



MODERATOR OF THE 2017 GENERAL ASSEMBLY
The Rev. Peter Bush

August 23, 2017

TO: Clerks of Synod
FROM: Stephen Kendall, Principal Clerk
RE: Actions of the 2017 General Assembly for attention of synod

Dear clerks of synod,

Please find below, the General Assembly referrals for your attention and action. Electronic copies of the referrals letters and the documents noted for study and report are available online at presbyterian.ca/referrals.

1. STUDY AND REPORT

1.1 Physician Assisted Suicide

Committee on Church Doctrine, Rec. No. 3 (A&P 2017, p. 273, adopted, p. 25)

That the above interim response to physician assisted suicide be commended for use by agencies, colleges, congregations, sessions, presbyteries, synods, committees and groups within The Presbyterian Church in Canada and that comments be reported back to the Committee on Church Doctrine by January 31, 2018.

“Physician Assisted Suicide” can be found on the website and at pages 241–73 of the 2017 Acts and Proceedings.

1.2 Provision for Equalizing Ministers

Clerks of Assembly, Rec. No. 6 (A&P 2017, p. 279, adopted, p. 30)

That the above report re equalizing ministers be sent to sessions, presbyteries and synods for study and report back to the Clerks of Assembly by January 31, 2018.

“Provision for Equalizing Ministers” can be found on the website and at pages 278–79 of the 2017 Acts and Proceedings.

1.3 Censure Definitions

Clerks of Assembly, Rec. No. 11 (A&P 2017, p. 284, adopted, p. 30)

That the above report and proposed revisions to Book of Forms sections 252 and 365–375 be sent to sessions, presbyteries and synods for study and report back to the Clerks of Assembly by January 31, 2018.

“Censure Definitions” can be found on the website and at pages 281–84 of the 2017 Acts and Proceedings.

1.4 Additional Motion (A&P 2017, p. 38, adopted, p.38)

That the biblical reflection presented in the report of the Life and Mission Agency Committee concerning the responses to the various overtures on human sexuality be sent to sessions, presbyteries, synods and colleges for study, reflection and report by January 31, 2018.

“Sexuality Overtures – Life and Mission Agency Reports” can be found on the website.

Clerks of Assembly: The Rev. Stephen Kendall and The Rev. Donald Muir

- 1.5 Sexuality Overtures, Rec. No. 4** (A&P 2017, p. 539, adopted, p. 28)
That the documents “The Historic Argument Concerning Human Sexuality” and “What the Bible teaches on Covenanted Monogamous Same-sex Relationships” be commended to the agencies, colleges, congregations, sessions, presbyteries, synods, committees and groups of The Presbyterian Church in Canada for study and response to the Committee on Church Doctrine through the General Assembly Office by January 31, 2018.

“Sexuality Overtures – Church Doctrine Reports” can be found on the website.

- 1.6 Sexuality Overtures, Rec. No. 5** (A&P 2017, p. 540, adopted, p. 28)
That the document “Where from Here?” be sent to the agencies, colleges, congregations, sessions, presbyteries, synods, committees and groups and other bodies of The Presbyterian Church in Canada for study and report back to the Committee on Church Doctrine by January 31, 2018.

“Sexuality Overtures – Church Doctrine Reports” can be found on the website.

2. INFORMATION/ACTION

- 2.1 Committee on History, Rec. No. 3** (A&P 2017, p. 292, adopted, p. 16)
That the General Assembly and the courts of the church actively celebrate the 150th birthday of our country Canada in worship on Sunday, July 2, 2017, or with an event or project of their choice this year.

- 2.2 Committee on History, Rec. No. 4** (A&P 2017, p. 292, adopted, p. 16)
That the courts of the church celebrate Reformation @ 500 (the 500th anniversary of the Reformation) in worship on Sunday, October 29, 2017, or a Sunday of their choice this year.

- 2.3 Sexuality Overtures, Rec. No. 3** (A&P 2017, p. 479, adopted, p. 14)
That The Presbyterian Church in Canada and its agencies, colleges, congregations, sessions, presbyteries, synods, committees and groups “seek the peace and unity of Christ among [our] people and throughout the Holy Catholic Church” under the guidance of the Holy Spirit as it discerns the mind of Christ in the matter of sexuality before the church.

