

1. ROLL OF THE ASSEMBLY (Business Committee)

That the Assembly adopt the roll of members, subject to any alterations advised to the General Secretary no later than 6.00pm on Friday 17 July 2009.

2. ELECTION OF PRESIDENT (Business Committee)

That the Assembly elect Alistair James Macrae as President of the Assembly, to hold office until the installation of his successor at the next ordinary meeting of the Assembly.

3. APPOINTMENT OF THE BUSINESS COMMITTEE (Business Committee)

That the Assembly appoint the following persons as members of the Business Committee for the Twelfth Assembly: Terence Corkin (Chairperson), Geoffrey Grinton (Business Manager), Glenda Blakefield, Karen Burchell – Thomas, Cynthia Coghill, Anne Hogan, Andrew Johnson, Alistair Macrae, David Peters, Swee-Ann Koh, Paul Swadling and a nominee of the National UAICC.

4. APPOINTMENT OF MINUTE SECRETARIES (Business Committee)

That the Assembly appoint the following persons as Minute Secretaries: Jenny Bertalan (other names to follow).

5. ORDER OF BUSINESS (Business Committee)

That the Assembly approve the order of business and the timetable submitted by the Business Committee, noting that decisions to vary the order of business and timetable can be taken by the Assembly at any time.

6. CONFIRMATION OF THE MINUTES (Business Committee)

The Assembly authorise the following persons to confirm the minutes of the Twelfth Assembly: Terence Corkin, Alistair Macrae, Geoffrey Grinton, Paul Swadling and Jenny Bertalan.

7. BALLOT PROCESS FOR ASC MEMBERSHIP (Standing Committee)

The Assembly amend the balloting procedures so that while the provision that at least two persons recognised by Multicultural and Cross-Cultural Ministry as being among the multi cultural and linguistically diverse members of the Assembly, shall be elected and that at least one of whom shall be a lay person; the requirement that one person shall be from the Pacific and that the other person shall be from Asia be removed.

Rationale:

The Ninth Assembly adopted a number of rules in relation to the conducting of ballots for the membership of the Assembly Standing Committee. In part that decision required that the membership of the ASC should include

- at least two persons recognised by Multicultural and Cross Cultural Ministry as being among the migrant - ethnic members of the Assembly, at least one of whom shall be a lay person;
- at least one of whom shall be of Pacific origin;
- at least one of whom shall be of Asian origin. (Assembly Minute 00.05)

The last two meetings of the Assembly have failed to deliver the nomination of an Asian member of the church for the membership of the Assembly Standing Committee. Accordingly it has not been possible to fulfil this aspect of the requirement. The Standing Committee is also aware that while these two communities provide most of the membership of the church from multi cultural and linguistically diverse communities there are increasing numbers of members of our church who are from Africa and the Middle East. The Standing Committee considers that it would be wise to open up the provisions of this Assembly resolution to a wider group of people. The provision of the requirement that the perspective of Multicultural

and Cross Cultural Ministry be taken into account should prevent the provision being applied in unexpected or unintended ways.

8. BALLOTS AND NOMINATING PROCEDURES (Business Committee)

That the Assembly:

1. appoint Warwick van Ede as Returning Officer and Malcolm Gledhill as Assistant Returning Officer;
2. appoint a Ballot Committee with responsibility for advising the Assembly on any questions relating to nominations and elections;
3. appoint the following persons as members of the Ballot Committee: Warwick van Ede (Convenor), Bruce Cornish, Malcolm Gledhill and Jacki Watts and;
4. appoint the following persons as scrutineers: (names to come);
5. determine that the closing time for nominations and the submission of proposals on new matters is 6.00pm Friday July 17.

9. ASSOCIATION OF PERSONS WITH THE ASSEMBLY (Business Committee)

That the Assembly associate the following persons with the Assembly for the business as listed, with the right to speak but not to vote:

(a) ecumenical guests

- (i) from other Australian churches and the National Council of Churches in Australia for the whole Assembly: (names will be provided in a later document)
- (ii) from overseas churches and from international ecumenical bodies for the whole of the Assembly: (names will be provided in a later document)

(b) persons who will assist in resourcing the Assembly:

for the whole of the Assembly:

Rev Mark Hillis for Christian Education
Mrs Rosemary Young for Frontier Services
Mr Warwick van Ede for Legal Reference Committee
Rev Dr Tony Floyd for Multicultural and Cross-cultural Ministry
Mrs Lin Hatfield Dodds for UnitingCare Australia
Rev Elenie Poulos for UnitingJustice Australia

for specific business of the Assembly:

Mr Bruce Binnie for Assembly Finance and Audit Committee
Dr Marelle Harrisun and Lee Levett Olson for Coolamon College
Rev Gale Hall for Defence Force Chaplaincy
Mrs Christine Gordon for Historical Reference Committee
Rev Dr Douglas Miller for Reception of Ministers Committee
Rev Sef Carrol for Relations with Other Faiths
Rev Dr Lorraine Parkinson for Task Group on Christian-Jewish Relations
Mrs Alyson Madsen for UC Adult Fellowship
Rev Sandy Boyce for Uniting Faith and Discipleship

10. BUSINESS PROCEDURES INVOLVING CONGRESS (Standing Committee)

That the Assembly resolve that in relation to the UAICC and the conducting of Assembly Business

- (a) that the Assembly amend its standing orders to the extent necessary to enable the following process in respect of the UAICC:
 - allowing a representative of Congress to present the UAICC perspective on a proposal immediately after any movers and seconders, provided that they

have indicated this intention ahead of time to either the General Secretary or the Business Manager;

- there will be no specific time limit applied to the Congress speaker(s) in this situation;
- in the deliberative phase Congress members will not be expected to show cards or to join a queue at the microphones to explain why they are not able to support a proposal. The President will not interpret this lack of showing cards as support for, or opposition to, any proposal;
- Congress shall be provided with a briefing from the Facilitation Group upon request to the General Secretary;
- Congress members will meet together as a Community Working Group;
- Congress, as a group, may request the President that a discussion cease for a time and opportunity will be provided for Congress members to meet together in order to discuss their position. Such business will return to the agenda at the discretion of the President and Congress will have the opportunity to speak at that time; and

- (b) these arrangements remain in place until further decisions are taken by the Assembly;

Rationale:

At the Eleventh Assembly in Brisbane the Assembly adopted these business procedures for that meeting. The process very closely mirrors the practice of the *Manual for Meetings* but specifically allows for the need that members of Congress have to receive briefings on the report of the Facilitation Group.

However equally as important these processes recognises the special place that the UAICC has in the life of the Uniting Church and the importance of our deliberations being shaped by the wisdom, spirituality and experience of indigenous members of the church. This is the reason why opportunities will be given for a contribution to be made by Congress at strategically significant moments within the flow of business. These alternative business procedures also seek to offer cultural respect for Congress in recognizing that it is necessary on occasions for the community as a whole to develop a view and to share it through one spokesperson, and also to not need to keep indicating a position during the deliberative phase.

Conventional considerations such as enabling individual members of Congress to contribute in their own right are maintained as is the responsibility for the President to ensure that business is addressed in a timely manner.

Given the very positive response to these procedures, both from the perspective of the UAICC and the rest of the meeting, it is proposed that these processes be adopted as the conventional arrangements for Congress participation in Assembly meetings, until further varied by the Assembly.

11. RETIRING PRESIDENT (Standing Committee)

The Assembly:

1. receive the report of the retiring President, Gregor Henderson.
2. record its thanks to God and its deep appreciation for the service of Gregor Henderson as the eleventh President of the Assembly of the Uniting Church in Australia in this resolution: (minute of appreciation to be provided in later papers)

12. ASSEMBLY KEY DIRECTIONS (Standing Committee)

That the Assembly resolve that in the coming triennium the Assembly shall:

- a) continue working with the UAICC:
 - (i) towards finding new and effective expressions of the covenant between the UAICC and other parts of the Uniting Church;

- (ii) in seeking reconciliation between Aboriginal and Torres Strait Islanders and other Australians;
 - (iii) to seek ways that enable the contribution of Aboriginal and Torres Strait Islander spirituality to be received in the life of the church;
 - (iv) to encourage individual members of the Uniting Church to develop long term working relationships alongside indigenous people; and
 - (v) in community services as an act of practical reconciliation;
- b) engage in Jesus' ministry of peacemaking within the world and the church by:
- developing resources that will assist our members and councils to develop skills and strategies to live together in peace in a multicultural, cross-cultural and diverse UCA;
 - seeking closer unity with other churches;
 - deepening relationships with churches in Asia, the Pacific, Southern Africa and Councils of Churches;
 - working with people of other faiths to promote mutual respect and understanding;
 - helping our members learn to live and act as peacemakers, as taught and modelled by Jesus;
 - protecting and promoting human rights;
 - fostering respect for God's creation and the goal of living in harmony with the environment; and
 - fostering equity and reconciliation within the Australian community;
- c) in consultation with other Councils of the Church support and nurture a passion for evangelism, discipleship formation and leadership development with an emphasis on spiritual development and faith sharing;
- d) commit to:
- (i) the articulation of our doctrine in a way that communicates clearly to our members;
 - (ii) articulate and celebrate our identity as the Uniting Church in Australia; and
 - (iii) the education of our members to better know, own and share their faith; and
- e) critically evaluate the polity and governance of the church with a view to reducing the level of prescription, increasing the level of local permission giving and enhancing the capability of Councils of the church to hear and respond to current missional imperatives.

