

## Report of the Church Order Committee

Esteemed Brothers,

The Synod of 2005 mandated this committee as per the following articles:

### 1. Art. 19. Office Bearers' Handbook

Synod decided:

- 1. To request the Church Order Committee to provide clarification to the sessions on the status of the various sections of the Office Bearers' Handbook.*

This request came as a result of Overture 3 from the Christchurch Presbytery regarding the Office Bearers' Handbook.

### 2. Art. 99. Church Order

The recommendation "To withdraw the mandate to the committee on whether a Presbytery has jurisdiction to declare a church outside of the denomination", was defeated so is part of the mandate of the committee for the next Synod.

### 3. Art. 129. Committee Appointments

Synod made the following appointments with regard to the Church Order Committee:

P van der Wel (c), R Voschezang, DJ van Garderen, J ter Horst (Liaisons: L de Vos, P Kloosterman)

(Later in 2005 J ter Horst indicated he wanted to resign from the Church Order Committee. Early in 2006 vicar Michael Willemse took his place.)

### 4. Art. 29. Report 1, Church Order Committee (cf. Arts. 26, 112) Synod 1998

In addition to the above, the Committee realised recently that the "Guidelines for Ecclesiastical Assemblies in the formal adjudication of written and formal charges" should have been presented to Synod 2005 for formal ratification.

Synod 1998 decided:

- 1. To adopt the "Guidelines for Ecclesiastical Assemblies in the formal adjudication of written and formal charges" for provisional use **until ratification by Synod 2004.***

We herewith submit the report of our study and findings to the churches. Please note that the recommendations have been put in or at the end of each section.

### Recommendation

- 1. That Synod receive this report.*

## PART 1 – Art. 19

This part of the report deals with our mandate as per Art. 19 of the Acts of Synod 2005:

Art.19.1

to provide clarification to the sessions on the status of the various sections of the Office Bearers' Handbook.

The Office Bearers' Handbook (OBH) was divided into 6 sections and given to committee and liaison members to determine how binding the various guidelines, rules or other 'directives' are (according to the OBH) and where they come from.

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After what was essentially an extended e-mail discussion of our findings we communicated these on 17<sup>th</sup> May 2006 to the Stated Clerk of Synod as follows:

The result of the work of the different members of our committee has not shown any need to change or withdraw any sections of the Handbook that do not have the sanction of a synod. Those articles which do not have the sanction of Synod are offered as recommendations for the practices of Sessions and Presbyteries.

On the 22<sup>nd</sup> May 2006 a letter of clarification was sent to all the session which you will find in Appendix A to our report.

### **Recommendation**

2. *That Synod ratify the work the committee has done in clarifying the various sections of the Office Bearers Handbook.*

In their letter of clarification the committee also indicated its intention for further recommendations with regard to the Office Bearers' Handbook as follows:

### **Recommendation**

3. *That Synod give its official approval to the procedural regulations for bringing a gravamen as found in the Office Bearers' Handbook, pp.6-3,4*

Ground: There is no reference to any Acts of Synod for this regulation and it would seem proper to have such a reference.

### **Recommendation**

4. *That the sections:*

*'Students for the Ministry', pp. 3-3 to 6,*  
*'Vicariate-C', p. 3-7,*  
*'Rules for Long Service Leave', pp.3-12, 13*  
*'Letter of Call', p. 3-19,*  
*'Minister's Credentials', p. 3-21,*  
*'Financial Support for Home Missionaries' art.1 and 3, p. 4-20*  
*'Guidelines for Issuing a Certificate of Membership', pp. 5-15 to 22 (including the Certificate of Membership sample),*  
*'Home Visitation', pp. 5-24 to 26,*  
*'Home Visitation Guide', pp. 5-27 to 29,*  
*'Alternate Home Visitation Guide', pp. 5-30 to 36,*

*be formally approved as guidelines for the churches and that in the future they be so denoted in the Office Bearers' Handbook.*

Ground: This will clarify the status of these guidelines.

### **Comment**

Guidelines are regulations which are not necessarily binding on a session or church but are seen as a practical and Biblically appropriate way to deal with the matter in question and have a direct or indirect reference to our church polity documents (church order, confessional standards).

