

**Tasmanian Assembly**

**6.1** The General Assembly of the Presbyterian Church of Tasmania is the court of the Church immediately above the Presbyteries, and is supreme in all Church matters except those included in Articles of Agreement, Article J]V of the Deed of Union.

**Membership**

**6.2** The General Assembly consists of:

- (a) all ministers whose names, when the roll of Assembly is fixed, are on the membership rolls of Presbyteries within the bounds of the Assembly's jurisdiction;
- (b) all home missionaries, if they are elders, holding an appointment of longer than 12 months duration in a charge or Special Charge within the bounds of the Assembly's jurisdiction;
- (c) one elder representing each pastoral Charge within the bounds of the aforesaid Presbyteries whose commission has been duly sustained;
- (d) elders to whom the Assembly has granted seats on a Presbytery;
- (e) the Procurator and the Law Agent, if they are elders;
- (f) an elder being moderator of the Assembly.

**Associations**

**6.3** The Assembly may associate with itself (except where a judicial case is before it): (a) ministers and elders who are members of other courts of equal standing;

- (b) missionaries who are ministers or elders of the Presbyterian Church of Australia who are engaged by the Committee for Australian Presbyterian World Mission and who are on furlough;
- (c) ministers who are full-time chaplains to the Australian Defence Force under appointment by the Defence Force Chaplaincy Committee of the General Assembly of Australia.

**6.3.1** Associated members shall have all the rights and privileges of members except that they shall not preside, vote, move or second a motion.

**Of ficers**

**6.4** The officers of the Assembly are the Moderator, the Clerk, the Procurator, the Law Agent, and the Convener of the Business and Nominating Committee.

**Moderator**

**6.5** The moderator is elected by the General Assembly.

**Nomination and election**

**6.5.1** Nomination for the position of Moderator is conducted by Presbyteries at least four months prior to the meeting of the General Assembly. A moderator may be elected from among ministers on the roll of Assembly or any elder who is an active member of a Session. Nominations must be forwarded immediately to the Clerk of Assembly.

**Vacancy in moderatorship**

**6.5.2** In the event of a vacancy in the moderatorship occasioned by death, translation, or the moderator becoming incapacitated by mental or bodily infirmity, the most recent former moderator who is available becomes the occupant of the vacant office, discharging the duties thereof until the next annual meeting of the Assembly.

**6.5.3** In the event of the moderator, through illness or absence from the bounds of the Assembly, being unable to discharge the duties of his office, and so long as he is unable to do so his most recent predecessor in office who is available, and who at the moderator's request or, failing that, at the request of the clerk, is willing to act, becomes and is styled 'Acting Moderator', is deemed to be the moderator for all purposes and may describe himself in legal documents as such.

**Clerk**

**6.6** The Assembly shall appoint a clerk, usually but not necessarily a member of the court, who shall keep an accurate record of its proceedings and, upon request, supply extracts thereof.

**Tenure of office**

**6.6.1** A clerk shall hold office for a specified time which must be recorded, or at the pleasure of the court.

**Vacancy in clerkship**

**6.6.2** When a vacancy occurs in the clerkship, the Assembly shall appoint an acting clerk who shall have all the powers and authority of the clerk.

**Assembly powers**

**6.7** The Assembly has the power to deal summarily with any of its members or with any member of the Church who may disown its authority or act contumaciously.

**Authority**

**6.8** The Assembly claims for itself the supreme governing authority in all matters over which it has jurisdiction in the same manner in which it is claimed by the General Assembly of Australia in matters over which that court has jurisdiction.

**Meets annually**

**6.9** The Assembly shall meet annually on the Tuesday after the second Sunday in May.

**Quorum**

**6.10** Six members, at least half of whom are ministers, shall form a quorum of the Assembly.

**Urgent meeting**

**6.11** On a requisition by not fewer than six members, the Moderator shall convene an urgent meeting of the Assembly.

**6.11.1** Such meeting shall be convened by circular posted to all members at least seven days prior to the meeting.

**6.11.2** At the meeting, the Assembly may deal only with matters specified in the circular convening the meeting.

**6.11.3** No business may be transacted unless:

- (a) there is a quorum present;
- (b) the action of the requisitionists and of the moderator in convening the meeting is approved by a majority of the members present.

**Ministerial changes and elders' commissions**

**6.12** Any urgent meeting of the Assembly may:

- (a) receive a report on ministerial changes; and
- (b) sustain elders' commissions in favour of those appointed to fill vacancies caused by death, resignation, suspension or removal from office.