Rationale:

The Eleventh Assembly resolved that six Key Directions be used by the ASC, Secretariat and the Agencies as a reference point to shape their work over the next three years. The Key Directions were not meant to replace the Agency Mandates, but to complement them by providing a common framework to which each Agency could contribute either alone or together with other agencies, in areas where the church required particular focus or attention at that time.

The Key Directions were looked at by the ASC in August 2006. The ASC had the responsibility of following through the policy implications for the agencies and monitoring what was being undertaken in response to the Key Directions. The Key Directions were used extensively by the Agencies and the ASC as a reference point to help sharpen their focus and to prioritise their work within the broader expectations of the Mandates and particular Assembly resolutions. They were recognised as being helpful for the work of the Assembly during the last triennium.

In the July 2008 meeting of the ASC further consideration was given to reports on how the Key Directions were being implemented. The currency, ongoing relevance of the six directions was affirmed. When considering how to proceed into the next triennium the ASC came to the view that it is important to continue the implementation of the five directions that are already underway. This view is supported by the agencies of the Assembly. Each of the directions are longer term aims that will be fruitful for another triennium.

The Standing Committee reminds members of the Assembly that this proposal relates to the Key Directions for the work of the Assembly as a Council within the life of the Uniting Church. While it is possible that there will be a resonance with the directions being set in other places these proposals do not purport to decide for other Councils where their focus should be. Neither do they cover every aspect of the life of the Church, since the Assembly does not have responsibility for working in every part of the ministry of the church given our polity as a collection of inter related Councils.

The ASC brings this proposal with the conviction that the work already underway has further to go. The changes to the form of words adopted by the 11th Assembly is in simplification through the removal of duplication, so far as possible the removal of strategies from within the Key Directions and the removal of the clause that prescribed the means through which the ASC would monitor the action taken in response to the Key Directions (ie the requirement for "SMART" goals). This results in a much more clear and concise framing of the Key Directions for the work of the Assembly over the next three years.

13. REAPPOINTMENT OF THE GENERAL SECRETARY (Standing Committee)

That the Assembly reappoint the Reverend Terence Corkin as General Secretary of the Assembly for a further 3 year term from 1/1/2009 until 31/12/2012.

Rationale:

The Rev Terence Corkin commenced as General Secretary in January 2001. After his initial six-year term the 11th Assembly reappointed Terence for a further three years, to 31 December 2009.

During 2008 the Standing Committee entered into conversations with Terence to discern if Terence felt called by God to serve a further term and consulted with officers and staff of the Assembly and the Synods to discern the suitability of Terence to undertake a further three year term, to December 2012.

Standing Committee appointed a review group of five of its members in March 2008, convened by the President. The group gathered feedback from Synod Secretaries and Moderators, from Assembly staff, from Standing Committee members, from Congress leaders, and from the general secretary of the National Council of Churches in Australia. The response was overwhelmingly positive, both in relation to Terence's work performance and on the question of his suitability for a further term. There was strong affirmation of Terence's administrative efficiency, his leadership in polity and governance matters, his relationships with Synods, the Congress and ecumenically, his role in building cohesion among the staff, and his ongoing passion for the life of the church.

Following the processes of consultation, the review group met with Terence for an extended conversation. The group was delighted to hear from Terence that he retains an ongoing sense of God's call to him for this ministry. The group conveyed to Terence the affirmations received from the consultation, and discussed with him the group's expectations of the General Secretary over the next 3-4 years of church life.

A full report was presented to the Standing Committee in July 2008 and the Committee resolved without reservation to recommend to the Assembly a further three-year term for Terence. Nothing has happened in the months since to raise any question about that recommendation. The church has been well served by Terence as Assembly General Secretary over the past 8 - 9 years, and a further three years of Terence's leadership in the position makes very good sense.

14. JEWS AND JUDAISM, A STATEMENT BY THE UNITING CHURCH IN AUSTRALIA (Task Group on Christian - Jewish Relations)

That the Assembly

1. receive the report; and
2. adopt the Statement "Jews and Judaism; A Statement by the Uniting Church in Australia" as the Uniting Church's position on Christian Jewish relations.

Rationale:

See the Report of the Task Group on Christian - Jewish Relations (Document B 24)

15. THE CODE OF ETHICS (Task Group on the Code of Ethics)

That the Assembly

1. receive the report; and
2. adopt the revised *Code of Ethics and Ministry Practice*.

Rationale:

See the report of the Task Group on the Code of Ethics (Document B 25)

16. THE WORK OF NATIONAL CONFERENCES (Task Group on National Conferences)

That the Assembly

1. receive the report;
2. note the actions already underway or in the process of being taken up by MCM, in particular to:
 - (a) restructure the membership of the Working Group: Uniting National Conferences in March 2008 as set out in the Multicultural and Cross Cultural Ministry report;
 - (b) rewrite the guidelines for National Conferences taking account of matters discussed and clarified at that Uniting National Conferences meeting;
3. request Multicultural and Cross Cultural Ministry, through its Working Group on Uniting National Conferences, and in consultation with Vince Ross (UAICC), to continue with plans for the 2009 WGUNC meeting to take place at "Narana" as indicated in the report; and
4. request Multicultural and Cross Cultural Ministry to report progress to the ASC with a comprehensive report to the 13th Assembly in 2012 in all areas mentioned in this report and particularly with the Revised National Conference Guidelines and the planned Working Group on Uniting National Conferences meeting.

Rationale:

See Report of the Task Group reviewing the property policy for a multicultural church (Document B 26)

17. PROPERTY POLICY FOR A MULTICULTURAL CHURCH (Task Group reviewing the property policy for a Multicultural Church)

That the Assembly

1. receive the report;
2. authorise the Standing Committee, on the advice of the Assembly Legal Reference Committee, to amend the Regulations to establish provisions specifically relating to property sharing arrangements where two or more Uniting Church congregations or faith communities are sharing property so as to ensure that:
 - (i) (a) where two or more Uniting Church congregations or faith communities function from one property base, a culturally sensitive and appropriate form of written agreement will apply to that relationship, according rights and responsibilities of usage,

- an appropriate sharing of costs, and take into account the ministry and mission needs of both congregations, on the basis of joint custodial stewardship; and
 - (b) such agreements are to be negotiated by the congregations involved and the relevant presbytery/presbyteries and approved by an appropriate council/agency of the Uniting Church in Australia such as a synod board of finance & property or presbytery.
 - (ii) dispute resolution procedures for the handling of conflict over property issues where two or more Uniting Church congregations or faith communities are sharing property.
 - (iii) that there is compliance with an Approved Property Policy including requirements for:
 - (a) a register to be kept by synods of all Uniting Church congregations or faith communities seeking a place of worship;
 - (b) any Uniting Church congregation considering making their property available to a non-UCA congregation, be required through their presbytery/presbyteries to first check if any UCA congregations or faith communities are listed on the register seeking accommodation in their area;
 - (c) any congregations currently sharing property with a non-Uniting congregation or Fellowship Group to have a regular review by the presbytery/presbyteries included in the 'tenancy' arrangements;
 - (d) preference to be given to UCA congregations/fellowship groups seeking a property when the term of an existing contract with the non-UCA congregation concludes, except if in the opinion of the presbytery the non-Uniting congregation/fellowship group are actively exploring membership of the UCA; and
 - (e) where more than one UCA congregation or faith community are sharing property, irrespective of racial, cultural and linguistic backgrounds, that they undertake a 'Living together as God's people in this place' workshop; and
- 3. request that Assembly Multicultural and Cross-cultural Ministry ensure that these considerations are taken up in the process of re-writing the "Property Policy for a Multicultural Church" and present the new Policy document to the November 2010 meeting of the Assembly Standing Committee.

Rationale:

See Report of the Task Group reviewing the property policy for a multicultural church (Document B 27)

18. CLAUSE 39 OF THE CONSTITUTION (Standing Committee)

That the Assembly

1. Amend the Constitution by the addition of the following sub-clause to clause 39:
 - (b) (i) If within six months of a decision of the Assembly, at least half the Presbyteries within the bounds of each of at least half the Synods, or at least half the Synods, notify the President that they have determined that in their opinion a decision includes a matter vital to the life of the Church and that there was inadequate consultation prior to the decision, the President shall notify the Church that the decision is suspended until the Assembly has undertaken further consultation;
 - (ii) Following this consultation, the Assembly shall determine whether to affirm, vary or revoke the original decision and report its decision and reasons to the Church;

- (iii) No action taken in reliance on a decision of the Assembly prior to the President's notification to the Church under clause 39(b)(i) shall be invalid by virtue of that notification;
 - (iv) This sub-clause can only be used a second or subsequent time on the same matter if the Assembly determines to vary the original decision.
2. authorise the Standing Committee, on the advice of the Assembly Legal Reference Committee, to approve any regulations that are necessary to give effect to the Constitutional change once it is approved by the Church; and
 3. authorise the Standing Committee, on the advice of the Assembly Legal Reference Committee, to approve any regulations or guidelines outlining the process for the use of the clause 39 (a).