### **Recommendation**

5. *That the reference to Acts 1971, Art. 61 Recommendation. 6 in the section 'Rules for Overseas Mission' on p. 4-3 in the OBH be changed to Recommendation 5.*

Ground: This corrects an error in the reference.

## **Recommendation**

6. *That the section on SPROUT on p. 4-12 be removed from the Office Bearers' Handbook.*

Ground: SPROUT no longer functions in our churches.

## **Recommendation**

7. *That the section 'Doctrinal Pronouncements' re 'Infallibility of Scripture, Evangelist Defined, Cessation of Revelation, Interpretation of WCF 1.1 and 1.6' on pp. 2-24, 25 be removed from the Office Bearers' Handbook.*

Grounds:

1. They do no more than reaffirm what is already included and understood within the broader context of our subscription.
2. These reaffirmations had relevance at the time and within the context that they were made and should be left (and, if necessary, studied/applied) in that original context. Their inclusion in the OHB removes them from within that original context and is likely to lead to misinterpretation of their content and intent.
3. Such pronouncements will continue to be made throughout the history of Christ's church and inclusion in the OBH (or equivalent) will lead to increasing complexity – a move away from the simplicity envisaged in our style and content of our Church Order

## **PART 2 – Art. 99**

This part of the report deals with the question “whether a Presbytery has jurisdiction to declare a church outside of the denomination”.

This part of the Church Order Committee's mandate arose out of the special Synod called in 2001 to deal with problems which had arisen in the Reformed Church of Foxton. In that case, the minister had refused to submit to the Session, appealing to CO Art 29. As the situation became increasingly unworkable, the duly elected office bearers, with the later endorsement of their congregation, sought to dismiss their minister although Wellington Presbytery had advised against this. In the light of the Foxton Session's failure to heed Presbytery's advice and to comply with various aspects of the church order, Synod 2001 asked “whether a Presbytery has jurisdiction to declare a church outside of the denomination.” That Synod then mandated the Church Order Committee to address this question.

Given its historical context, we understand the question to be asking whether a Presbytery has the authority *to effect the removal* of a particular church from the denomination. In other words, we understand “the jurisdiction to declare a church outside of the denomination” as a disciplinary measure, rather than a simple recognition of the fact that a church, by its actions, has removed itself from the denomination. It is with this understanding in mind that the committee has sought to address this question.

It is important to note that the Church Order makes no express provision to deal with an entire congregation, either at Presbytery or Synodical level. Rather it seems to assume situations where the majority of a church and a Session are sound and operating in accordance with the confessions and the Church Order. In addition, De Moor's work shows that in the experience of the CRCNA and (some of) the Dutch churches, the issue of an entire church being declared outside of the denomination has not occurred in practice.

Our Church Order focuses on dealing with individual congregations through the discipline of the office bearers (Arts 84-86). However these articles can only be invoked by the local Session and the Presbytery's role is limited to that of *concurring* with the local Session. There is no express provision for the wider body to *initiate* the action nor to act against the wishes of the majority of the Session.

In Article 83, deviation from the form of subscription is given as a ground for discipline of office bearers. However, the article itself is set in the context of a *local Session* disciplining one or more of

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its members and would not seem to sanction a broader assembly initiating action against part or all of a local Session.

The CRCA's updated Church Order includes a useful article (Art 85)<sup>1</sup> which allows a wider body to act on an appeal from part of a Session or a congregation, but this does not allow it to act unilaterally.

From De Moor's thesis, it would seem that where a broader assembly of the CRCNA or (one of) the Dutch churches has deposed an entire Session, they have done so on the basis of their equivalent of Art 35, arguing that, in subscribing to a denomination, local Sessions have implicitly ceded some authority to the broader assemblies. De Moor cites cases in which both Synods and Classes (Presbyteries) deposed entire Sessions.<sup>2</sup>

De Moor also quotes the decision of CRCNA Synod 1980 – "The synod of 1980 declared that it is indeed proper according to Reformed Church polity for either Classis (Presbytery) or Synod to intervene in the affairs of a local congregation, if the welfare of that congregation is at stake."<sup>3</sup>

According to De Moor's work, then, a wider body can act unilaterally where the welfare of a congregation is at stake but may only deal with *the office bearers* of a local church, deposing the entire Session, if needed. The implication being that either the local church elects a new Session or it refuses to accept the decision of the wider assembly, thus placing themselves outside the denomination.

