

Memorandum

To: Presbytery Clerks, Te Aka Puaho, UDC secretaries, Church Councils
From: Martin Baker AES
Date: 18 November 2010
Subject: Matters arising from General Assembly 2010 that you need to vote on

Greetings to you from the Office of the General Assembly

A proposal was brought to General Assembly 2008 that asked for all matters requiring changes in the Book of Order to be voted on by local church councils. In the past, these matters have only been voted on by presbyteries, UDCs and Te Aka Puaho.

The Book of Order orders the life and mission of the Church, defines its membership and provides for the governance of the Church.

The proposal was approved by General Assembly 2010. It means that every church council must now consider and vote on any change to the Book of Order that comes under the "special legislative procedure" (previously known as the Barrier Act).

Church councils (along with presbyteries, UDCs and Te Aka Puaho) must now fix a particular day for the consideration of any legislative proposals sent down from the General Assembly.

You will find attached 12 such proposals, which you need to approve or disapprove.

Non responses will not be recorded.

Amendments to proposals will require a new proposal to the General Assembly and should not be recorded on the voting paper.

The presbytery or church council should indicate, on the attached voting sheet, approval or disapproval for each of the 12 proposals. The completed voting sheet needs to be returned to me no later than 31 August 2011.

Your votes will be forwarded to the 2012 General Assembly. If the majority of presbyteries and church councils who return the voting sheet, disapprove of a

proposal, then the 2012 General Assembly will not discuss or accept the proposal. If the majority of presbyteries and church councils approve a proposal, it will be discussed and may be accepted by the 2012 General Assembly. If the 2012 General Assembly accepts a proposal, then it will become part of the Book of Order.

All these proposals that you are now voting on have already been approved and adopted *ad interim* by the 2010 General Assembly. This means that they have come into use on an interim basis, pending the outcome of this voting as well as discussion and voting at the 2012 General Assembly.

To help you vote on these proposals, I have also included a separate document made up of the papers made available to commissioners at the 2010 General Assembly.

In summary:

1. Each presbytery and church council needs to set a date to discuss and vote on these proposals.
2. Completed voting papers need to be returned to me by 31 August 2011.
3. Votes will be recorded and then submitted to General Assembly 2012, where a final decision will be made on the proposals that have received majority approval.
4. If the majority of church councils and presbyteries vote against the proposals, then they will not be considered by General Assembly 2012 - though they may be resubmitted for consideration at the following General Assembly.

For more background, speak to your 2010 General Assembly Commissioner.

Please feel free to contact me on any matter of process.

Voting Paper

Special Legislative Proposals for the 2012 General Assembly

(Name of presbytery, UDC, parish or Te Aka Puaho)

Vote	Approve	Disapprove
Proposal 1		
Proposal 2		
Proposal 3		
Proposal 4		
Proposal 5		
Proposal 6		
Proposal 7		
Proposal 8		
Proposal 9		
Proposal 10		
Proposal 11		
Proposal 12		

I confirm that this is a true and correct record

Signed:

Name:

Position held:

Date of vote:

Please return to: Assembly Executive Secretary,
P O Box 9049
WELLINGTON 6141

by **31 August 2011**

Proposed Book of Order changes for consideration by presbyteries and church councils

The following Book of Order changes have been adopted *ad interim* but will go back to the 2012 General Assembly for further consideration. The 2012 Assembly will be informed by the responses from presbyteries and church councils.

The relevant 2010 Assembly motions are numbered in square brackets e.g. [10.082] Each different motion number requires a separate yes or no response.

Focal Identity Statement

These Book of Order changes will implement Assembly's approval of the Confession of Faith (Kupu Whakapono) and Commentary.

Note: Although all the clauses under this heading form a 'package', each clause was a separate motion and therefore is voted on separately. Please refer to pages 2-30 of the separate document for background information presented to General Assembly on proposals 1, 2 and 3.

Existing clause:

1.1 Standards

1.1 (3) The Westminster Confession of Faith and the Larger and Shorter Catechisms are the subordinate standards of the Church.

