councils and other bodies responsible to presbytery within its area with respect to property matters for which they are responsible, including property held in the name of the trustees where a presbytery is the beneficial owner,
  - (b) receive and consider
    - (i) applications from church councils for the use of capital funds for the maintenance, repair and improvement of church property, and
    - (ii) applications from other bodies responsible to presbytery with respect to all property matters, and
    - (iii) any other relevant matter, including consultation with any of the partners in a co-operative venture,
  - (c) ensure that building proposals are submitted to the Church Architecture Reference Group from any church council or other bodies responsible to the presbytery involving expenditure in excess of a sum determined by

- the Council of Assembly and specified in the supplementary provisions,
  - (d) at intervals of not more than 6 years, inspect or arrange for the inspection of all properties for which the presbytery and church councils and other bodies within the area of the presbytery are responsible,
  - (e) report to the presbytery on the result of any inspection,
  - (f) propose appropriate action to ensure the maintenance of all properties in good and safe condition,
  - (g) undertake any other function as the presbytery may determine.
- (4) In exercising its functions under subsection (3), the property committee must have regard to
    - (a) the life, worship and mission of presbytery,
    - (b) the policies of the presbytery and the General Assembly,
    - (c) financial feasibility, and
    - (d) design and location.
  - (5) The property committee must report back to the applicants advising the result of its considerations.
  - (6) The property committee may initiate proposals relating to property matters within the area of the presbytery for submission to presbytery.
  - (7) If any proposal under subsection (6) affects a co-operative venture, the property committee must discuss that proposal with the Joint Regional Committee.
  - (8) If a church council or the property committee has incurred any fees for an inspection under subsection (3) (d), the church council must pay the fees.

*Defined terms: Church, Church Architecture Reference Group, church council, congregation, co-operative venture, Council of Assembly, General Assembly, presbytery, property committee, supplementary provisions, trustees.*

## **16.6 Property responsibilities of the General Assembly**

- (1) The General Assembly must from time to time appoint a Church Architecture Reference Group.
- (2) The Church Architecture Reference Group comprises four regional committees based in Auckland, Wellington, Christchurch and Dunedin.
- (3) The General Assembly may from time to time define the boundaries of each regional committee.

- (4) The Reference Group will comment and provide a written response concerning any plans for churches, and other buildings sent to it by a church council, presbytery or other body.
- (5) The Reference Group has advisory functions only.
- (6) The Reference Group may not prohibit any congregation from proceeding with a proposal.
- (7) The Reference Group must not supply architectural advice, sketch plans or other professional services.
- (8) If a church council, presbytery or the General Assembly wishes to obtain any professional architectural service it must ensure that it obtains the service from an appropriate professional person.
- (9) The Presbyterian Church Property Act 1885 and amendments and The Otago Foundation Trust Board Act 1992 provide for the appointment of Trustees in whom to vest Church property.
- (10) A commission appointed by the General Assembly under section 3 (2) of chapter 14 must approve all dealings in property of which the General Assembly or a presbytery is or is proposed to be the beneficial owner, including dealings involving any variation of trusts and the disposal of any property, other than former parish property administered by a presbytery under section 39 of the Presbyterian Church Property Act 1885. This subsection does not apply in the case of property situate in Otago or Southland.

*Defined terms: Church Architecture Reference Group, church council, congregation, General Assembly, presbytery, trustees.*

## **16.7 Sale of property**

- (1) All funds received from the sale of property from either a congregation or presbytery must vest with the Trustees to be held in accordance with statutory obligations and the terms of any trust instrument relating to the property.
- (2) The Trustees must place the net proceeds of sale in a property account in the name of the congregation or presbytery affected.
- (3) The conditions for the use of such monies are to be provided for in the supplementary provisions issued under chapter 3.
- (4) This section does not apply in respect of property situated in Otago or Southland.

*Defined terms: congregation, presbytery, supplementary provisions, trustees.*

## *Finance*

### **16.8 Congregational funds**

- (1) A congregation's funds comprise
  - (a) all offerings received for the purposes of the congregation,
  - (b) all donations made to the congregation for general Church purposes,
  - (c) all moneys raised on behalf of the church council,
  - (d) all legacies received by the congregation, and
  - (e) any other moneys that have been given to or raised by the congregation for a specific purpose.
- (2) In respect of its funds the church council must
  - (a) exercise oversight of all funds received from or on behalf of the congregation, and
  - (b) appoint a treasurer to be responsible for the purpose of overseeing the accounts of the congregation, and
  - (c) make payment of levies fixed by presbytery under section 4(6) of chapter 8, and
  - (d) make payment of assessments fixed by General Assembly under section 11 of chapter 14.
- (3) The minister must not sign any financial transaction on behalf of the congregation or church council.
- (4) The church council must use moneys received into the congregation account in the following order of priority
  - (a) payment of stipends, salaries and associated costs,
  - (b) payment of essential operating costs for which the congregation is responsible,
  - (c) payment of presbytery levies and General Assembly assessments, and
  - (d) use of funds, exercising due care and prudence, to achieve the mission of the Church.
- (5) The church council has responsibility for the financial viability of the congregation.
- (6) If in the opinion of the church council a congregation is no longer financially viable, the church council must advise the presbytery accordingly.
- (7) The church council must ensure that annual accounts of the congregation and any related entities are prepared each year and that a qualified auditor audits or reviews them if required by New Zealand legislation, the Assembly Executive Secretary, congregation, Presbytery or funders.
- (8) The church council must annually