Rev. de Vos cites a situation in the Orthodox Reformed Churches where a Session persisted in its refusal to discipline alleged immorality on the part of its minister. The broader assembly in the end agreed that this congregation was no longer in the federation. It should be noted, however, that in this case the Session no longer abided by its earlier commitment to the standards of the federation, thus placing itself outside the federation. All the broader assembly did was to ratify this de facto situation.

It would seem clear, then, that the answer to the question of "whether a Presbytery has jurisdiction to declare a church outside of the denomination" is "no!" Such an action would clearly fall outside of the provisions of the church order and of the practice of the Reformed Churches.

In addition to this advice, the Committee would point out, as we did in the report to Synod 2005, that situations which give rise to a question such as this are invariably complex. We do not believe that it would be helpful or just to formulate and apply a fixed rule to each and every situation. These situations demand and deserve a careful weighing of all of the factors involved and much pastoral humility and wisdom – there are no shortcuts or easy answers.

## Recommendation

8. *That Synod accept the advice of the Committee that under our current church order "a Presbytery does not have jurisdiction to declare a church outside of the denomination" and discharge the Committee from this part of its mandate.*

## PART 3

1. During the intersynodical period the church Order committee received various questions with regard to the wording and the application of the Rules for Preliminary and Final Examinations of Candidates for the Ministry. These questions arose from the regular use of the Rules in that period.

a. Rule I.A.3 as it currently reads seems be a copying Rules I.A.6 and II.B.2. After some investigation it appeared that Rule I.A.3 has been the victim of 'pasting overuse'; the intended reading of this Rule is:

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<sup>1</sup> This article states "In exceptional circumstances, a major assembly may suspend or depose office bearers even when such action has not been initiated by the Session. A major assembly may so act only when part of either the Session or the congregation appeals to it for assistance and cooperation on such serious grounds as misgovernment by the Session, neglect or abuse of duty, or the tolerance or promotion of false doctrine. The Session shall be notified of such an appeal."

<sup>2</sup> pp 166,168

<sup>3</sup> p 174

- I.A.3 A statement of the session(s) of the church(es) to which the candidate belonged during the last two years, testifying to his doctrine and conduct.

To rectify this matter the committee makes the following recommendation:

### **Recommendation**

2. *That I.A.3 in the Rules for Preliminary and Final Examinations of Candidates for the Ministry be deleted and replaced with the originally intended rule:*

*A statement of the session(s) of the church(es) to which the candidate belonged during the last two years, testifying to his doctrine and conduct.*

b. At the preliminary examination of brother Pieter van Huyssteen in October 2006 Rev. Paul Archbald made the observation that a point he had raised at synod about the purpose of the Dogmatics examination at a preliminary examination had not found its way in the Acts of synod though it had been agreed to by common consent. After inquiring with the SIC and the COC it was found that he was correct.

The Church Order Committee therefore recommends the following amendment to the synod:

### **Recommendation**

3. *That I.B.3 of the Rules for Preliminary and Final Examinations of Candidates for the Ministry be amended so that the first sentence of that article will now read as follows (deleted words are crossed out):*

*The manner in which each candidate is to be examined must be ~~of a~~ practical, ~~rather than of an~~ not just academic in nature.*

c. The question was also raised whether it is necessary for candidates for the ministry who sit their final examination in the same presbytery in which they sat their preliminary examination to do the full final examination or to do it at all.

For this reason the Committee sent out a brief questionnaire to the ministers of the denomination to ask for their opinion on this matter. After discussing this matter the committee recommends that the following be added to section II.A:

### **Recommendation**

4. *The presbytery in which the final examination is conducted shall have the discretion as to how much of the preliminary examination, besides the sermon, shall be repeated, esp. when the final examination is held in the same presbytery as the preliminary examination.*

Grounds:

1. Before the Rules were adopted by Synod 2005 presbyteries had this discretion, which was exercised esp. when the candidate did both examinations in the same presbytery and within a short time of each other and with the same examiners present.
  2. During the past 3 years it occurred twice that both examinations were in the same presbytery and the committee believes that parts of the final examination could have been left out without jeopardising the integrity of the examination.
  3. The Rules adopted by Synod 2005 essentially define the manner of the two examinations in identical terms. In practice, too, there has been no real distinction between the way the two examinations have been conducted apart from the inclusion of the additional sections in the second examination.
2. The committee also received advice that the current synodical quota calculations failed to take account of Synod's decision to assist churches with the cost of funding of vicars. The 1998 Synod

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(Art. 16, p.1-3) ruled that 20 members be deducted from the quota calculation of churches for each minister or vicar they have. This was in recognition of the fact that such churches were fully funding the cost of the vicariate.