**Minutes published**

**6.13** The minutes of proceedings of the annual session of the Assembly, of the Commission of Assembly and of any urgent meetings held during the previous year, shall be published as soon as possible after the close of the session.

**Order of business**

**6.14** The ordering of the business of the first sitting of the annual Assembly shall be determined by the Business and Nominating Committee but shall include:

- constitution of the Assembly with prayer in the name of the Lord Jesus Christ, the only King and Head of the Church
- tabling of the minutes of the previous Assembly, the Commission of Assembly and of any urgent meetings which may have been held
- sustaining of elders' commissions;
- announcement of changes which have been made to the roll by death, transfer, removal or addition since the previous Assembly, according to information received from Presbytery clerks;
- adoption of the roll by the Assembly;
- the report of the Business and Nominating Committee shall be submitted.
- a Loyal Address shall be adopted;
- the Assembly shall proceed to elect or re-elect the moderator for the ensuing year, but for no longer than two consecutive years;
- the conduct of public worship which shall include the induction of the Moderator-elect

**OBSERVANCE OF THE LORD'S SUPPER**

**6.14.1** The first hour of the second sitting on Wednesday morning shall be set apart for the observance of the Lord's Supper. The moderator shall appoint such ministers and elders as he may think fit to assist him in the service, assigning distinct duties to each. If the moderator is an elder not authorised to preside at the sacraments, he shall request one of the ministers or an authorised elder to preside.

**CLOSING OF ASSEMBLY**

**6.14.2** The business of the annual session being concluded, the moderator shall announce the time and place of the next meeting. Then, in the name and by the authority of the Lord Jesus Christ, the only King and Head of the Church, he shall declare the session of the General Assembly closed and pronounce the Benediction.

**Commission of Assembly**

**6.15** in addition to any special commission which the Assembly may appoint, the Ordinary Commission of Assembly shall meet as appointed by the Assembly to deal with:

- (a) business as permitted by the Act;
- (b) special business remitted to it.

**Committees**

**6.16** Standing and special committees are appointed from year to year for the management of enterprises of the Church and other operations of a permanent character.

**Business Committee**

**6.17** The Assembly shall appoint a Business Committee with membership, powers and duties defined by the Assembly

**Procurator**

**6.18** The Assembly shall appoint a Procurator who shall act as the court's barrister, and shall advise the Assembly, Presbyteries and Sessions, as required, on matters of Church law.

**Law Agent**

**6.19** The Assembly shall appoint a Law Agent who, as the Church's solicitor, shall deal with all property matters referred by the Assembly, the Presbyteries or local Boards of Management.

**Auditor**

**6.20** The Assembly shall appoint an official Auditor and shall determine his/her duties.

**Minister appointed, released and inducted**

**6.21** When the minister of a pastoral Charge under the jurisdiction of the Assembly is appointed to an Assembly office, the Assembly, on making the appointment, shall:

- (a) request the minister and the Presbytery having jurisdiction to take all necessary steps to secure the release of the minister; and
- (b) request a Presbytery to arrange for the induction or setting apart.

**Assembly Fund**

**6.22** The Assembly has a fund known as the Assembly Fund, out of which shall be defrayed:

- (a) the honoraria to the moderator and clerks;
- (b) the travelling expenses of members of Assembly undertaking Assembly business;
- (c) office expenses and all necessary expenditure connected with the management of the Assembly's business;
- (d) such other payments as the Assembly may determine.

**Appeals - expenses of printing**

**6.23** In appeals or complaints, the expense of printing or copying shall, in the first instance, be borne by the appellant or complainant, and when the case is finally decided, by the loser unless remitted or distributed by the Assembly. The Clerk of Assembly is authorised to charge a fee for extract minutes.

**Minimum stipend**

**6.24** The General Assembly may from time to time, on the recommendation of the Board of Investment and Finance, declare a minimum stipend.

**Committees**

**6.25** The Assembly may appoint committees or commissioners for the carrying on of the work of the Church.

**Annual reports**

**6.25.1** All committees and commissioners shall report to the Assembly, with appropriate deliverances, annually.

**Deliverances**

**6.26** No recommendation in any report shall be held to be adopted by the Assembly unless it is definitely set forth in a deliverance which has been approved by the Assembly.

**Abstracts for G.A.A.**

**6.27** The committees and commissioners shall also prepare and forward to the General Assembly of Australia such abstracts or summaries of their work for the preceding year as may be required by the General Assembly.

#### **Production of records**

**6.28** The Assembly may, at any session, by motion duly approved, call for the production of all records of any committee.