- (a) prepare a budget of the congregation's projected income and expenditure for the forthcoming financial year, and
  - (b) submit it to the annual meeting of the congregation for approval.
- (9) Before contracting any debt in excess of a sum determined by the Council of Assembly and specified in the supplementary provisions, the church council must obtain
  - (a) the authority of the congregation,
  - (b) the approval of the presbytery, and
  - (c) the approval of the Presbyterian Church Property Trustees or the Synod of Otago and Southland, as the case may require.
- (10) Subsection (9) applies whether the debt is unsecured or is secured upon real or other property.
- (11) The Presbyterian Church Property Trustees or the Synod of Otago and Southland, as the case may require, must not approve any borrowing by a congregation in excess of a sum determined by Act of Parliament unless
  - (a) the congregation has raised at least 50 per cent of the total cost of the project, and
  - (b) the terms of the loan require repayment within 15 years.
- (12) If the Presbyterian Church Property Trustees or the Synod of Otago and Southland, as the case may require, are satisfied that there are exceptional circumstances, they may approve borrowing by a congregation in excess of a sum determined by Act of Parliament without requiring the congregation to comply with any or all the provisions of subsection (11).
- (13) A congregation may appeal to the General Assembly against any decision of the Trustees, except that there is no appeal in the case of decisions of the Synod of Otago and Southland.

*Defined terms: Church, church council, congregation, Council of Assembly, General Assembly, minister, Presbyterian Church Property Trustees, presbytery, supplementary provisions, support, trustees.*

## **16.9 Stipend and allowances for ministry support**

- (1) The congregation must determine the stipend and allowances for support of ministry in accordance with the current conditions of service prior to ministry settlement.
- (2) The presbytery must approve any stipend and allowances prior to ministry settlement.
- (3) The congregation must obtain presbytery approval before varying the stipend or allowances paid for ministry support.

- (4) If a congregation cannot pay the stipend approved by presbytery, it must inform the presbytery together with the reasons why it cannot make the payments.
- (5) The presbytery must approve any new arrangements for ministry support.

*Defined terms: congregation, ministry settlement, presbytery, support.*

#### **16.10 Presbytery funds**

- (1) Presbytery funds comprise
  - (a) any income received by presbytery less any expenditure, and
  - (b) capital funds held by presbytery, and
  - (c) funds held in trust by the presbytery, including the assets of congregations that are in the process of closing.
- (2) A presbytery must
  - (a) exercise oversight of all funds received or held on its own behalf, and
  - (b) appoint a treasurer with responsibility for overseeing its accounts.
- (3) The presbytery treasurer must annually
  - (a) prepare a budget of projected income and expenditure for the next financial year, and
  - (b) submit it to the presbytery for approval and adoption.
- (4) The presbytery raises its income as required from congregations within the area for which it has responsibility.
- (5) The presbytery must provide monetary support including salaries, expenses and honoraria for all personnel employed by presbytery.
- (6) The presbytery council must ensure that the annual accounts of the presbytery and any related entities are prepared each year, and that a qualified auditor audits or reviews them if required by New Zealand legislation, the Assembly Executive Secretary, Presbytery or funders.
- (7) The presbytery must appoint annually a suitably qualified person to review or audit the accounts of the presbytery.
- (8) The presbytery council must ensure that the presbytery and any related entities of the presbytery comply with all requests from the Assembly Executive Secretary for the provision of financial and compliance information where that information is required for statutory reporting purposes.