But when, at the same Synod, it was decided to fund up to two thirds of the cost of a vicar by way of synodical quota (Acts 1998, Art 74-3) and when this decision was revisited and clarified at subsequent Synods (Acts 2002, Art 92-5; Acts 2005, Art. 88-1), this was not factored into the quota calculation.

To resolve this situation, the committee recommends Synod change the quota rules as follows:

### **Recommendation**

5. *A deduction of 20 members be made from a church's membership for each full time pastor. Where a church has a vicar, a deduction of 20 members multiplied by the proportion of the vicar's costs being paid by the church be made (e.g. if a church is paying a third of the vicar's costs a deduction of 7 members would be made).*

## **Part 4**

Synod 1992 gave the Committee the following mandate by deciding:

*To authorise the Church Order Committee to draft a simple set of guidelines on procedures of church courts for use in our churches, to be presented to the next Synod. (Art 21.c, Acts 1992).*

Synod 1995 decided

*To table matters relating to procedures of church courts until the Church Order Committee can give more specific guidelines (Art 22.2; Acts 1995).*

Synod 1998, having approved some minor changes, accepted the Committee's "Guidelines for Ecclesiastical Assemblies in the formal adjudication of written and formal charges" for provisional use in our churches until ratification by Synod 2004. (Art 29.1; Acts 1998).

These changes have been incorporated in the guidelines (Appendix B) which were used in the Wellington Presbytery and at the special Synod in Palmerston North in 2001.

### **Recommendation**

6. *That Synod ratify the "Guidelines for Ecclesiastical Assemblies in the formal adjudication of written and formal charges" for use in our churches.*

Respectfully submitted by

Pieter van der Wel (convenor)  
Dirk van Garderen  
Roel Voschezang Snr  
Michael Willemse

## Appendix A

### **The Committee's letter of clarification to the sessions on the status of the various sections of the Office Bearers' Handbook**

Church Order Committee,

To the Sessions of the Reformed Churches of New Zealand

22<sup>nd</sup> May 2006

Dear brothers,

Synod 2005 mandated the Church Order Committee as follows: "To request the Church Order Committee to provide clarification to the sessions on the status of the various sections of the Office Bearers' Handbook"

In accordance with this mandate, the Church Order Committee has reviewed the Office Bearer's Handbook to determine the status of the various sections. We are writing to report the outcome of this work as follows:

1. Section 1 (The Church Order) and all sections referenced to the various Acts of Synod have been agreed to by the Reformed Churches of New Zealand (RCNZ) at various Synods and are therefore binding on RCNZ churches.
2. The procedural rules for lodging a Gravamen (page 6-3) do not appear to have been formally accepted at a Synod. Nonetheless we believe that they should be accepted as binding since to do otherwise would leave us with no commonly accepted procedure. We will propose that Synod 2008 pass a formal motion giving Synodical approval to this section.
3. All other sections have not been formally approved by a Synod and therefore simply function as guidelines for dealing with the issues concerned. (It is worth noting that the Rules for Presbyteries and the Rules for Sessions both allow for a local Presbytery or Session to amend them indicating that they were intended as an initial set of guidelines.) We will propose that Synod 2008 pass a motion accepting these sections as guidelines and that in future they be so denoted in the Office Bearer's handbook.

Our work also showed some minor inconsistencies in referencing as well as some sections which related to a specific situation or occasion which no longer exists. We will highlight these to Synod 2008 and propose appropriate changes / deletions. Such recommendations possibly fall outside the specific mandate above but appear to fall within the general ambit of the Church Order Committee.

Since the sections in the Office Bearer's Handbook already denote whether or not they derive from an Act of Synod, no further referencing is required at this time. We have therefore asked the Stated Clerk go ahead with printing.