#### **Nominations**

**6.29** The Business and Nominating Committee shall bring to each General Assembly nominations for the committees and commissions of Assembly.

#### **Conveners**

**6.29.1** The Assembly shall appoint conveners of its committees.

#### **Permanent record**

**6.30** The permanent minutes consist of a copy of the Blue Book, each page of the minutes, when confirmed, being signed by the moderator and clerk. The Blue Book so signed shall be retained as the permanent record of the proceedings of the session of the Assembly.

### **Chapter 6A: THE GENERAL ASSEMBLY: LEGISLATIVE ACTION**

#### **Function**

**6.31** In the exercise of its legislative function the General Assembly may enact, amend or repeal rules and regulations in accordance with the procedure set out in the rules that follow.

#### **Rule defined**

**6.32** A rule is a legislative enactment that has been duly declared and enacted as such by the General Assembly under the procedure of the Barrier Act.

#### **Regulation defined**

**6.33** A regulation is a legislative enactment which has been duly declared and enacted as such by the General Assembly and does not require to be sent to presbyteries under the Barrier Act.

#### **Enactment of rules**

**6.34** The General Assembly enacts, amends or repeals a rule only on a proposal by overture and only with the approval (obtained under the procedure of the Barrier Act) of a majority of the presbyteries within the jurisdiction of the court.

**6.34.1** If the Assembly consists of only two presbyteries and one of those presbyteries approves and the other disapproves the remit, the impasse shall be resolved by adopting the procedure set out in Chapter 7 General Rules (7.33.25 - 7.33.32).

#### **Overture remitted to presbyteries**

**6.35** If the General Assembly sustains an overture proposing the enactment, amendment or repeal of a rule or rules it remits the overture to presbyteries, under the procedure of the Barrier Act, for either:

(a) approval or disapproval, without comment; (in this case approval qualified by comment or suggested amendment is counted as disapproval), or (b) approval or disapproval, while inviting comment if so desired.

#### **Remit approved**

**6.36** If a majority of the presbyteries has reported approval of a remit proposing the enactment, amendment or repeal of a rule or rules, the General Assembly may:

- (a) enact the proposal., or
- (b) resolve not to enact it., or
- (c) remit it to presbyteries again in amended form.

#### **Remit not approved**

**6.37** If a majority of the presbyteries has either.

- (a) reported disapproval., or
- (b) failed to approve the remit,

the proposal fails and the General Assembly passes from it. However, the proposal may be sent again to the presbyteries in an amended form in the case of (a) or in the same or amended form in the case of (b). When a proposal is remitted a second time to the presbyteries in the same or amended form the procedure for dealing with it is the same as for the original remit.

#### **Remit to Sessions**

**6.38** If the General Assembly seeks the wider opinion of the church when sending a remit to the presbyteries, it may direct that it be sent also to Sessions. and should a majority of Sessions not be in favour of the remit there is no barrier to proceeding with the matter.

#### **Enactment of Regulation**

**6.39** The General Assembly enacts, amends or repeals a regulation by a proposal made either in an overture or in the proposed Deliverance of the Code Committee's report. The General Assembly, if it sees sufficient cause, may remit the proposed enactment, amendment or repeal of a regulation to presbyteries for consideration and report.

#### **Rules or regulations in conflict**

**6.40** If rules enacted by the General Assembly, or regulations enacted by it, are found to be in conflict, the more recently enacted rule or regulation as the case may be prevails unless the Assembly otherwise determines in a Declaratory Act, or until amending legislation is enacted by regular process.

#### **Regulation in conflict with rule**

**6.41** If a regulation of the General Assembly is found to be in conflict with a rule, the rule prevails and the regulation is incompetent to the extent of such conflict unless and until the rule is amended or repealed by regular process.

#### **Declaratory Acts**

**6.42** Subject only to the authority of the General Assembly of Australia, the General Assembly, being the interpreter of its own law, may pass a Declaratory Act declaring what it holds the law of the church to be regarding any particular matter. Such a Declaratory Act may be passed without reference to the presbyteries, but it must be remitted to them under the Barrier Act if it involves a change of the rules enacted by the Assembly.

#### **Interim authority**

**6.43** If it sees sufficient cause the General Assembly may give interim authority:

- (a) to a Declaratory Act which is being remitted to the presbyteries under the Barrier Act; or
- (b) to the enactment, amendment or repeal of a rule or regulation pending the consideration and approval of the presbyteries or the report of a committee or committees. Such interim authority extends only until the next General Assembly. It may be renewed by that Assembly if the remit in the same or amended form is again sent down to the presbyteries, failing which the interim authority lapses.'