*Defined terms: congregation, presbytery, support.*

### **16.11 General Assembly funds**

- (1) The General Assembly must exercise responsibility for the financial management and resourcing of the life, worship, and mission of the Church.
- (2) Resourcing (as referred to in subsection (1)) includes raising finance for the Church's work and appeals to members for money.
- (3) Each year the Council of Assembly must
  - (a) assess the contributions that congregations must pay to the General Assembly for purposes of the life, worship and mission of the Church which the General Assembly considers important, and
  - (b) decide
    - (i) the amount or basis of calculation of assessments, and
    - (ii) the time for payment of assessments.
- (4) The assessments apply to all congregations and, subject to subsection (5), every congregation must pay the assessment levied upon it.
- (5) The Council of Assembly may, if it is satisfied that there are special circumstances, either
  - (a) vary the amount which a congregation must pay, or
  - (b) exempt a congregation from paying its assessment.
- (6) An exemption or variation under subsection (5) applies for one financial year only.
- (7) The Council of Assembly must consider each year whether it will grant a further variation or exemption under subsection (5) to a congregation.
- (8) The Council of Assembly is responsible for the preparation of a budget for the work of the General Assembly. The budget must be presented to the General Assembly in the years when it meets and presented to presbyteries in other years
- (9) The Council of Assembly must ensure that the annual accounts of the General Assembly and any related entities are prepared and are then either audited or reviewed by a qualified auditor if required by New Zealand legislation.
- (10) The Council of Assembly must appoint a qualified auditor as defined in New Zealand legislation to audit the accounts of the General Assembly.

- (11) The Council of Assembly must either
  - (a) present the reviewed or audited accounts to the General Assembly in the years when the General Assembly meets, or
  - (b) receive the reviewed or audited accounts on behalf of the General Assembly in the years in which the General Assembly does not meet .

*Defined terms: Church, congregation, Council of Assembly, General Assembly, presbytery.*

#### **16.12 Appeals for funds**

- (1) The Council of Assembly must approve all financial appeals to congregations by national groups or bodies of the General Assembly.
- (2) Any person or group of persons in the Church seeking to institute an appeal for raising of funds within the Church for any Church purpose or purposes must submit a proposal to the Council of Assembly.
- (3) Subsection (2) applies to any church purpose including the raising of funds for capital purposes to found a college, association, hostel, or other institution that is intended to be a college, association, hostel, or institution of the Church.
- (4) Subsection (2) does not apply to financial appeals by any school or college of the Church, whether incorporated or not, or by other incorporated institution of the Church if the financial appeal
  - (a) is for administration including maintenance and ordinary working expenses of the school, college or other institution concerned, and
  - (b) is directed to persons interested in the advancement of the school or college or institution concerned.

*Defined terms: Church, congregation, Council of Assembly, General Assembly.*

#### **16.13 Charitable purposes**

Any income, benefit, or advantage gained by the Church must be used to advance the charitable purposes of the Church. No member, no associate member and no person associated with a member or associate member is permitted to take part in, or to influence, any decision of the Church in respect of payments to or on behalf of the member, associate member or associated person of any income, benefit or advantage. Any payments made to a member, associate member or any person associated with a member or associate member, must be for goods or services which advance the charitable purpose of the

Church and must be reasonable and relative to payments that would be made between unrelated parties.

*Defined terms: associate, member, Church, member.*

#### **16.14 Winding up**

In the event that the Church should dissolve or be wound up, if any property remains after the dissolution or winding up and the settlement of all debts and liabilities, that property shall be given or transferred to another organisation that is charitable under New Zealand law or for some other charitable purpose recognised under New Zealand law.

*Defined terms: Church, congregation, General Assembly, presbytery.*

#### **16.15 Alteration of this Chapter**

This chapter cannot be altered, amended or deleted in any way except in accordance with the special legislative procedure.

*Defined term: Special Legislative Procedure.*

## **Chapter 17: Commencement, savings and transitional provisions**

### **Index to Chapter 17**

- 17.1 Background
  - 17.2 Commencement
  - 17.3 Repeal
  - 17.4 Transitional provisions regarding membership and associate membership
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  - 17.6 Transitional provisions regarding church councils
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  - 17.9 Transitional provision regarding training, ordination and commissioning for the ministry
  - 17.10 Transitional provisions regarding ministry settlements
  - 17.11 Transitional provision regarding Te Aka Puahou
  - 17.12 Transitional provision regarding Pacific Islanders' Synod
  - 17.13 Transitional provisions regarding General Assembly
  - 17.14 Transitional provision legislative proposals
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- 

### **17.1 Background**

This chapter provides for

- (a) the date when this Book of Order comes into force,
- (b) the continuation in office of those who hold office in the Church at the time when this Book of Order comes into force, and
- (c) the continuance and determination of disciplinary procedures and appeals which remain unresolved at the date when this Book of Order comes into force, as if the Book of Order authorised in 1970 had not been repealed.

*Defined terms: Book of Order, Church.*

### **17.2 Commencement**

This Book of Order commences and comes into force on the date prescribed by the General Assembly.

*Defined terms: Book of Order, General Assembly.*

### **17.3 Repeal**

The Book of Order authorised in 1970 is repealed from the date prescribed by the General Assembly under section 2.

*Defined terms: Book of Order, General Assembly.*

### **17.4 Transitional provisions regarding membership and associate membership**

- (1) Any person, who, at the commencement of this Book of Order, belongs to the Church as a member of a congregation must continue to be treated as belonging to the Church as a member of that congregation.
- (2) Any person who at the commencement of this Book of Order belongs to the Church as an associate member of a congregation must continue to be treated as belonging to the Church as an associate member of that congregation.