Proposed change – refer [10.082 b]:

Proposal 1

1.1 Standards

1.1 (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.

Addition – refer [10.082 c]: Proposal 2

1.1 (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.

Existing clause:

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 the fundamental doctrines of the Christian Faith contained in the Westminster Confession of Faith and other subordinate standards of this Church. I acknowledge the Presbyterian government of this Church to be agreeable to the Word of God, and I promise that I will submit to and agree with that government. I promise to observe the order and administration of worship and public ritual as these are or maybe allowed in this Church.”

Proposed change - refer [10.082 d]:

Proposal 3

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.”

Congregational Assessment

These proposed Book of Order changes will implement Assembly’s decision to review the life of congregations with low membership numbers. Note: Changes to Book of Order clauses 5.9 and 5.10, and the addition of 5.10A and 5.10 B were all voted on in a single motion [10.102]. These combined are proposal 4. Please refer to pages 31-37 for background information on proposal 4 and 5.

Existing clause:

5.9 Dissolution of a congregation

- (1) A church council may apply to its presbytery to dissolve the congregation.
(2) Before making an application under subsection (1), a church council must call a meeting of its congregation.

Proposed change – refer [10.102]:

Proposal 4

5.9 Dissolution of a congregation on the initiative of a church council

- (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

- (3) The church council must state the reasons for the application, having regard to the matters listed in section 5.
- (4) A church council must not make an application under this section without the approval of at least two-thirds of the members of its 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 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. 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.

Existing clause:

5.10 Procedures to be followed before deciding whether to dissolve a congregation

- (1) The presbytery must investigate an application to dissolve a congregation in accordance with the procedures that apply for the formation of a congregation, as set out in section 5 and subsections (2) to (5) of section 7.
- (2) A presbytery may take the initiative to investigate whether to dissolve a congregation but it must consult with the members of that congregation before proceeding with the investigation and have regard to the views of the congregation.
- (3) The presbytery must, within 20 working days of deciding to propose dissolution of a congregation

**Proposed change – refer [10.102]:
Proposal 4**

5.10 Dissolution of a congregation on the initiative of presbytery

- (1) A presbytery must appoint a commission to review the future of a congregation, with the options of continuing its mission, renewing its life and mission, or if need be, dissolution, where:
 - (a) the total number of adults attending public worship falls below an average of 40 per week for 12 consecutive months; and/or
 - (b) the presbytery has reason to believe that a congregation is no longer fulfilling the expectations for mission contained in section 2.
- (2) The presbytery commission for such processes will comprise no more than 5 members, including persons particularly 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

- (a) notify the applicants and any interested party of its proposal, stating its reasons for the proposal, and
 - (b) invite written comments to be made within 10 working days.
- (4) The presbytery must
 - (a) consider any written comments and make a final decision at a meeting of presbytery within 20 working days of giving notice under subsection (3)(a), and
 - (b) notify the applicant and interested parties of its decision within 5 working days of making that decision.
- (3) requirements of the Book of Order. The majority of members should be members of presbytery.

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 of the Book of Order. It will do this by:

 - (a) informing the congregation that a review is being undertaken
 - (b) state at a congregational meeting the possible outcomes of the review process
 - (c) set a state at which the congregation will report to the commission
 - (d) make a determination as described in section (6)
- (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) In its consideration of the report, the commission must decide on one of these three options:
 - (a) that the congregation is fulfilling the functions as set out in section 2 and it should be encouraged to continue in its life and mission
 - (b) that, although some of the functions in section 2 are being met but

the viability of the congregation is marginal, and the presbytery will work closely with the church council to find creative ways to stimulate its life and mission, and a further review should be undertaken within a defined period (c) that the congregation should be dissolved, and the presbytery ensure the continued pastoral care of the people of the congregation.