Rationale:

"The Uniting Church acknowledges that Christ alone is supreme in his Church, and that he may speak to it through any of its councils. It is the task of every council to wait upon God's Word, and to obey God's will in the matters allocated to its oversight. Each council will recognise the limits of its own authority and give heed to other councils of the Church, so that the whole body of believers may be united by mutual submission in the service of the Gospel." (Paragraph 15, Basis of Union)

The 11th Assembly in 2006 determined to conduct a review of clause 39 of the Constitution following proposals from two different Synods to review the appropriateness of Section 39 of the Constitution with particular regard to:

1. the development of flexible ways of involving the Church in processes leading to broadly based agreed courses of action on matters of vital importance to the life of the church;
2. the potential for including in Section 39 alternative mechanisms for triggering the obligation of the Assembly to seek the concurrence of other councils of the church on matters vital to the life of the church; (Assembly Minute 06.23)

The Assembly Standing Committee (ASC) at its August 2006 meeting determined to form a task group to deal with a number of matters of polity and governance referred the resolution of the Assembly on Clause 39 to that Task Group (06.38.01) requesting it produce a clear statement of polity and its theological foundations and recommend ways to respond to the referrals in light of that polity (ASC Minute 06.38).

The task group provided a number of written progress reports to the ASC (ASC Minute 07.08 and 07.30), which shaped the direction of the work on this matter. The progress reports in particular emphasised:

"The Uniting Church says that we hear Christ's voice through the people of God who are, by virtue of the tasks and gifts laid upon them by God, appointed to the councils of the church."

"The term 'vital to the life of the church' in Clause 39 of the Constitution needs defining. We would suggest that something is vital when it impacts on the Uniting Church's capacity to be the church."

"Clause 39 is not about democracy, but heeding. Not all have the wisdom to decide all issues, even if they have the authority."

It also sought to define the concept of giving heed which it said was to, "listen to [the] wisdom of others, be attentive to other councils when they speak, and be obedient when they speak in their areas of responsibility."

This polity task group brought its final report to the November 2007 meeting of the ASC. In relation to the work on clause 39 the ASC determined to "establish a Task Group to prepare a paper that explores the possibility of synod / presbyteries determining that inadequate consultation has occurred prior to a decision taken by the Assembly and, if enough councils agree, then action on the resolution be stopped until further consultation occurs. In effect refocus Clause 39 of the Constitution so that it reflects the need for consultation rather than being a pseudo-Barrier Act style of wording" (ASC Minute 07.55.06).

In the first task groups final report on this issue they commented that, “The underlying issue seems to be that the Assembly makes decisions about which people feel strongly and people believe that the Assembly has not taken their views into account. They are seeking ways to ensure that their views are part of any decision of the Assembly.”

In July 2008 the task group brought a further progress report including the paper *Waiting Upon God's Word*. The ASC then referred the discussion paper, which included a proposed amendment, to synods and presbyteries for feedback by the end of 2008. On the basis of the feedback the task group amended the proposal.

Case for Change

Following particular decisions in the life of the Church concern arose at the ability for other Councils of the Church to express a mind on matters, which in their opinion, were vital to the life of the Church. There was also concern:

1. about the process for the use of the current clause 39.
2. that clause 39 had never been used
3. about the force and effect of “seeking concurrence”.
4. the Assembly to holding to itself the right to determine whether something was vital to the life of the Church.

Exploration of the issue revealed that many were of the view that normally the Assembly need not seek concurrence on a matter because it has already consulted extensively prior to a decision being made.

The Assembly already engages in a variety of consultative processes in order to receive feedback on significant decisions. Some of these ways include task groups, referrals to synods, presbyteries, church councils, congregations or other bodies within the Church, online feedback, surveys, forums, national gatherings, expert consultations and newsletters. This new clause is designed to ensure that on such matters adequate consultation does occur.

While the first task group felt a further definition was helpful and offered one (see above) it was the view of the task group the practicality of defining what was “vital to the life of the Church” in the Constitution was extremely difficult. It was that task groups view that the assessment of what is vital is context dependent and changes over time.

Indeed as noted in the paper, the 8th Assembly amended the Constitution to remove any restriction on what may be considered “vital to the life of the Church” removing the reference to “doctrine and government”. The rationale was that there were no good reasons for this restriction and it was inconsistent with the Basis of Union therefore reinforcing the view that what is considered “vital to the life of the Church” changes and should not be further defined.

Key Features of the Proposal

A flow chart, which outlines the process for the use of this clause, is provided at the end of this rationale. It is proposed that clause 39 be retained as subclause 39 (a). This retains the ability of the Assembly by its own initiative to refer a decision to other councils for concurrence, be active in responding to issues raised in other councils or refer to other councils in exceptional cases if the “triggering threshold” in 39(b) is reached out of time.

It is proposed that there be a time limit of six months for the use of the clause. This is intended to provide certainty to the Church as quickly as possible about Assembly decisions while providing sufficient time for councils to consider the use of the clause.

It is proposed that the numerical threshold be either half the Synods or half the Presbyteries within the bounds of each of at least half the Synods. The threshold would be reached if any three of the Synods or three of the:

1. Presbytery of WA,
2. Presbytery of SA,
3. 1 presbytery in the Northern Synod,
4. 4 presbyteries in the Synod of Vict / Tas,
5. 7 presbyteries in the Synod of NSW / ACT
6. 4 presbyteries in Synod of Qld

made the determinations in proposed sub clause 39(b)(1).

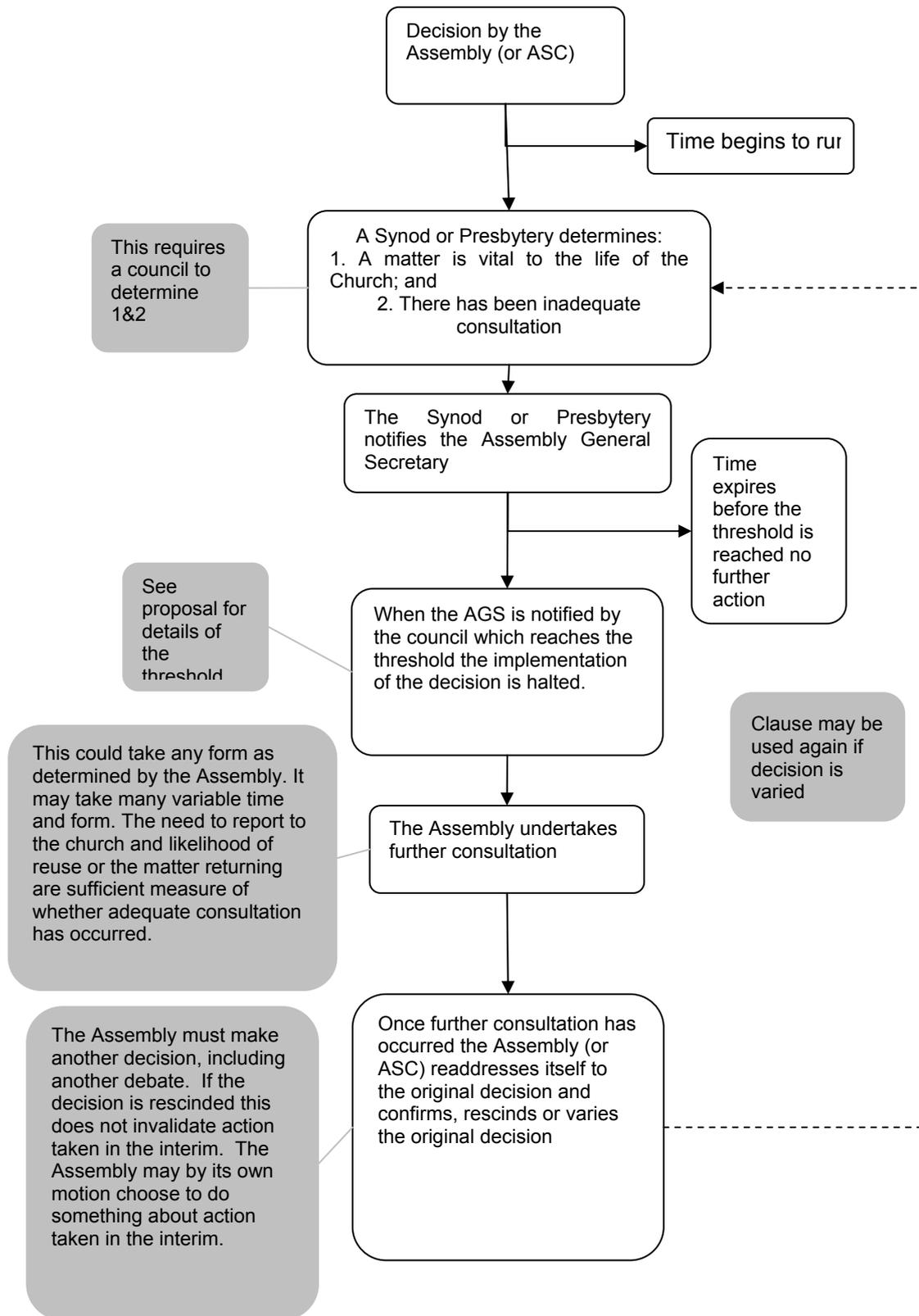
Action taken in the interim is protected. This is a basic principle of law that actions should not be retrospectively made invalid. The matter of how to deal with any decisions taken in the interim will then ultimately become a matter for the Assembly when it considers the results of the consultation and reconsiders the original decision, particularly if it seeks to vary or rescind the decisions.

The proposal includes the ability to reuse the clause only in circumstances where the decision is varied. If the decision is affirmed following further consultation then the Assembly has exercised its responsibility under the clause and in relation to the matters allocated to its oversight. This does not stop the matter returning to the Assembly as a consequence of a new proposal.