*Defined terms: associate member, Book of Order, Church, congregation, member.*

#### **17.5 Transitional provision regarding congregations**

Any application to

- (a) form a new congregation or a cooperative venture, or
- (b) dissolve a congregation, that remains unresolved at the commencement of this Book of Order must be determined in accordance with this Book of Order.

*Defined terms: Book of Order, co-operative venture, congregation.*

#### **17.6 Transitional provisions regarding church councils**

- (1) Any person who at the commencement of this Book of Order holds office as a member of a session, board of managers, deacons' court, parish council or a committee of any such body must be treated as if he or she had been appointed or elected for the same term under this Book of Order.
- (2) Any church council or committee of a church council in existence at the commencement of this Book of Order continues in existence and subject to this Book of Order.

*Defined terms: Book of Order, board of managers, church council, deacons' court, parish council, session.*

#### **17.7 Transitional provisions regarding ministry and eldership**

- (1) Any minister appointed to a ministry position at the commencement of this Book of Order continues in that position as if he or she had been appointed under this Book of Order.
- (2) Any minister to whom subsection (1) applies is and remains subject to this Book of Order.
- (3) Any elder inducted into a congregation at the commencement of this Book of Order continues in office as if he or she had been inducted under this Book of Order
- (4) Any elder to whom subsection (3) applies is and remains subject to this Book of Order.

*Defined terms: Book of Order, congregation, elder, minister, ministry position*

**17.8 Transitional provisions regarding presbytery**

- (1) On the commencement of this Book of Order only those members of presbytery listed in section 9 of chapter 8 become members of a presbytery.
- (2) From the commencement of this Book of Order, the Moderator, clerk, auditor and other officers elected or appointed by a presbytery continue in office until the election or appointment of their respective successors in accordance with this Book of Order.
- (3) Any committee of a presbytery in existence at the commencement of this Book of Order continues in existence and subject to this Book of Order.

*Defined terms: Book of Order, Moderator, presbytery.*

**17.9 Transitional provision regarding training, ordination and commissioning for the ministry**

Any person who is:

- (a) a candidate for one of the four strands of ministry, or
- (b) an applicant for youth worker, and has commenced his or her training before the commencement of this Book of Order may complete that training as if the Book of Order authorised in 1970 had not been repealed.

*Defined terms: Book of Order, candidate, four strands of ministry.*

**17.10 Transitional provisions regarding ministry settlements**

- (1) Any Board of Nomination, any Nominator and any interim Moderator who has been appointed prior to the commencement of this Book of Order must be treated as a ministry settlement board, a convener of a ministry settlement board and interim Moderator appointed under chapter 10 of this Book of Order.
- (2) From the date prescribed under section 2 for the commencement of this Book of Order, any person or board to whom subsection (1) applies, must comply with this Book of Order.

*Defined terms: Book of Order, Interim Moderator, ministry settlement board.*

**17.11 Transitional provision regarding Te Aka Puahou**

From the commencement of this Book of Order, the Moderator, secretary and treasurer of Te Aka Puahou, and Te Komiti Takawaenga continue in office until the election or appointment of their respective successors in accordance with chapter 11 of this Book of Order.

*Defined terms: Book of Order, Moderator, Te Aka Puahou.*

#### **17.12 Transitional provision regarding Pacific Islanders' Synod**

From the commencement of this Book of Order, the Moderator, Clerk, Treasurer, Executive Committee and any other committees of the Pacific Islanders Synod continue in office until the election or appointment of their respective successors in accordance with chapter 13 of this Book of Order.

*Defined terms: Book of Order, Moderator, Pacific Islanders Synod.*

#### **17.13 Transitional provisions regarding General Assembly**

- (1) From the commencement of this Book of Order, the Moderator, Moderator designate, Assembly Executive Secretary, the members of Council of Assembly, the members of any Assembly Judicial Commission with an unresolved proceeding or appeal, and the members of any commission or committee established by the General Assembly continue in office until the election or appointment of his or her or their respective successors in accordance with chapter 14 of this Book of Order.
- (2) The General Assembly must continue to hear and determine any appeal remaining unresolved at the date prescribed under section 2 for the commencement of this Book of Order as if the Book of Order authorised in 1970 remained in full force and effect.

*Defined terms: Assembly Executive Secretary, Assembly Judicial Commission, Book of Order, Council of Assembly, General Assembly, interim Moderator, Moderator.*

#### **17.14 Transitional Provision Regarding Legislative Proposals**

Any legislative proposal initiated but not completed before the coming into force of this Book of Order must continue until completion as if the Book of Order authorised in 1970 remained in full force and effect.