We trust that this letter has clarified the issues concerning the Office Bearer's Handbook and satisfied the terms of this mandate. If not, please contact us.

Yours in His service,

Pieter van der Wel  
Convener  
Church Order Committee

## Appendix B

### Guidelines for Ecclesiastical Assemblies in the formal adjudication of written and formal charges

#### 1. Preamble

*If your brother sins against you, go and show him his fault, just between the two of you. If he listens to you, you have won your brother over. But if he will not listen, take one or two others along so that 'every matter may be established by the testimony of two or three witnesses.' If he refuses to listen to them, tell it to the church... (Matt 18.15-17).*

We acknowledge that the church of the Lord Jesus Christ, in her various assemblies, has been appointed as the representative of Christ upon the earth, and that as such she will at various times be called upon in the name of her Lord to settle disputes and give judgements. So that the judgement of written charges and appeals may be done in a proper and orderly manner, and that impartial justice may be obtained, it is good for us to lay down the following principles from the Word of God.

#### 2. Scope of These Guidelines

1. These guidelines will only apply when written and formal charges are brought to an assembly of the churches.
2. The admonition and discipline of the church which does not involve the hearing of written charges requiring formal adjudication are not governed by these guidelines.
3. The first determination that must be made by the assembly before whom the written charges are filed is this: Does this matter **require** formal adjudication? In making this determination, the assembly would ordinarily be in a position to know that informal means have been exhausted. If such means have not been exhausted, the assembly should seriously consider postponing a formal hearing while further informal efforts are employed.
4. The specific purpose of these guidelines is to assist the assemblies when they proceed in the formal adjudication of written and formal charges. As such, they may be used
  - a) by local Sessions when a member brings a written and formal complaint against another member;
  - b) by Presbyteries when a member of the churches brings a written and formal complaint against a Session;
  - c) by Synods when a member or Session lays a written and formal charge against a Presbytery;
  - d) in the hearing of appeals. Appeals against judgement of the assembly shall be made to the assembly next in order.

#### 3. Definition of Terms

*Complainant:* The person or assembly bringing the complaint.

*Defendant:* The person or assembly against whom the complaint is brought.

*Assembly:* The Session, Presbytery or Synod.

*Complaint:* A written formal charge.

*Appeal:* Any written formal appeal against the judgement of an assembly

*Appellant:* The person or assembly appealing the judgement of an assembly.

(When the pronoun "his" is used herein, it refers either to an assembly or to an individual irrespective

of gender).

#### **4. Guidelines**

1. All assemblies called upon to pass judgement in disputes shall begin their assemblies in earnest prayer to the Lord for the wisdom of His Word and the illumination of His Spirit to bring about justice.
2. No matter shall be brought to an assembly for judgement unless the matter is specific and carefully stated in writing and is supported by witnesses. Delegates to the assembly should have adequate time (at least two weeks) to consider the written evidence before the assembly convenes. Accusations shall not be entertained unless they are supported by two or three witnesses (c.f. Deuteronomy 19.15, 1 Timothy 5.19).
3. A charge should not allege more than one offence. Several charges, whether brought by one or more complainants against the same individual or assembly, with the specifications under each of them, may, however, be presented at the same time and may, at the discretion of the assembly, be heard together. When several charges are heard at the same time, a decision on each charge must be made separately.
4. A hearing for an alleged offence shall begin as soon as possible, but no later than one year from the time the charge is filed.
5. If an assembly considers that a matter brought to it has good grounds to be heard, then the assembly shall be careful to retain a spirit of impartiality until both sides of the matter have been properly heard. The assembly which hears the charge (Session, Presbytery or Synod) shall be so constituted so as to avoid conflicts of interest.<sup>4</sup> No matter how serious a charge may be, the onus is upon the complainant to prove the guilt of the defendant, unless guilt is confessed. If at any stage of proceedings, guilt is confessed, the matter may then be dealt with pastorally.
6. If in any case, the defendant, after due notice has been given him, shall refuse or neglect to appear at the time and place set forth for the hearing, the investigation or hearing may proceed in his absence. In all cases sufficient time shall be allowed for the defendant to appear at the given place and time and to prepare for the hearing. The assembly shall decide what constitutes "sufficient time."
7. In order for a matter to be heard impartially, the church assembly shall give both the complainant and defendant equal and adequate opportunity to present the evidence for their case.
  - a) The administration of oaths will not be required.
  - b) Both the complainant and defendant may call upon witnesses to speak on their behalf.
  - c) Both the complainant and defendant may be represented or counselled by a communicant member of the Reformed Churches of New Zealand.
  - d) When the assembly has given both sides equal and adequate opportunity to present their case, the disinterested members of the assembly may have the opportunity to ask questions of complainants, defendants and witnesses.
  - e) Both the complainant and defendant shall have opportunity to make a closing statement before the assembly goes on to make its decision.