The ASC must be able to determine the means of consultation and reconsider the matter after consultation. The Constitution as it stands enables the Assembly to prohibit ASC from considering specific matters. This flexibility should be maintained.

The task group feedback demonstrated ongoing confusion about the use of the current clause. In order to assist the Church in understanding how clause 39 could operate it is proposed that some guidelines be produced. While there is now substantial material which could assist in the production of such regulations or guidelines it is important to first ascertain the level of support for the amendment to the Constitution. If this amendment is successful It is anticipated that guidelines be developed and approved in the next triennium.

This proposal is brought to the 12th Assembly in fulfilment of the decision at the 11th Assembly. It seeks to deal with both the terms of reference and the underlying issues associated with the resolution. In developing the proposal the ASC has reflected carefully on the polity issues involved and looked very deeply at the words and intent of the Basis of Union and the Constitution. This provides the Assembly to make a moderate yet significant change to the Constitution in order to assist the whole Church to listen attentively for the guidance of the Spirit. It seeks to create a clearer means of defining the means of councils giving heed to one another both in hearing Christ speak through particular councils (Synods and Presbytery) while also giving heed to the Assembly as it, "...waits upon God's Word and obeys God's will in the matters allocated to its oversight."



19. PROVISION FOR CO-OPTIONS TO THE STANDING COMMITTEE
(Standing Committee)

That the Assembly

1. amend the Constitution to read:

CONSTITUTION
(SYNOD) STANDING COMMITTEE

36. The Synod shall appoint from among its members a Standing Committee which shall be empowered to act on behalf of the Synod between meetings of the Synod in respect of any of the responsibilities of the Synod except such as the Synod may determine. The Standing Committee may co-opt additional members of the Synod to act on the Standing Committee. The Standing Committee shall consist of no fewer lay members than ministerial members.

(ASSEMBLY) STANDING COMMITTEE

47. Each Assembly shall appoint from among its members a Standing Committee which shall be empowered to act on behalf of the Assembly between meetings of the Assembly in respect of any of the responsibilities of the Assembly except such as the Assembly may determine. The Standing Committee may co-opt additional members of the Assembly to act on the Standing Committee. The Standing Committee shall consist of no fewer lay members than ministerial members.
2. subject to the amendments to the Constitution being approved by the Church authorise the Standing Committee, on the advice of the Assembly Legal Reference Committee, to amend Regulation 3.625 (a) to read

3.6.25 (a) ~~The Standing Committee shall consist of the President, President-elect, ex-President and General Secretary of the Assembly, the Chairperson and the National Administrator of the Uniting Aboriginal and Islander Christian Congress (all ex officio) and 18 members of the Assembly elected by the Assembly.~~

- (a) The Standing Committee shall consist of
- the President, President-elect, ex-President and General Secretary of the Assembly (ex-officio);
 - the Chairperson and the National Administrator of the Uniting Aboriginal and Islander Christian Congress (ex officio);
 - 18 members of the Assembly elected by the Assembly; and
 - no more than four persons co-opted by the Standing Committee.

Only members of the Assembly are eligible for membership of the Standing Committee.

Rationale:

The tasks and workload given to the Assembly Standing Committee by the Assembly are wide ranging in the expertise required, and considerable work needs to be undertaken by members between meetings. There are only 18 elected members of the ASC. The provision to co-opt members could strengthen its skills base and enhance its capacity to undertake all its responsibilities. For example, the Chairperson of the Assembly Finance and Audit Committee is to be a member of the Standing Committee (Reg 3.6.31(a)). A person with those specialist skills, or others that may be required, may not always be elected to the ASC.

At present there is no provision in the Constitution or Regulations for the Assembly Standing Committee to co-opt any members. The Regulations currently provide for Synod Standing Committees to co-opt people (Reg.3.5.44(d)). It is proposed to make explicit in the Constitution that co-options are possible, and then to put the detail about numbers in the Regulations. It is proposed that no more than 4 persons be able to be co-opted to the Assembly Standing Committee and that only members of the Assembly are eligible for co-option.

20. AMENDMENT TO REGULATION 3.6.5 (e) (MEMBERSHIP OF THE STANDING COMMITTEE) (Standing Committee)

That the Assembly resolve to amend Regulation 3.6.5 (e) to read “The elected membership shall include no more than ~~six~~ five persons from any synod”, with immediate effect.

Rationale:

This regulation commenced operation at the 9th Assembly. Before this time there was no upper limit on the number of members of the Assembly Standing Committee that could be appointed from any synod (except that at least one person had to be elected from each synod). Having had experience of the operation of this Regulation for three triennia it is the view of the Standing Committee that it is preferable to reduce the maximum number to five. This is particularly so that the smaller synods have an increased possibility of having two members on the Standing Committee. On occasions it has not been helpful that the only elected member of the ASC from some synods has not had a wide experience of that synod, its issues and relationships.

21. REGULATION CHANGES RE THE MEMBERSHIP OF FUTURE ASSEMBLIES (Standing Committee)

That the Assembly

authorise the Standing Committee, on the advice of the Legal Reference Committee, to amend regulations 3.6.2 and 3.6 to read:

MEMBERS OF THE ASSEMBLY

3.6.2 The membership of the Assembly shall consist of:

- (a) ex-officio members:
 - (i) the President of the Assembly;
 - (ii) the General Secretary of the Assembly;
 - (iii) the ex-President of the Assembly;
 - (iv) the President-elect of the Assembly;
 - (v) the Chairperson of the Uniting Aboriginal and Islander Christian Congress;
 - (vi) the National Administrator of the Uniting Aboriginal and Islander Christian Congress.
- ~~(b) one Minister and one confirmed lay member appointed by each Presbytery~~
- ~~(e)~~(b) six members appointed by the Uniting Aboriginal and Islander Christian Congress, of whom no more than three shall be Ministers;
- (d) (c) Ministers and confirmed lay members appointed by each synod from within the bounds of each Synod appointed as follows:
 - (i) number of members to be appointed from within the bounds of each Synod:

| Synod | |
|------------------------------|----|
| <u>NSW and ACT</u> | 54 |
| <u>Northern</u> | 10 |
| <u>Queensland</u> | 36 |
| <u>South Australia</u> | 34 |
| <u>Victoria and Tasmania</u> | 58 |
| <u>Western Australia</u> | 20 |

- (i) (ii) equal numbers of Ministers and lay members shall be appointed;
- (ii)(iii) not fewer than one in every five of the lay members shall be a person who, in the opinion of the Synod, could reasonably be regarded as of youthful age;
- ~~(iii) the total minimum number of members appointed by each Synod and the Presbyteries within the bounds of the Synod shall be ten and the Synod shall appoint those members who are not appointed by a Presbytery;~~

~~(iv) subject to sub-paragraph (iii), each Synod shall be entitled to appoint the number of members calculated by multiplying the appropriate scale factor mentioned in the second column below by five and where the resulting number is not an even number, by adding one to the resulting number to achieve an even number of members appointed by the Synod as shown in the third column below;~~

~~members within the scale factor number of members to bounds of the synod be appointed by Synod~~

| | | |
|-----------------------------|--------------|---------------|
| less than 5000 | 1 | 6 |
| 5,001 – 10,000 | 2 | 10 |
| 10,001 – 20,000 | 3 | 16 |
| 20,001 – 40,000 | 4 | 20 |
| more than 40,000 | 5 | 26 |

~~(v) for the purpose of sub-paragraph (iv) “number of members” shall mean the number of confirmed members and members in association within the bounds of the Synod last notified to the General Secretary of the Assembly by the Synod no later than one year before the date on which the ordinary meeting of the Assembly is due to commence or by such other date as the Assembly Standing Committee may determine;~~

~~(iv) the Moderator and the Secretary of each Synod ex-officio; and in its appointments the Synods shall take account of Regulation 3.5.25;~~

~~(v) each Presbytery within the bounds of the Synod shall appoint one of the members and may appoint such number of additional members as the Synod in session decides;~~

~~(vi) the Synod shall appoint the remaining members and shall be responsible for ensuring compliance with sub-paragraph (ii) and (iii) regarding the total number of members appointed from within the bounds of the Synod under this paragraph (c);~~

~~(e) d such confirmed members appointed by bodies directly responsible to the Assembly as the Standing Committee shall determine, each such body appointing its own representative or representatives; each making its own appointments;~~

~~(f) e up to 20 Ministers and lay Ministers and confirmed members, up to 20 in total, appointed by the outgoing Standing Committee having regard to the gifts, skills and experience needed by the Assembly. such other confirmed members as are appointed by either the Assembly or Standing Committee, provided that the total number of members so appointed and ex-officio members shall not exceed one-tenth of the total membership of the Assembly.~~

~~In respect of any Assembly held within six years of the inception of the Church each Synod shall take all reasonable steps to ensure that one third of the elected lay representatives are women.~~

3.6.3 ~~The Synods shall appointing council or body may~~ make provision for an alternate to attend the Assembly in the place of any elected member unable to be present.

Rationale:

Members of Assembly will be aware that during the time between the meetings of the 10th and 12th Assemblies, there has been considerable change with regard to the structures of presbyteries within the bounds of three synods. The Synod of South Australia and the Synod of Western Australia have each reduced the number of presbyteries to one. The Synod of

Victoria and Tasmania has reduced from fourteen (thirteen in Victoria and one in Tasmania) to eight (seven in Victoria and one in Tasmania). On the occasion of each of these changes, the Assembly Standing Committee has been asked to give a synod permission to act in a way that is different to that detailed in Regulations 3.6.2.