#### **17.15 Transitional provisions regarding discipline**

- (1) Any disciplinary process including any appeal or complaint commenced but not completed before the coming into force of this Book of Order must continue until completion as if the Book of Order authorised in 1970 remained in full force and effect.
- (2) The provisions of this Book of Order apply to any appeal against a decision of any Church body commenced after the date prescribed under section 2 for the commencement of this Book of Order.
- (3) The provisions of this Book of Order apply to any disciplinary process commenced after the date prescribed under section 2 for the commencement of this Book of Order.

- (4) The date upon which a complainant alleges any conduct or matter, which is subject to a disciplinary process under subsection (3), occurred does not affect the operation of that subsection.

*Defined terms: Book of Order, Church, complainant, complaint.*

#### **17.16 Transitional provisions regarding property and finance**

- (1) A presbytery must consider and approve any proposal in relation to church buildings, which is under consideration at the commencement of this Book of Order in accordance with this Book of Order.
- (2) Any property committee of a presbytery and the Church Architecture Reference Group in existence at the commencement of this Book of Order continue to hold office until the election or appointment of their respective successors in accordance with chapter 16 of this Book of Order.

*Defined terms: Book of Order, Church Architecture Reference Group, presbytery, property committee.*

## Appendix I : Defined terms

In this Book of Order, unless the context otherwise requires,

**Act of Commitment** means the solemn commitment entered into by the Anglican Church in New Zealand, the Associated Churches of Christ, the Congregational Union of New Zealand, the Methodist Church of New Zealand and the Presbyterian Church of New Zealand in 1967 and reaffirmed in 1984.

**Amorangi ministry** means a self-supporting ministry within Te Aka Puahou as provided for in chapter 11.

**Assembly** means a General Assembly, an Emergency Assembly or a Special Assembly as provided for in chapter 14.

**Assembly Executive Secretary** means the person appointed as such by a General Assembly in accordance with section 18 of chapter 14.

**Assembly Judicial Commission** means a Judicial Commission appointed by the Council of Assembly in accordance with section 12 (2) (n) of chapter 14.

**Assessors** means the persons appointed to a panel of assessors by the Council of Assembly under section 6 (2) of chapter 15 for the purposes of disciplinary proceedings,

**Associate member** means a person recognised as an associate member by a church council and who satisfies the requirements of section 3 of chapter 4.

**Board of managers** means a board chosen and elected under section 8 of chapter 7 for the purposes of administering the property and finances of the congregation in accordance with section 12 of that chapter.

**Book of Order** means the Book of Order (of which this Appendix is part) prescribed by the General Assembly.

**Book of Order Advisory Committee** means the committee established by the General Assembly under section 3 of chapter 14 to provide advice to the General Assembly concerning the Book of Order.

**Call** according to the context, means either

- (a) a request issued in accordance with chapter 10 by a congregation in need of ministry settlement to a minister or a licentiate for that minister or licentiate to become the settled minister of that congregation, or
- (b) God's call to a person to a life of ministry.

**Candidate** means a person who applies to be accepted and a person who has been accepted as a student for one of the four strands of ministry.

**Certificate of good standing** means a certificate issued by the Assembly Executive Secretary to a minister confirming that they are satisfied that a minister is in good standing.

**Chaplain** means a person holding a ministry position other than in a congregation.

**Church** means the Presbyterian Church of Aotearoa New Zealand.

**Church Architecture Reference Group** means the group comprising four regional committees provided for in section 6 of chapter 16.

**Church council** means the governing body of a congregation constituted or organised in accordance with section 4 of chapter 7 in order to provide spiritual oversight, leadership, pastoral care and management of a congregation.

**Church worker** does not include any person employed under a contract of employment or engaged under a contract for services.

**Clerk of Assembly** means the person holding that office by virtue of appointment as Assembly Executive Secretary under section 18 of chapter 14.

**Commissioners** means ministers and elders elected to serve in the higher courts of the Church who are not bound in discussions and deliberations to represent the views of the courts that elect them.

**Commissioning** means the specific act in a public service of worship which accompanies the appointment of people into particular ministries and for particular purposes.

**Complainant** means a person, and a representative of such a person, who lodges a complaint of conduct that is unbecoming of a minister, elder, other office bearer, church worker, member or associate member of the Church in accordance with section 7 of chapter 15.

**Complaint** means an allegation of conduct that is unbecoming of a minister, elder, other office bearer, church worker, member or associate member of the Church.

**Conduct unbecoming** means conduct that calls into question the suitability of the respondent to retain office or membership and includes sexual misconduct.

**Congregation** means a group of members, associate members, and other persons who unite for worship, life, and mission as set out in chapter 5.

**Congregation Evaluation Commission** means the Commission of that name appointed by the Council of Assembly under section 10A of chapter 5.

**Congregational office** means membership of a church council, board of managers or deacons' court.

**Constituent group** means any one of the Pacific Islands groups described in the supplementary provisions for chapter 13.