- 2.4 Sexuality Overtures, Rec. No. 10** (A&P 2017, p. 551, adopted, p. 14)
That The Presbyterian Church in Canada and its agencies, colleges, congregations, sessions, presbyteries, synods, committees and groups seek the unity of the church under the guidance of the Holy Spirit as it discerns the mind of Christ in the matter of sexuality before the church.

3. LEGISLATION (INTERIM OR DECLARATORY ACTS)

- 3.1** Please note that Remit A, 2016, found at pages 472–74 of the 2017 Acts and Proceedings, was adopted and the relevant sections of the Book of Forms have been amended accordingly as follows:

OVERTURES

Definition

65. An overture is a formal proposal to a church court requesting a change in legislation, doctrine, policy or another action that is of general interest. It cannot be used in place of judicial process. The request, if granted, must be within the jurisdiction of the court to which it is addressed, and would be binding on all within the jurisdiction of that court.

Initiation

66. Anyone may prepare an overture, but it must be adopted by a court of the church in order for it to be considered by the court to which it is addressed.

Form

67. An overture must be in respectful language and it should contain: the name of the court to which it is addressed, the rationale for the proposal and the proposal itself. If addressed to the General Assembly, the overture may also contain a request that it be referred to a particular standing committee for consideration in advance of the next General Assembly. The General Assembly may change the referral.

Transmission

68. Once a court has adopted an overture, a motion must be adopted to transmit it to the court to which it is addressed. This is normally the General Assembly. Overtures from presbyteries and synods may be transmitted directly to the General Assembly. Session overtures must be transmitted through the presbytery. The presbytery transmits the overture with one of the following designations: with approval, with disapproval, or without comment. If the transmission is refused on grounds of not being in proper form the overture shall receive no further consideration unless those presenting the overture amend it for resubmission or commence a corrective case (see sections 381ff).

69. An overture intended for the General Assembly that contains a request for referral is to be sent by the clerk of the lower court to be received by the Clerks of Assembly by February 1 so that the committee to which it is referred has time to consider it before its report to the General Assembly is due. If no referral is requested it must be received prior to April 1 and the General Assembly will determine how it shall be considered or where it shall be referred.

70. An overture received by the Clerks of Assembly after April 1 will be held for the next General Assembly with the provision that the court initiating the overture may request that it be referred to a standing committee in the meantime.

PETITIONS

Definition

71. A petition is a formal request made to a church court initiating specific business concerning the petitioners. A petition is one of the primary ways that members of the church have access to the courts of the church. A petition may begin, but not replace judicial process (see sections 324–392).

Initiation

72. A petition may be made by a lower court, or by one or more church members. A petition must be presented to the lowest court that has oversight of the petitioners and a petition by members of the church must first be presented to their session.

Form

73. A petition must be in respectful language and it should contain: the name of the court to which it is addressed, the rationale for the request and the specific request. The petition may include a request that it be transmitted to a higher court provided that court has jurisdiction in the matter raised in the petition.

74. A petition may not be used to bring the proceedings of a lower court under the review of a higher court. Corrective cases and appeals are used for that purpose.

Reception and Transmission

75. The court to which a petition is presented decides whether to receive or not receive it based on whether or not it is in proper form. If there is no request for further transmission, the court shall decide what action is to be taken. If the petition is received with a request that it be transmitted to a higher court, it shall be sent on with one of the following designations: with approval, with disapproval, or without comment.

76. A petitioner may be given the opportunity to speak in advance of the decision whether or not to receive it and must be given the opportunity to speak to the petition at any court that agrees to receive it.

77. If a court decides to not receive a petition it shall be returned to the petitioner and the matter ends unless the petitioner chooses to amend and resubmit the petition. The petitioner, subject to section 383 regarding standing, may commence a corrective case, but only based on the court's refusal to receive the petition. A petition may be presented directly to a higher court, but only if the lower court refuses to consider the corrective case. The higher court must hear from the lower court before deciding whether or not to receive the petition.

78. Petitions to the General Assembly must be received by the Clerks of Assembly prior to April 1.

79. When considering how to act on a petition, a court may give any who might be affected by the petition the opportunity to be present.

80. Deleted

80.1 Deleted

80.2 Added to section 300.

4. DECLARATORY ACT

4.1 The following Declaratory Act was adopted (A&P 2017, p. 280, 15) and will be added to Book of Forms section 176.1.7:

Institutional chaplains shall have their presbytery certificate lodged with the presbytery in which they reside.