

AGENDA 2.4.11

Constitutional changes: Judicial system

PROPOSED MOTION

BE IT RESOLVED that a new Section 10.3 be included in the By-Laws of the Church to provide for procedures as a consequence of any actions in pursuit of Article **10.1.2** of the Constitution of the Church and that the existing Section 10.3 be renumbered Section 10.4 as follows (words to be deleted – ~~striketrough~~; words to be added – **bold**.)

SECTION 10.3 ECCLESIASTICAL DISCIPLINE BY THE CHURCH AGAINST A PASTOR

- 10.3.1 Subject to the nature of the complaint and any legal requirements, before a matter is dealt with by the Church in pursuance of Article 10.1.2 of the Constitution, the person or persons alleging a fault against a pastor**
 - 10.3.1.1 shall first, in personal admonition consistent with the Scriptures, endeavour to convince the pastor of such fault; and**
 - 10.3.1.2 shall, if unsuccessful, make the same endeavour in the presence of witnesses.**
- 10.3.2 A matter pursuant to Article 10.1.2 of the Constitution shall, subject to the provisions of the preceding Section 10.3.1, be dealt with as follows:**
 - 10.3.2.1 A written allegation against the pastor, signed by not less than two [2] voting members of the Church, shall be lodged with the Bishop of the respective District and the College of Bishops.**
 - 10.3.2.2 Notice of the allegation shall be given to the pastor, who shall be invited to attend a meeting with the Bishop of the respective District and respond to the allegation made.**
 - 10.3.2.3 If the matter is not settled, the Bishop of the respective District and the College of Bishops**
 - 10.3.2.3.1 shall satisfy themselves that the intent of the procedure stated in the preceding Section 10.3.1 has been followed, where appropriate; and**
 - 10.3.2.3.2 shall cause the allegation to be investigated, a report prepared and provided to all parties together with appropriate pastoral care; and**
 - 10.3.2.3.3 if, after responses from the parties involved, the investigation determines the allegation be sustained, shall endeavour to convince the pastor of such fault and the necessary subsequent action that may follow; or**
 - 10.3.2.3.4 if they are unsuccessful in this endeavour, shall submit the allegation to the Tribunal.**
 - 10.3.2.4 If the preceding stages of Section 10.3 cannot be carried out because the erring pastor does not submit to the discipline of the Bishop of the respective District, the College of Bishops at a duly called meeting may declare such a person to no longer be on the Roll of Pastors.**
- 10.3.3 Any two of the voting members who made the written allegation or any pastor against whom it was made may within thirty [30] days lodge an Appeal in writing with the Bishop of the respective District against a decision relating to ecclesiastical discipline. Thereupon the Bishop shall act in the manner laid down in the following Section 10.3.5.**
- 10.3.4 Upon the receipt of an appeal pursuant to the preceding Section 10.3.3, the Bishop of the respective District shall endeavour to meet the intent stated in the preceding Section 10.1. If successful, the Bishop of the respective District shall record that the case is closed. If unsuccessful, the Bishop of the respective District may, in his discretion**

- 10.3.4.1** submit the appeal to the Tribunal Administrator for referral to a Tribunal for determination; or
 - 10.3.4.2** submit a complaint against the person or persons lodging the allegation pursuant to Article 10.1.3 of the Constitution; or
 - 10.3.4.3** take no further action; or
 - 10.3.4.4** take such other steps as he considers pastorally appropriate.
- 10.3.5** The provisions of this Section 10.3 are in addition to any provision of the constitution and By-laws of the Church in relation to ecclesiastical discipline. If there is any inconsistency between the two which cannot be resolved by the application of the preceding sentence, the provisions of this Section 10.3 shall have precedence to the extent of the conflict.

SECTION 10.34 THE JUDICIAL SYSTEM OF THE CHURCH

REASONS FOR THE MOTION

There is currently no provision in the By-laws for the manner in which any action against a pastor can be carried out. The inclusion of the new Section 10.3 provides a set of procedures which reflects the same as the procedures in Section 10.2 in respect of action by a congregation.