**Contact person** means a person appointed by a primary court of discipline under section 5 of chapter 15 to receive complaints and perform other functions provided for in that section.

**Co-operative venture** means a congregation set up under the provisions of the Procedures for Cooperative Ventures which was approved and issued by the 5 Negotiating Partners.

**Council of Assembly** means the Council of Assembly established by the General Assembly in accordance with section 12 of chapter 14.

**Court** means a presbytery, including Te Aka Puahou and the Pacific Presbytery, and the General Assembly.

**Deacon** means a member of a deacons' court.

**Deacons' court** means the body chosen and elected under section 9 of chapter 7 for the purposes of administering the property and finances of a congregation in accordance with section 12 of that chapter.

**Disciplinary commission** means a disciplinary commission appointed by the complaints officer in accordance with section 17 of chapter 15.

**Disciplinary matter** means a matter coming within the scope of the provisions of chapter 15.

**Electronic communication** means email, text message, instant message, or any other form of written electronic communication that is directly transmitted to the recipient.

**Electronic means** is the medium that best enables the remote participation of all participants in a meeting and includes audio and audio-visual communication between participants.

**Elder** means a person set aside by ordination to the specific ministry of elder in accordance with chapter 9 and, for the purposes of representation at presbytery and the General Assembly, a person who is not an elder but is a member of the church council of a co-operative venture is treated as an elder.

**Eldership formation** means such training, reading and study that may be suggested by the minister or church council as helpful for the exercise of eldership.

**Emergency Assembly** means an Assembly convened by the Council of Assembly under section 31 of chapter 14 to consider a matter of emergency.

**Enabler** means a person appointed by a presbytery to facilitate and support a congregation in establishing and maintaining local shared ministry.

**Faith community** means a community which has sought and obtained recognition from a presbytery as a faith community.

**Formula** means the statement set out in section 7 of chapter 1 to which certain persons are required to subscribe as their written commitment to the doctrinal basis and order of the Church.

**Four strands of ministry** mean the four different forms of leadership of mission within a congregation, in terms of ordained ministries of word and sacrament or commissioned members of a local ministry team.

**General Assembly** means the Assembly that is the governing body of the Church and the purposes, functions and composition of which are provided for in chapter 14.

**Good standing**, unless the context requires otherwise, means that a minister or licentiate:

- (a) attends regular supervision with a person with appropriate professional qualifications and in accordance with the supervision guidelines issued by the Council of Assembly;
- (b) is not facing unresolved disciplinary charges under chapter 15;
- (c) has recently obtained a satisfactory report from the police regarding criminal convictions;
- (d) has completed a church ministry ethics and risk management workshop at least once in the previous three years.

**Induction** means the specific act that defines the sphere within which the powers conferred by ordination may be exercised when a new ministry is undertaken.

**Interim Moderator** means a person appointed as an Interim Moderator of a congregation by a presbytery under section 3 (1) of chapter 10.

**Licentiate** means a person who has completed training as a student for the national ministry of word and sacrament, and has been licensed by a presbytery to practice his or her talents for ministry, and who awaits a call to a ministry position.

**Local ministry team** means a model of ministry authorised by presbytery for a specific period of time, for leadership of a congregation in which ministry roles are shared among members.

**Local ordained ministry** means a model of ministry under which a person is ordained by a presbytery for the ministry of word and sacrament in a particular context, and the person is not automatically eligible for appointment to any other ministry position within the Church.

**Local ordained ministry probationer** means a person who has been accepted as a candidate for a local ordained ministry position, has begun work within the congregation, and has a training agreement in place with a specified probationary period.

**Manager** means a member of a board of managers.

**Member** means a person accepted by a church council as a member of the congregation in accordance with section 2 of chapter 4.

**Minister** means a person called by God to preach the Gospel of Christ, celebrate the sacraments and exercise the talents that he or she has received for ministry in the Christian church and who has been ordained by presbytery to this office.

**Ministry formation** means regular and on-going training, reading and study relevant to the holder of a ministry position.

**Ministry of word and sacrament** means the ministry in which the Gospel of Christ is preached and the sacraments are celebrated within a congregation or charge or position by persons ordained or authorised or commissioned to this ministry.

**Ministry position** means a charge or position to which a minister or ministry team has been called or appointed.

**Ministry settlement** means provision of leadership in a congregation or charge through one of the four strands of ministry.

**Ministry settlement board** means a board established in accordance with section 4 of chapter 10 to perform the functions set out in section 7 of that chapter.

**Moderator** means a minister or elder who is appointed to lead or chair a session, church council, presbytery, Assembly, Te Aka Puahou or the Pacific Presbytery.

**National ordained ministry** means a model of ministry under which a person is ordained by a presbytery to the ministry of word and sacrament and is eligible for call or appointment throughout the Church.