This had also been the case when the Synod of Victoria and the Synod of Tasmania amalgamated and permission was sought and given for the Presbytery of Tasmania to appoint six rather than two members of the Assembly.

The Assembly Standing Committee is of the view that it would be more helpful to change the Regulations to give more flexibility than to expect synods to continually seek permission to act outside of the Regulations.

The proposed changes to Regulation 3.6.2 provides such flexibility. They set in place a particular figure for the membership of each Assembly to be appointed from the bounds of each synod. This number corresponds to the current number that results from the previously more complicated formula. They also ensure that each presbytery appoints one member but allow for the varying circumstances of each synod to be accommodated by the synod when determining how other members will be appointed. This will enable the particular circumstances of each presbytery to be addressed whilst retaining a regulatory framework that is common to all. The process of determining the number appointed is consistent with the manner in which permission has been sought to vary the previous Regulation. In each case it has been the synod that has sought permission. The synod thus retains the ability to determine how this happens.

The proposal includes other minor amendments to Regulations 3.6.2 and 3.6.3 to ensure consistency in language used to refer to members and expectation with regard to who appoints alternates.

22. A REVIEW OF THE CONSTITUTION (Standing Committee)

That the Assembly

- (a) encourage members and councils of the Uniting Church to actively engage in a conversation about what sort of church we need to be in the new context that we face in Australia, and how this might be reflected in the Constitution of the church (e.g. what Constitutional values we wish to support, or what new organizational arrangements this might suggest);
- (b) request the Assembly Standing Committee to facilitate this conversation through:
 - a) Arranging for the preparation of a study resource that includes (i) a short paper that outlines the issues, challenges and opportunities we face as a church, (ii) four responses from different perspectives in the church that explore the issues from different missional and theological perspectives, (iii) a reminder of the understanding of church found in the *Basis of Union* and (iv) suggested ways people and councils can best engage with this resource.
 - b) Encouraging presbyteries to discuss the resource, organizing regional gatherings that will enable a broader conversation, and ensuring that these conversations are properly resourced (e.g. with people who can facilitate this conversation).
- (c) request the ASC to prepare proposals for the 14th Assembly that gather up the conversations which have occurred, and to make suggestions (after consultation with the Legal Reference Committee) – if appropriate – about ways in which the Constitution and Regulations might be changed to enable the Uniting Church to more faithfully share in God's mission in this time.

Rationale:

Introduction

Constitutions are the documents which establish the structure and membership of an organisation. They generally establish:

- Who the group is.
- What its purpose is, and what is its core 'business.'

- How people become members (i.e. who can become a member and under what circumstances).
- What committees the organisation has, how they are appointed, and what they are authorised to do.
- What office-bearers the organisation has, how they are appointed, and what they are authorised to do.
- What rights and responsibilities members have.
- How the organisation relates to other organisations and the wider community.
- What rules pertain to financial matters and to property.
- Who can make by-laws or regulations to govern the organization.

As you will recognize from a brief glance at the Constitution of the Uniting Church it has that sort of shape: preamble, name, the role of the Basis of Union, definitions, membership, ministry, government and administration, the UAICC, funds and property, interim provisions, regulations and by-laws, and some miscellaneous provisions. Our Constitution has the dual task of giving expression in legal form to who we believe ourselves to be theologically (as church), and how we interface with the world as an institution and legal entity.

A time for change

At the 2006 Assembly meeting the Synods of South Australia and Western Australia put forward a proposal for a review of the Constitution. The aim of that review was that the Constitution would be simplified, allow greater flexibility in the structures of the church, and be permission-giving rather than prescriptive, so that the church would be better able to engage in the mission of God in the 21st Century.

The proposal was referred to the ASC, and with other proposals was handed to a task group that looked at issues of polity, the preamble to the Constitution (the subject of a separate proposal), and the whole issue of the need for a review of the Constitution.

The task group was of the opinion that the church was facing such a different world to that which existed when the Constitution was written, and there were such important foundational questions about the way the UCA faces these changes, that we need a long-term reconsideration of the Constitution and the assumptions which undergird it.

Constitutions give expression to an identity that is grounded in a particular social location and time. We live in a very different context to that which shaped the present Constitution. The *Basis of Union* and Constitution of the Uniting Church assumed a denominational world, one in which the church was a recognized and fairly significant social institution with a particular place in society. The assumption was that:

- people understood the language and location of the church,
- the church was the recognised and most common way people pursued spiritual/ religious questions and journeying,
- the church covered the world geographically (thus parishes),
- people were loyal to institutions and found worth in involvement in the institution's life.

The structures of the church were meant to give organisational shape to these assumptions as they were understood in the light of the Basis of Union's understanding of the church.

As we all know from our own experience in church and society, these assumptions are no longer widely accepted. People do not understand the church's language or images and story. The church is not the first place people go to if they want to start a spiritual journey. Many people join or connect to a particular community of faith quite apart from denominational loyalty, and have little interest in institutional continuance. The church is incapable of covering the whole land in any geographical or political sense.

As well, the membership of the UCA has grown older and smaller in number, and it is more difficult to sustain the many meetings and responsibilities that are part of inter-conciliar church.

There are other issues as well:

- There is too little flexibility in what is possible within the structures of the church.
- The assumptions of UCA polity – inter-related councils and non-hierarchy – are under stress from the ethos of our community and the demands of governments for accountability, and have tended to push us towards a ‘peak-body’ set of practices.
- There is a lack of clarity about whether, or to what extent, councils can claim to be ‘church.’ Whereas congregations clearly are church, it is probably the case that councils cannot be church apart from their place within the inter-conciliar structure (as part of the whole). This raises questions about who is responsible for mission, and the role councils play in mission.
- There is a growing centralisation of power in synods (associated with control of funds) that further develops the tendency to hierarchy.
- It is unclear about how being a national church is related to the role of the Assembly as the national Council of the Church.
- The inter-play between Act, Constitution and Regulations is not always easy to negotiate, and can lead to an overlap of rules.
- How does our theology of church relate to what is assumed about the church in the Constitution?

In local congregations there is lively conversation about categories of membership and belonging, and what people need to do to share in decision-making. There are concerns about the ability of present organisational structures (e.g. church council) to assist the church to respond to a very different missional context.

The Synods of South Australia and Western Australia have responded to these pressures by having only one presbytery in each synod (at the time of union, SA had seven and WA had five). New challenges are presented as the same body of people carries out the work of the two councils. The question they pose is: does this sort of re-organisation still reflect the core beliefs of the church about itself as an inter-conciliar, non-hierarchical church that is governed by “the people of God by virtue of the gifts and tasks which God has laid upon them” (Para 15)? The assumption of the Constitution and Regulations is that there be separate and discrete presbytery and synod functions.

The changes in SA and WA blur those distinctions:

- The Moderator and General Secretary of Synod are also the chair and secretary of the presbytery.
- Various committees that should be established in each council – e.g. property, – are the same for both.
- There is a blurring of roles and responsibilities with PRC and ACOMP, and with disciplinary and appeal processes.
- When presbytery/synod meets frequently some requirements of synods can become onerous.

The synod of NSW has raised the question of whether the inter-conciliar and non-hierarchical nature of the UCA is still appropriate and helpful at this time, or whether that was a set of foundational assumptions that were shaped by the particular time in which the church was formed. Can we change our assumptions about these things and still be the Uniting Church?

The question being raised in each of these situations is what are the core and essential marks of the UCA, and what can be changed to meet the new situation in which we live?

Additionally, the Constitution was not written to answer the question of what it means to be the church and how we understand the church’s mission. Those were questions that were assumed to be answered by the *Basis of Union*. The Constitution was written with a view to getting the new church up and running. It presumed a theological self-understanding. It was understood to be an Interim Constitution, but has become – with some variations – the permanent one.

It must also be recognised that Constitution writing has also changed. A more modern constitution states core values and then allows greater flexibility to achieve those. The task

becomes, what are the principles and core values and beliefs which need to be enshrined in the constitution?

Constitutions do not guarantee that we will be a church at mission. But good constitutions can create space and flexibility that allows to respond as best as we can in this time.

It is not enough to alter bits and pieces of the Constitution to deal with particular difficulties in our life, nor even to radically alter the organisational structure of the church. What is required before we make major changes to the Constitution is a better understanding of who we believe we are in this new context. Then we can suggest what sort of Constitution can best express this new identity. This proposal suggests a way we can have that conversation across the church, and how we might reconsider our Constitution.

23. REVISION OF THE REGULATIONS (Standing Committee)

That the Assembly

- (i) authorise the Standing Committee, on the advice of the Assembly Legal Reference Committee, to amend the Regulations to achieve the following outcomes:
 - a) removal of redundant provisions;
 - b) standardising of language and style;
 - c) addressing the numbering of sections;
 - d) simplifying the Regulations so that they are prescriptive only where it is deemed to be essential, and simplified to enhance the capacity of Councils to be adaptive and missional in their particular contexts; and
 - e) consistently reflects the theology and polity of the Uniting Church
- (ii) to include in its deliberations consideration of providing for the establishment of binding policies and / or by laws that can be established and amended by the Assembly Standing Committee; and
- (iii) requires the Standing Committee to consult with synods, presbyteries, Congress, multicultural networks and the UnitingCare network as it undertakes its review and development of new Regulations;

Rationale:

There have been numerous additions and changes made to the Regulations since the first edition was adopted in 1977. This has resulted in quite a number of signs of this development, eg the gap in numbering between Regulations 2.4.23 and 2.7.1 as well as evidence of different writing styles as different sections have developed, including (I am advised) different words being used for the same thing on occasions.