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<sup>4</sup> "A conflict of interest" shall be interpreted in the widest possible sense, and shall include, for members of a larger (wider) assembly, their participation in the minor assembly which considered the matters. In the interests of preserving the impartiality of those involved in judging the matter, members of the minor assembly which has heard the matter shall not discuss the matter in any way with those who become members of the major assembly hearing the appeal.

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8. When the assembly has given adequate time for all sides of the case to be heard, the disinterested members of the assembly shall consider the evidence presented and come to a conclusion/judgement in the matter. Any member who has not attended all the sessions and has not heard the case in its entirety shall read the record before a vote is taken. The assembly has the right to make its judgement in closed session. The assembly has the right to vote by means of secret ballot.
9. The testimony shall be recorded verbatim if requested by any party to the proceedings. The record, including all exhibits, papers, evidence, and findings in the case shall be certified by the chairman and shall be the basis of any appeal which may be taken. The appellant and the defendant may have reasonable access to the record.
10. The judgement of the assembly should be unanimous, but where unanimity cannot be reached, the minority shall abide by the judgement of the majority (Church Order article 27).
11. The judgment of the assembly is considered to be settled and binding upon the parties involved. If anyone complains that he has been wronged by the decision of a minor assembly, he shall have the right to appeal to a major assembly (Church Order art 28) but shall in the meantime abide by the judgement made.

## **5. Appeals**

1. In all cases of appeal, the appellant shall have fifteen days to issue notice of appeal to the stated clerks of the assemblies appealed against and appealed to. He shall have another thirty days to furnish to both stated clerks a written statement of the grounds of his appeal. The stated clerk of the assembly appealed against shall forward to the stated clerk of the assembly appealed to the record of guideline 9 above. The hearing of the appeal shall be limited to the grounds set forth in the statement and the record. The assembly shall consider this statement and the record, also giving opportunity for oral argument.
2. An appeal by an involved party shall not be heard in any case when the appellant has without just cause failed or refused to be present at his hearing on appeal.
3. If the appellant, having shown good cause, desires to introduce additional evidence, the assembly appealed to may return the case to the original assembly for a new hearing.
4. Final decision on an appeal shall be by majority vote of the assembly.
5. The synodical interim committee may appoint a pre-advisory committee.

## **6. Suggested Procedure**

The above guidelines necessitate the various assemblies of the church to form their own procedure when the need arises. This gives assemblies the liberty to act according to specific circumstances. The following procedure is suggested as a format to assist assemblies in adopting a procedure.

1. The complainant shall repeat concisely his charge and his supporting evidence. The chairman may permit the form of the charge to be amended, but not its content.
2. The chairman shall request the defendant to plead to the charge, and his plea shall be recorded.
3. If the defendant pleads guilty, the hearing need not be continued. If the defendant denies the charge, the hearing shall proceed.
4. The defendant shall state concisely his defense and his supporting evidence.
5. The complainant shall first produce his evidence and witnesses. The defendant shall then produce his evidence and witnesses. All witnesses may be questioned by both the complainant and the defendant.
6. The disinterested members of the assembly shall have the opportunity to ask questions of complainants, defendants and witnesses after both sides have presented their case.

7. The complainant and the defendant shall, in turn, summarize their cases either by oral or written argument.
8. When all sides have been heard, the assembly shall consider the evidence presented and come to a judgement in the matter. The final decision shall be by majority vote of the assembly.
9. If either party objects to the regularity of the proceedings, the objection must be entered in the record. The chairman may sustain or disallow the objection. In any case he must be sustained by a majority of the assembly.