**Negotiating Partners** means the 5 denominations that entered into the Act of Commitment in 1967, that is to say the Anglican Church in Aotearoa New Zealand and Polynesia, Christian Churches of New Zealand (formerly Associated Churches of Christ), the Congregational Union of New Zealand, the Methodist Church of New Zealand and the Presbyterian Church of Aotearoa New Zealand.

**Office bearers** means members of church councils, managers and deacons.

**Ordination** means the setting apart by the Church of men and women as ministers, elders or deacons to perform certain functions within the Church.

**Pacific Presbytery** means the body of that name, and formerly called the Pacific Islands Synod, as provided for chapter 13 and its supplementary provisions

**Parish** means the geographical area served by a congregation.

**Parish council** means church council.

**Pastoral charge** has the same meaning as charge.

**Pastorate** means the area or areas of responsibility of a minister under the maru of Te Aka Puahou and may include all or part of the area of more than one parish.

**Pastoral Resolution Committee** means a committee appointed by a presbytery under section 4(1)(u) of chapter 8.

**Presbyterian Church Property Trustees** means the trustees provided for in The Presbyterian Church Property Act 1885 in whom parish property located north of the Waitaki River and other property of the Church is vested in accordance with section 2 of chapter 16.

**Presbytery** means a presbytery established by the General Assembly under section 7 of chapter 8 for an area or region and includes Te Aka Puahou and the Pacific Islands Synod.

**Procedures for Cooperative Ventures** means the procedures for cooperative ventures as approved by the five Negotiating Partners.

**Profession of faith** means the public act by a person acknowledging their acceptance of the Christian faith.

**Property committee** means a committee of that name appointed by a presbytery under section 5 of chapter 16.

**Provisional certificate of good standing** means a certificate issued by the Assembly Executive Secretary in accordance with supplementary provisions deeming that a minister or licentiate is in good standing.

**Recognised ministries** means ministries other than one of the four strands of ministry as provided for in section 45 of chapter 9.

**Respondent** means a minister, elder or other office bearer, or church worker of the Church or a member or associate member of a congregation against whom a complaint of unbecoming conduct is made in accordance with chapter 15.

**Session** in relation to a congregation, means a body constituted as a session in accordance with section 7 of chapter 7.

**Sexual misconduct** includes

- (a) any form of unwelcome conduct or attention of a sexual nature that is committed without consent or by force, threat or intimidation, and includes sexual abuse, sexual assault and sexual harassment,
- (b) any direct or indirect request for any form of sexual activity that includes an express or implied threat of a detriment or promise of a benefit,
- (c) consensual conduct or attention of a sexual nature by a party to a pastoral relationship which is improper in the context of a pastoral relationship, and
- (d) conduct by a person of any gender and can occur between people of the same or different gender.

**Special Assembly** means a Special Assembly convened by a General Assembly under section 30 of chapter 14 to determine particular business referred to it.

**Special legislative procedure** means the legislative procedure provided for in section 9 of chapter 14 for altering, amending or deleting a provision of the Book of Order.

**Stated supply** means a local appointment made by the church council and approved by presbytery for ministry to a congregation for a short stated term of appointment.

**Supervision** means regular contact with a person capable of collegial and/or professional discussion of a person's practice of ministry.

**Supplementary provisions** means a document, including a manual, handbook or form, issued under chapter 3 by the General Assembly, or by the Council of Assembly delegated under section 3 of that chapter to implement or give effect to any provision of this Book of Order.

**Support** means any kind of assistance including financial support, and includes where appropriate, the payment of a stipend, salary or honorarium.

**Support person** means a person appointed by a complainant or a respondent in a disciplinary process to provide support to him or her during the course of that process.

**Te Aka Puahou**, as provided in chapter 11, means that part of the Church within which Maori associated with the Church and those others who choose to associate within and under the maru of that part of the Church can carry out the mission of God from a Maori cultural perspective.

**Training advisor** means the person with national responsibility for the standards and negotiation of training agreements of candidates for the four strands of ministry.

**Training enabler** means the person who is appointed by a presbytery to facilitate and enable a candidate to fulfil the terms of his or her training agreement.

**Trustee** means a trustee appointed under the Presbyterian Church Property Act 1885 or the Otago Foundation Trust Board Act 1992.

**Working day** means any day other than Saturday, Sunday, Good Friday, Easter Monday, any statutory holiday, and any day between 20 December in any year and 20 January in the following year.