The establishment of the ministry of Pastor has led to the closing to new applicants of some previous Specified Ministries. The ongoing inclusion of entry requirements and processes for such candidates are clearly redundant. No doubt there are other examples.

The issue of simplification is the major and more complex aspect of the matter. It is major because it has the potential to impact significantly on many parts of the Regulations. It is complex because it will require significant negotiation and drafting to express the final conclusions. The need for less prescription, which is included in the idea of "simplification", includes such areas at present as the number of persons that can be appointed to a Committee for Counselling (Reg 7.7.2 (a) to which nearly every synod now has an exception); Regs 3.5.21 and 3.5.22 – do we really need to say that Synod Secretaries may be full or part time or that they shall be paid appropriately?; through to more complex discussions about how to better deal with situations where a synod is constituted by one presbytery and how the roles and responsibilities of Church Councils and presbyteries are described. The 11th Assembly set such issues as a Key Direction and the ASC has responded to that encouragement by offering leadership to the 12th Assembly about how to progress this idea.

Up to this point in time the ASC has not taken upon itself the responsibility of amending regulations except where expressly authorised to do so by the full Assembly, or when

unexpected consequential amendments arise from decisions taken by the Assembly in session. However a major revision of the Regulations would be of such detail, and at the same time complexity, that it is not possible to see how such a significant amount of material could be presented to the Assembly in session for approval. It is also the case that if a revision were brought to the 13th Assembly it would significantly delay the implementation of any revision. With proper planning and discussion it should be possible to complete the revision by the March 2011 meeting of the ASC.

It is widely recognised that in this fast changing missional context the regulations that we produce can be found to be unhelpful – often unexpectedly. This is then dealt with through the Assembly providing exemptions to one or two synods, or in the case where agreement can be reached, changes are made to the regulations at the next Assembly. It is not unusual for this process to take two to three years, which is unsatisfactory in this environment. Therefore it may be necessary to establish a system of oversight where broad directions, values and shape is given to the life of the church through the Regulations, but where higher levels of direction are required these can be handled through policies that have the weight of the Regulations but can be changed by the Assembly Standing Committee in a more timely manner.

It is acknowledged that there are polity considerations involved here but there must be ways of affirming our theological convictions while enabling appropriately responsive systems of oversight and guidance in the church.

24. REGULATION CHANGE RE 3.1.14 – ELECTION OF ELDERS (Standing Committee)

That the Assembly

Authorise the Standing Committee, on the advice of the Legal Reference Committee, to amend Regulation 3.1.14 (b) to read:

- 3.1.14 (b) The meeting shall not be obliged to fill any or all positions vacant and shall declare to be elected only such persons as receive the support of a majority of those participating in the ballot, or such higher percentage as the Congregation may have determined prior to the ballot.

Rationale:

An inquiry was made of the Assembly Legal Reference Committee as to whether it was permissible for a Congregation to set a higher threshold than 50% + 1 for election as an Elder. In discussing this issue it became clear that the regulation was ambiguous but that there were many congregations that did set a higher threshold for election as an Elder. In order to remove the ambiguity, and in support of a widespread practice in the church, the Standing Committee recommends making it clear that a Congregation, prior to the conducting of a ballot, may establish a higher threshold for election as an Elder than 50% + 1.

25. DESIGNATION OF PROPERTY AS BEING FOR MISSIONAL USE (Standing Committee)

That the Assembly

Authorise the Standing Committee, on the advice of the Assembly Legal Reference Committee, to amend the Regulations to

1. create a classification of congregational property to be called 'Available for Alternative Missional Use', which may apply to all or part of ~~a congregation's~~ property that is held for the use of a congregation;
2. and provide a description of what constitutes 'Alternative Missional Use', that includes use by or for:
 - new congregations, faith communities or new worship gatherings within existing church buildings;

- future new congregations or faith communities, perhaps in a similar context, as stipulated by synod upon recommendation from the presbytery;
 - growing or migrant congregations with inadequate property resources or any other congregation which in the opinion of the presbytery has significant engagement in mission;
 - synod or presbytery approved strategic mission initiatives such as leadership;
 - such other missional priorities as the synod determines.
3. establish the process through which a congregation and Church Council (*and insert as appropriate*) may resolve to make part or all of its property available for 'Alternative Missional Use'; and also how a Presbytery, after appropriate consultation with a congregation and in a duly constituted meeting of the presbytery, may make recommendations to the synod to classify a property held for the use of a congregation as 'Available for Alternative Missional Use';
 4. require that in any consultation
 - the Presbytery shall take proper account of the purpose, functions, responsibilities and rights of the Congregation as described in the Regulations;
 - the Presbytery and the Congregation(s) have a responsibility to listen faithfully to one another;
 - the Presbytery shall take into account any effect on an existing placement;
 5. provide that if after three years of a designation by the Synod as 'Available for Alternative Missional Use' the property use has not been changed then the designation lapses;
 6. establish the process whereby once a congregational property has been designated as 'Available for Alternative Missional Use' a Presbytery may transfer responsibility for the management of a property or benefit of use or income from a property to another body recognised by the Presbytery and / or Synod;
 7. ensure that appropriate arrangements for the care of the congregation, its members and life and mission are attended to, and provide for the possibility that the affected congregation may participate in the process of investing the resources for which they were previously responsible into a new mission;
 8. make provision for an appeal by a congregation to the synod against all or part of a decision by a Presbytery to recommend to the synod that its property be designated as 'Available for Alternative Missional Use'; such appeal to be based on the process only.

Rationale:

This proposal is brought by the Assembly Standing Committee (ASC) and is a development of a proposal (Proposal 70) originally brought to the 11th Assembly (2006) by the Synod of NSW-ACT, and referred by that Assembly (Assembly Minute 06.43) to the ASC "with power to act". Proposal 70 sought to create a new category of property called "Available for Alternative Missional Use".

The ASC at its November 2006 meeting acknowledged missional stewardship of property as a major issue for the church. (Several Synods and Presbyteries had made recommendations or sought assistance in this area, for example recommendation 56 which the Synod of Vic & Tas submitted and later withdrew in favour of the NSW recommendation). The ASC appointed a Task Group (Jim Mein as Convenor (NSW-ACT), John Preston (VicTas) and Gary Adsett (Qld) with Glen Powell (NSW-ACT) as a corresponding member) to prepare a draft discussion paper for consideration by the ASC and for distribution to congregations, presbyteries and synods. The scope of the task and the timeframe meant that such a discussion paper was not made available to the wider church as originally planned, and the ASC, in the absence of such wider consultation, and in the light of the significant issues of theology (in particular, ecclesiology, Christology and missiology), polity and policy resolved to bring this proposal to the 12th Assembly.

This proposal starts from the theological proposition that all Church property is a gift and trust from God, intended for use by the people of God for the purpose of God's mission in Jesus Christ. The Uniting Church holds in trust a large number of properties for the purpose of serving the mission of God, of which some are used very effectively, some not so effectively and some not used for missional purposes at all. This proposal seeks to enable the Church to use the congregational properties it holds as effectively as possible for the mission of God in support of the Church's call to be "an instrument through which Christ may work and bear witness to himself." [BU para 3.]

It seeks to do this whilst acknowledging the important place of the congregation as "the embodiment in the one place of the One, Holy, Catholic, and Apostolic Church, worshipping, witnessing and serving as a fellowship of the Spirit in Christ" [BU para. 15(a)], the responsibility of the Presbytery to "exercise oversight over the congregations within its bounds, encouraging them to strengthen one another's faith, to bear one another's burdens, and exhorting them to fulfil their high calling in Jesus Christ" [BU para. 15(c)], and the role of the Synod in dealing with property matters. Hence it seeks to give expression to a number of theological convictions about the life of the church including ecclesiology, oversight, and mutual responsibility in the mission of God in Jesus Christ.

Thus, whilst congregations participate in a particular way and particular contexts in the mission of God through their worship, witness and service, presbyteries are well placed to exercise a wider view of the mission of God within their bounds, and to provide direction towards more focussed and intentional expressions of that mission, particularly in changing missional contexts such as resulting from changing demographics (e.g. new suburban developments and changing patterns of urban and suburban living) consistent with their visions for mission.

The Presbytery has the responsibility for both recognising new congregations and disbanding congregations when necessary. The Regulations (Regs. 3.4.4(b) and 3.4.5) also provide for Presbyteries to consult with Congregations on their life and witness aimed at strengthening that life and witness. The Presbytery, because of its oversight role and its responsibilities in relation to congregations, is the appropriate council to consider alternative missional uses of congregational property that might better serve the mission of God. At the same time, the congregation has a responsibility to assess its own missional direction.

This proposal, holding the responsibilities of both the presbytery and the congregation in creative tension, seeks to enable an intentional exploration of the way in which the missional directions of the congregation and the presbytery might be aligned for the purpose of pursuing God's mission both locally and more widely across the presbytery. That is, this place of tension provides an opportunity for communal discernment. Where any significant unresolved differences of opinion between a presbytery and congregation emerge over the process used to discern the missional use of a congregational property, this proposal suggests an appeal process involving another council, namely the synod.