Additional clause - refer [10.102]: Proposal 4

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

- (1) In the event a presbytery commission has decided that a congregation should be dissolved under section 10(6)(c), the presbytery commission must inform the Council of Assembly. The Council must appoint a Congregation Evaluation Commission, which will act as a Commission of the General Assembly. This Congregational Evaluation Commission shall receive the report of the presbytery commission, together with any written submission by the congregation opposing the presbytery commission's decision to dissolve the congregation.
- (2) The Congregation Evaluation Commission will be appointed by the Council of Assembly and will be convened by a person from the panel of Assembly Judicial Commission members. The commission will comprise between three and five members, including persons particularly suited for appointment having regard to 1. an understanding of contemporary theological and mission practice 2. the legal and administrative requirements of the Book of Order. The commission may be a standing commission of the Church and will retain the right to co-opt an extra member particularly suited for appointment having regard to the nature of the congregation under review.
- (3) In considering the material provided under subsection (1) the Congregation

Evaluation Commission must follow the appeal process provided in Chapter 14.23.

- (4) After considering the material and following the appeal process provided in Chapter 14.23, the Congregation Evaluation Commission must determine whether the dissolution of the congregation will proceed, and may any other decisions regarding the future of the congregation that it deems necessary.
- (5) The decision of the Congregation Evaluation Commission is final.

Additional clause – refer [10.102]: Proposal 4

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 Congregation Evaluation Commission, then these failures shall not invalidate the deliberations of the presbytery commission and Congregation Evaluation Commission.

The following two Proposed changes were in one separate motion [10.094] - this is Proposal 5.

**Proposed change – refer [10.094]:
Proposal 5**

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.

Existing clause:

8.16 Delegation

- (1) A presbytery may delegate any of its functions or powers to any committee or person as it sees fit, except in relation to
 - (a) dissolution of a pastoral tie,
 - (b) dissolution of a congregation,
 - (c) approval of the presbytery's budget or imposition of a levy.

**Proposed change – refer [10.094]:
(Proposal 5)**

8.16 Delegation of presbytery functions

- (1) A presbytery may delegate any of its functions or powers to any committee or person as it sees fit, except in relation to
 - (a) dissolution of a pastoral tie
 - (b) approval of the presbytery's budget or imposition of a levy.

Legislative proposals

These Book of Order changes implement the Assembly decision that proposals for special legislation are now to be sent to church councils as well as to presbyteries, and that all responses from all courts are to be considered of equal value. The required changes Chapter 7 (church council), Chapter 8 (presbyteries) and Chapter 14 (General Assembly) form one motion [10.103], and are voted on together, as Proposal 6.

Chapter 7: Church council

Additional clause – refer [10. 103]:

Proposal 6

7.3 Legislative proposals

- (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 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 new proposal to the General Assembly.

Chapter 8: Presbytery

Delete clause - refer [10.103]:

Proposal 6

8. 6 Legislative proposals received from the General Assembly

- (2) ~~In dealing with a legislative proposal, a presbytery must give church councils within the area for which it has responsibility the opportunity to report their opinions on the proposal to presbytery.~~

Chapter 14: General Assembly

Additional wording in bold – refer [10.103]:

Proposal 6

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 Puaho, 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 **and 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 a majority of presbyteries **and 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.

Council of Assembly

The proposed changes to the membership of the Council of Assembly are in bold type. The changes and additions were contained in motion [10.104] – this is Proposal 7.

Proposed changes (in bold type) - refer [10.104]: **Proposal 7**

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,
 - (c) six members nominated by the nominating committee, elected by the General Assembly and appointed from presbyteries/union district councils,
 - (d) one nominee of Te Aka Puaho,
 - (e) one nominee of the Pacific Islanders' Synod,
 - (f) one member of the Council of Asian Congregations,
 - (g) the Moderator of the General Assembly,
 - (h) the convenors of the Leadership Sub committee and Resource Sub committee of the Council of Assembly.
- (2) There shall also be **five** associate members of the Council of Assembly as follows:
 - (a) the Moderator of Te Aka Puaho,
 - (b) a nominee appointed by the Synod of Otago and Southland,
 - (c) the Assembly Executive Secretary,
 - (d) a nominee of the Presbyterian Church Property Trustees.
 - (e) the Moderator of the Pacific Islands Synod**
- (3) Apart from the Moderator of the General Assembly, the Moderator of Te Aka Puaho, ~~and~~ the Assembly Executive Secretary, **and the Moderator of the Pacific Islands Synod**, 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 convener 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.