## Appendix II

### SUMMARY OF FUNCTIONS

FUNCTION	CONGREGATION	CHURCH COUNCIL	ELDER	MINISTER	PRESBYTERY
<b>Worship</b>	Worship God	<p>Fix the times and places of public worship.</p> <p>Ensure there is leadership of worship.</p> <p>Provide for the celebration of the sacraments.</p> <p>Apply to presbytery for Elders to be trained and authorised to administer the sacraments.</p>	<p>Lead worship and the preaching of the Word of God according to their gifts, under the authority of the Minister.</p> <p>Assist in the celebration of the sacrament of communion.</p> <p>Preside at the celebration of the sacraments where authorised to do so.</p>	<p>Preach the Word.</p> <p>Ensure the Scriptures are read.</p> <p>Preside at the sacraments.</p> <p>Conduct public worship..</p> <p>Undertake associated administration</p>	<p>In the congregations within its care:</p> <p>Ensure the Scriptures are read.</p> <p>Ensure the Gospel is proclaimed.</p> <p>Ensure the sacraments are made readily available.</p>
<b>Mission</b>	<b>Identify and play its role in God's mission to the world.</b>	<p>Discern, encourage and resource mission initiatives of the congregation.</p> <p>Organise such meetings, committees and activities as will enable the congregation to discern, develop and resource its part in God's mission.</p>	<p>Exercise leadership within the congregation.</p> <p>Participate in the courts of the church as required.</p>	<p>Encourage the congregation to fulfil its role in God's mission including teaching, guiding and enabling the people of the congregation or charge.</p> <p>Discern and promote</p>	<p>Oversee and review the mission of the congregations within its care.</p> <p>Put in place effective ministry settlements in congregations or charges.</p>

FUNCTION	CONGREGATION	CHURCH COUNCIL	ELDER	MINISTER	PRESBYTERY
	<p><b>Call appropriate ministry leadership.</b></p> <p>Elect office bearers.</p> <p>Accept the discipline and government of the church.</p> <p>Make proposals to the church council.</p>	<p>Put in place systems and processes which allow for and comply with the policies of Assembly.</p> <p>Accept members to the congregation. Identify and nominate office bearers to the congregation.</p> <p>Appoint office bearers.</p> <p>Report regularly to the congregation.</p> <p>Elect presbytery elder and General Assembly elder.</p> <p>Appoint or remove any person exercising functions or responsibilities within the congregation.</p> <p>Make proposals to presbytery.</p> <p>Respond to requests from General Assembly.</p>		<p>contemporary communication of the Gospel of Jesus Christ.</p> <p>Serve God, in collegial relationship with the ministers of the Presbyterian Church of Aotearoa New Zealand.</p> <p>Under the authority of the Church council baptise and recognise applicants for membership.</p> <p>Under the authority of the church council ordain ruling elders and deacons.</p> <p>Under the authority of the presbytery participate in the ordination of ministers.</p>	<p>Oversee supervision, education and training of ministers, students and local ministry teams.</p> <p>Keep a roll of ministers within the Presbytery bounds.</p> <p>Induct or commission ministry settlements to charges or other specific ministries.</p> <p>Ordain licentiates, ministers or ministry teams. Commission elders elected by the church councils to attend Presbytery.</p> <p>Select congregations to elect elders to vote at Assembly.</p> <p>Receive and commission names of elders to General Assembly.</p> <p>Authorise elders to celebrate</p>

FUNCTION	CONGREGATION	CHURCH COUNCIL	ELDER	MINISTER	PRESBYTERY
					<p>the sacraments.</p> <p>Formation and dissolution of congregations.</p> <p>Maintain ties with Church schools and social service agencies.</p> <p>Make proposals to General Assembly.</p> <p>Respond to requests from General Assembly.</p>
<b>Pastoral Care</b>	<p>Provide pastoral care for each other and the wider community.</p> <p><b>Support the congregational leadership.</b></p>	<p>Provide for pastoral care of the congregation.</p> <p>Support the minister or ministry team.</p> <p>Compile and maintain congregational rolls.</p> <p>Deal with complaints and disciplinary matters in accordance with the Book of Order.</p>	Provide pastoral care	Provide pastoral care	<p>Provide for pastoral care of its members.</p> <p>Deal with complaints and disciplinary matters in accordance with the Book of Order.</p>

FUNCTION	CONGREGATION	CHURCH COUNCIL	ELDER	MINISTER	PRESBYTERY
Spiritual Nurture	Provide spiritual nurture of one another	Provide spiritual nurture of its members, children and youth.	Under the authority of the minister or ministry team nurture applicants for baptism and membership.	Exercise spiritual leadership  Teaching and spiritual guidance.  Nurturing applicants for baptism and membership.	Exercise spiritual leadership within the congregations in its care and in the wider community.  Nurture ministers and leadership teams.  Provide continuing ministry formation opportunities.
<b>Property and Finance</b>	Give support to the life, mission and work of the congregation.  Approve budget and financial statement at Annual General Meeting.  Appoint an auditor.  Hold such meetings as required to deal with congregational property.	Administer the congregation's property and finances.  Determine the use of the buildings belonging to the congregation having regard to the views of the minister.  Ensure church levies are paid.			Administer the property and finances belonging to the Presbytery or held in trust on its behalf.  Supervise and oversee congregational property matters.  Fix and recover payment of levies on congregations within its care.

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