One motivation for this proposal is to encourage congregations to seek for fresh ways in which they may participate in the mission of God, either in their local context or in other contexts across the presbytery through seeing new opportunities for resourcing mission by positively accepting that all or part of the property that they hold in trust may be better used for alternative missional use. Thus the proposal is a stimulus to congregations to reengage the mission question with some urgency and intentionality. The proposal offers the Presbytery a nuanced tool for enabling new life by being able to reallocate property resources proportionately to more missional parts of an existing congregation or to forge new relationships with recognised groups from beyond the congregation, rather than simply disbanding such a congregation.

This proposal also enables a presbytery to engage in meaningful consultation with a congregation when that congregation is not making the most effective missional use of the property it holds in trust at a time when there are significant under resourced opportunities for ministry and mission either locally or elsewhere in the presbytery. In a church with so many opportunities for new life and mission, and with a sizeable number of new and multicultural congregations with inadequate property resources, a process such as envisaged by this proposal will provide the Church with a way of thinking in fresh and intentional ways about its mission both locally (congregation) and regionally (presbytery).

By identifying strategic properties for alternative missional use, presbyteries can provide fresh opportunities for unlocking resources for mission and for presbyteries and congregations to work together as good stewards of the property that God has given them as gift and trust for more effective participation in the mission of God through the new and fresh expressions of ministry and mission that God is calling them into.

26. PROPERTY SHARING ARRANGEMENTS (Synod of NSW / ACT)

That the Assembly

authorise the Standing Committee, on the advice of the Assembly Legal Reference Committee, to amend the Regulations to provide for the following:

- (a) that where two or more Uniting Church congregations and/or faith communities function from one property base, an appropriate form of written agreement shall apply to that relationship (*refer Assembly Property Policy 3.1*).
- (b) where two or more Uniting Church congregations and/or faith communities are sharing property on a continuing basis, the sharing of that property shall not be based on a rental or tenancy or like agreement beyond three years
- (c) each congregation which uses the premises shall share in the cost of the maintenance in a responsible way to be negotiated between the respective Church Councils, the Presbytery, Presbyteries or other relevant body.
- (d) where two or more Uniting Church congregations are sharing premises on a continuing basis, both Uniting Church congregations shall have access rights and stewardship responsibilities in relation to the property.
- (e) the transfer of rights and responsibility for the stewardship and beneficial use of the premises will normally be made by the Presbytery/s overseeing the congregations/s concerned, in consultation with the relevant Church Council/s and the Synod and the Synods may provide policies and processes to assist Presbyteries and Church Councils in this process
- (f) where more than one UCA congregation or faith community have or request access to UCA congregational property and there is a dispute or conflict over property issues:
 - a resolution will be sought between the congregations through the relevant church councils
 - if there is no agreement, a decision can be made by the Presbytery/s overseeing the congregation/s
 - if any party is dissatisfied with the decision of the Presbytery/s an appeal may be made to a meeting of the Synod Standing Committee for a decision

Rationale:

The Uniting Church has changed shape in many locations since Union. New congregations have developed in some places, in other places the community has changed and the congregation has declined. In some locations congregations from other cultures have grown and in others the community has grown but there is no Uniting Church presence.

Across the Uniting Church congregations are worshipping in Uniting Church buildings, another denomination's buildings, community halls, homes and one congregation often worships in a tent. In some locations Church property is rented to groups from another denomination when Uniting Church congregations and faith communities in that location are renting property from other providers.

In some congregations where the community and congregation have changed over time, an openness and generosity has resulted in vibrant new ministries and congregations sharing property in the same location. This has extended the Uniting Church's mission to new groups in the local community. In other places for a variety of reasons there has been resistance, resulting in a number of small congregations in close proximity restricting access by other Uniting Church groups to the premises and reducing the resources available to the growing edge of the Church.

In 'Changing a doubtful future' (1990) Alistair Macrae the President Elect states:

“We belong to a church called ‘Uniting’. The name indicates to the world, and serves to remind its members, that this church is fundamentally committed to an ongoing participation in the reconciling work of God in Jesus Christ. It reminds the Church that the Church is constantly in the process of formation. It reminds us that the Church is not primarily an institution to be preserved, or structures to be propped up, or buildings to be maintained, but a dynamic community formed around Jesus Christ, in the power of the Holy Spirit to witness to the great things God has done in the past, is doing in the present and is bringing into the future. The word ‘Uniting’ is therefore in the continuous tense.”

In 2001 the NSW Synod (190/01S) encouraged congregations and presbyteries to be guided by the Assembly Property Policy as a framework to promote sharing of resources between those who have inherited property and those who have no inheritance. These guidelines suggest a collaborative approach to decisions about property access, use and maintenance. Both privilege and responsibility are foundations to stewardship in use of property. In some situations however property is not being used well for the mission of God and the purposes of the Church and disenfranchising many on the margins and on our growing edge. What kind of Church do we want to be - now and into the future?

The proposal supports the Assembly Property policy being implemented and tries to provide a framework where hospitality, generosity and grace would be considered the norm in congregation relationships. They also provide a conflict resolution framework if relationships breakdown and agreement is not possible.

27. MEMBERSHIP OF THE MEC (REGULATION 2.2.15) (Ministerial Education Commission)

That the Assembly

authorise the Standing Committee, on the advice of the Assembly Legal Reference Committee, to amend Regulation 2.2.15 to read

- (c) one two persons appointed by each Synod, one of whom shall have expertise in education for lay specified ministries;”

Rationale:

The MEC is the Assembly’s point of reference for ministerial education. It draws together the experience of theological colleges and Synod MEBs to research and draft proposals to articulate the Assembly’s responsibilities for ministerial education, and it also provides a significant point of feedback and evaluation for the implementation and review of the Assembly’s policy, rules, guidelines and procedures in this area.

While the MEC has, in the past, been responsible for the development and adjustment of rules and guidelines for lay specified ministries, the Assembly’s decision to establish the Ministry of Pastor represents a significant change to the way the Uniting Church educates and forms members for the specified ministries. The identification of the Presbytery as the council responsible for the assessment of competencies and the generation of learning agreements means that theological colleges are no longer the only communities where formal education for ministry takes place - agencies involved in training and forming lay leaders will have a significant contribution, but they are not represented on the MEC. It is likely that Synods – including those that do not have agencies for lay education – will also be supporting and resourcing Presbyteries as they assess Pastors and provide competency training – especially for the core competencies.

If the MEC is to monitor the implementation and development of formation for the Ministry of Pastor it would ideally gather representatives from Presbyteries – but that would be a large and expensive task. Asking Synods to appoint two members to the annual meetings of the MEC, and seeking the participation of faculties, agencies and other bodies that contribute to the education of all the specified ministries of the UCA retains the MEC at a manageable and affordable size, while also allowing the MEC’s discussion and planning to be informed and responsive.

28. MINISTRY INTERN PHASE (Ministerial Education Commission)

That the Assembly

1. authorise the Standing Committee, on the advice of the Assembly Legal Reference Committee, to amend the relevant Regulations (including 2.1.1, 2.2.18 (c), 2.2.24(g), 2.2.25(d) and 2.2.28) so that with regard to the Third Phase of Ministerial Education (Ministry Intern Phase)
 - a) ordination take place at the end of the Core Phase and upon approval of a call;
 - b) the Third Phase of Ministerial Education (Ministry Intern Phase) be discontinued; and
2. request the MEC to develop Guidelines to ensure that appropriate continuing education, supervision, collegiality and support arrangements are put in place for Ministers from the beginning of their first placement;

Rationale:

The Ministry Intern Phase has regularly been the focus of discussion at meetings of the MEC, discussions that have intensified over the last few years as MEC and Assembly decisions, and guidelines adopted by the ASC in July 2002 have been implemented. In 2007 the MEC scheduled an evaluation and review of the Intern Phase and asked Faculties and Synod Ministerial Education Boards to report on their experience of implementation. In 2008 the MEC revisited that discussion, resulting in the proposal above.

The timing and meaning of ordination generated intense discussion, with the members of the MEC representing the diversity of views held in the Uniting Church and in the Assembly's working groups. During that discussion the MEC recognised that in most intern placements Interns were authorised to celebrate the sacraments and were understood by those they led and served as 'ministers'. The liturgical distinction between recognition of an Intern and Ordination/Induction was viewed as pastorally and ecumenically confusing, with the result that the ordination service was perceived as superfluous and anticlimactic. Little in the brief statement on ordination recently prepared by the ASC was interpreted as precluding the possibility of ordination at the beginning of the first placement, so the proposal (a) above found consensus.

Generally, colleges and MEBs reported positive feedback from candidates and ministry placements on the extra support and supervision associated with Intern placements. Where interns have been able to access regular opportunities for reflection and skilled supervision, those relationships have been helpful. The study component of the Intern Phase was less welcome. Interns commented that the 240 hours required by the ASC's guidelines were an onerous expectation. The discussion paper provided to the MEC summarised responses by suggesting that the Intern Phase was attempting both to complete the field experience required for formation, and to facilitate an entry into the exercise of ordained ministry – both important goals, neither of which are adequately achieved by the Intern Phase as it is presently structured. The proposal above (b) requests guidelines that emphasise the second goal – putting in place arrangements that will encourage and assist ministers as they take up their first placement.

The MEC recognised that if ordination is celebrated when a candidate has completed the core phase of formation the designation of a minister as an Intern has lessened significance. The probationary or provisional overtones are no longer appropriate to a person already ordained 'for life', and while some members of the MEC considered the title of Intern helpful, the commission came to agreement that if (a) and (b) were adopted, it would no longer be appropriate.