Additional clauses – refer [10.104]:

Proposal 7

- (4) That in the event of the convenor resigning between biennial General Assemblies, an interim convenor will be nominated by the Nominating Committee and elected by the Council of Assembly to serve until the next biennial General Assembly.
- (5) That 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 will 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 clause will not apply if the member of the Council of Assembly mentioned in the first sentence of this clause resigns within the period of six months before the next biennial General Assembly.
- (6) 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 when he or she takes up the role of Moderator.

Disciplinary Provisions

The following changes arise from a review of the Chapter 15 Disciplinary Provisions. Each numbered motion (often containing several clauses) is voted on separately. Please refer to pages 38-41 for background information on proposals 8, 9 and 10.

Proposed changes – refer [10.053]

Proposal 8

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 ~~its~~ **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 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.
- (5) Persons involved in exercising discipline must remember at all times and at all

stages of the proceedings the importance of confidentiality.

Add new clause to 15.1 – refer [10.054]

Proposal 9

- (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.

Add to 15.2 – refer [10.085]

Proposal 10

- 15.2(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.**
- 15.2(2) Discipline is exercised on the basis of a complaint lodged and processed in accordance with this chapter.
- 15.2(3) **If a respondent to a charge in respect 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.**
- 15.2(4) **If the 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.**

Other Book of Order changes

The following Proposed changes, which correct general oversights in the writing of the new Book of Order, or give effect to current practice, are in one motion [10.085]. Together they are Proposal 11. Please refer to pages 42-44 for information on Proposal 11 and 12.

Amend Chapter 6.8 (2) – refer [10.085]:

Proposal 11

6.8 Responsibilities of a minister

- 6.8 (2) A minister is responsible for nurturing and practising his or her own spiritual life and for undertaking ~~continuing ministry formation and supervision in accordance with section 8 of Chapter 9~~ **ministry development in accordance with supplementary provisions.**

Amend Chapter 7.23 (4) – refer [10.085]:

Proposal 11

7.23 Electing commissioners to presbytery

- (4) A church council must furnish to presbytery a ~~form~~ **letter** of commission as specified in the supplementary provisions in respect of each elected commissioner.

Add to Chapter 10 – refer [10.085]:

Proposal 11

10.32A Ministers Emeriti / ae

When a minister retires or has become incapacitated, except where the presbytery of which the minister is a member deems it not to be in the interests of the Church, the minister shall be granted by the presbytery the status of minister emeritus or emerita and shall be eligible to be appointed as a member of that presbytery.

10.32B Removal of Names from Rolls of Ministers

In addition to the powers described in Chapter 10.32 for the removal of names of ministers from the rolls of ministers, there shall also be a power to remove such names when a minister has been the subject of an order made pursuant to Chapter 15.27(1)(a) or been engaged in another calling and not been a member of any presbytery for 5 years (such period being capable of extension to 7 years) pursuant to supplementary provisions.

Amend Chapter 8.17 – refer [10.085]

Proposal 11

8.17 Appointment of ministers and elders to attend the General Assembly

- (4) A presbytery must ensure that, as near as is practical, the number of ministers equals the number of elders appointed; **and that all ministers who are members of that presbytery have an equal opportunity to attend the General Assembly in order that one half of the ministers (other than ministers emeriti/ae) who are members of that presbytery are commissioners at each alternate General Assembly.**

Add to Chapter 9.46(1) - refer [10.085]

Proposal 11

- (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, and (e) participating in the governance of the Church.
 - (f) conducting public worship**

Delete 9.46(2 – refer [10.085]:

Proposal 11

- ~~(2) In addition, these persons may participate, according to the supplementary provisions, in the conduct of public worship, including~~
- ~~(a) the celebration of communion,~~
 - ~~(b) the preaching of the gospel, and~~
 - ~~(c) other ministries as might be required.~~

Add new clause to 9.49 - refer [10.099]

Proposal 12

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