29. APPRECIATION TO REV DR LEE LEVETT-OLSON (Coolamon College)

That the Assembly

place on record its appreciation for the work of Rev Dr Lee Levett-Olson, during his term as Principal of Coolamon College (2003-2008).

Rev Dr Lee Levett-Olson was the third principal of Coolamon College in its 15 years of existence. He began his appointment at a time when the College was still located in Brisbane

and associated with the Brisbane College of Divinity for undergraduate study, and Sydney College of Divinity for postgraduate study, with a certificate needing to be nationally accredited in the VET Sector. However the Assembly had already approved the move to Adelaide with the links to Flinders University.

To this complex web of relationships and new tasks Lee brought a commitment to establish sound working relationships and to ensuring that programs were put in place that would enable students to study the whole range of courses from certificates, nationally accredited, through to doctoral level in distance mode. This was a time of major change, with a completely new staff to be appointed, 40 topics to be approved at the Certificate level, so that all campus-based topics could also be available by distance mode.

During Lee's time as Principal, administrative changes demanded by the VET and Higher Education sectors placed increasing demands on staff time. Assessment methods were changed completely in the certificate courses, and staff had to undertake training in assessment at Certificate IV level. New relationships were developed with academic staff of the Adelaide College of Divinity who undertook the task of writing new topics for the Bachelor and Masters level topics with some working as assessors. Financial and other arrangements with Flinders University staff of the school and with the Flexible Learning Centre were developed to improve resourcing.

Throughout his term as Principal, Lee exhibited a significant commitment to his own continuing education and professional development, including Masters level studies at Deakin University in Distance Education approaches.

During Lee's term as Principal all the Synods reviewed the way they delivered leadership and theological education to lay people and those candidating for the ordained ministry, as well as in continuing education for ministers. This meant that new ways of relating to the synod lay education centres had to be developed. They moved from being agencies of the college for enrolling and assessing those studying at certificate level to users of Coolamon College topic materials through licensing agreements, for non-assessed learning, with consequent administrative demands upon Coolamon College.

Notwithstanding the significant administrative and operational demands upon him, Lee sustained the normal wide range of involvements expected of a leading academic, including writing and teaching courses as well as supervising masters and doctoral students doing research in theology.

For the latter part of his placement, Lee Levett-Olson was the President of the Centre for Theology, Science and Culture, a joint centre of Adelaide College of Divinity and Flinders University, and gave outstanding leadership in the centre's activities. His wisdom, creative and critical thinking abilities identified numerous ways in which the operation of the college and of ACD needed to change. He initiated the establishment of accredited study in the Masters of Ministry award, available by distance as reading topics, to equip people as resource ministers, because of his awareness of this increasing trend across the whole church.

Lee's conviction that lay people deserve the highest quality resourcing for their learning meant that he consistently advocated for the needs of distance students however they found themselves to be "distant" from conventional centres of learning. During his time at Coolamon College Lee exhibited a deep commitment to equity for all and to the role of the college in "equipping the whole people of God for ministry" and mission, never losing sight of that vision in carrying out his role as Principal.

In moving to Nungalinga College as its Principal, Lee has fulfilled a long-held dream of working with Aboriginal people and found a new expression for his commitment to justice and ecumenism.

We thank God for Lee and his commitment, creativity and costly service during his term as Principal of Coolamon College and pray God's blessing on his new ministry in the Northern Synod.

30. APPRECIATION TO DR MARELLE HARISUN (Coolamon College)

That the Assembly

place on record its appreciation for the service of Dr Marelle Harisun over 16 years, including as Chairperson of the Coolamon College Council.

Dr Marelle Harisun has the unique distinction of being the only person involved in the National Network for Distance Theological Education (NNDTE), which became Coolamon College, for its whole existence. Marelle attended her first meeting by teleconference in February 1993 and served as Chairperson of the College Council at the time of its closure in December 2008.

Assembly's concern for equity of access to quality theological learning by rural and remote church leaders was matched by Marelle's passion for justice. Distance education helped lay people discover gifts and talents that had long gone untested. In particular, the ministry of Lay Preachers – one of the treasures of the Uniting Church – was made accessible to women and men who had neither the free time nor the money to study in big cities.

As the Network evolved into Coolamon College, Dr Harisun's ecumenical approach helped establish formal partnerships with Anglican dioceses, with the Sydney College of Divinity, and with overseas partner churches. Under the stewardship of Rev Dr Bos and Dr Harisun, new students began to take up the challenge of life-changing learning: prisoners in custody seeking new beginnings, pensioners learning in a safe setting that valued their experience, people with little English joining the church.

At the 1997 Assembly in Perth, Marelle was elected Chairperson of the Coolamon College Board, and remained in that role for the next eleven years, apart from a brief period when she served as Acting Principal. Dr Harisun enjoyed strong working relationships with a succession of Principals, providing wise guidance, expert advice, and connections to a wide network of colleagues across Australia. A period as General Secretary of the South Australian Synod, followed by a year as Acting General Secretary in the Synod of Western Australia, simply enhanced Marelle's contribution to the promotion and professionalism of Coolamon as it expanded its courses to cater for new needs.

Working closely with several key partners, Dr Harisun played a central role in the complex negotiations that led to a shift of Coolamon's headquarters from Brisbane to Adelaide in 2003. The College became a member of the Adelaide College of Divinity, providing access to awards in the private and university higher education sector, and to Certificates II through Diploma in the VET Sector.

Throughout difficult changes in education and regulation, Marelle was instrumental in helping keep Coolamon on track and effective. College staff remain enormously grateful for her unflinching commitment and support. Dr Harisun's active involvement with Congress and Covenanting initiatives, her key role in developing Ministerial Misconduct and sexual abuse provisions for the church, and her broad ecumenical and international partnerships, all contributed to the quality of Coolamon's programmes.

In countless ways the church has been enriched by the work of Dr Marelle Harisun. Through her gifts, hundreds of lay people have discovered God's call to leadership and the capacity to answer that call, and congregations across Australia are well served by confident disciples, trained in ministry by distance education, working together to transform the world in Jesus Christ.

For her incalculable contribution to that discipleship through Coolamon College, the church owes Dr Marelle Harisun its deep respect and profound gratitude.

31. "TRADE JUSTICE – A UNITING CHURCH VIEW" (UnitingWorld)

That the Assembly

adopt the document “Trade Justice – A Uniting Church View” as the basis for its education, representation, advocacy and action with relevant bodies and people.

Rationale:

Pacific partners have named trade justice as a priority issue. The Australian government plans to undertake trade negotiations with Pacific nations commencing later in 2009. In preparation, the government is actively advocating its approach in media and meetings. The paper provides a biblical and theological basis for Christian reflection and action. Such action needs to include embodying the principles outlined in the paper. The paper has been adopted by the Assembly Standing Committee for use in the interim. to enable advocacy to be shaped by a document that has r support than is wider than just the Agency. The paper is now brought to the 12th Assembly for its endorsement.

32. FEDERAL GOVERNMENT AID BUDGET (UnitingWorld)

That the Assembly

commend the Australian Federal Government for its commitment to increasing the aid budget to 0.5% of Gross National Income (GNI) by 2015 and encourage it to extend that commitment to 0.7% by 2015 in order to achieve the Millennium Development Goals.

Rationale:

The Federal Government’s commitment represents almost a doubling of the aid budget and is to be commended. As the global economic crisis restrains GNI, exacerbates poverty overseas and affects the value of the Australian dollar, achieving the Millennium Development Goals becomes more unlikely. Public pressure strengthens political resolve not to relent in overcoming extreme poverty. This proposal states a position when the crisis may lead people to focus on internal Australian needs at the cost of people overseas.

33. ZIMBABWE (UnitingWorld)

That the Assembly

affirm its solidarity with, and prayer for, its partner churches in Zimbabwe, the Methodist Church of Zimbabwe and the Uniting Presbyterian Church in Southern Africa.

Rationale:

Although there is some hope now that there is a power-sharing government that includes the Movement for Democratic Change, it is clear that the dire political, economic and social situation in Zimbabwe will take a long time to improve significantly. The churches have an important role now and they will do so in helping to heal the nation. At this time of special need, the Uniting Church seeks to pray and act in solidarity. UnitingWorld will continue to find ways of giving expression to the Church’s commitment.

34. WEST PAPUA (UnitingWorld)

That the Assembly

urge the Australian Federal Government, as it increases its engagement with the Indonesian Government, to continue to encourage the Indonesian Government to more thoroughly and respectfully implement the Special Autonomy status of West Papua and to uphold the human rights of West Papua citizens.

Rationale:

The Uniting Church has a partner church in West Papua. The Indonesian Government has given West Papua Special Autonomy status. That status has not been fully implemented. There is evidence that the human rights of citizens are not being upheld and scrutiny and access is limited. UnitingWorld will continue to support the Uniting Church’s partner, including in advocacy.

35. DELEGATION OF AUTHORITY TO CONSENT TO PROPERTY TRANSACTIONS (Synod of Queensland)

That the Assembly authorise the Standing Committee, on the advice of the Assembly Legal Reference Committee, to amend Regulations 4.2.2, 4.6.2, and 4.6.3 to read:

DELEGATION TO PRESBYTERY, SYNOD INSTITUTIONS AND OTHER SYNOD BODIES

- 4.2.2 (a) A Synod Property Board may delegate to:
- (i) the Property Committee of any Presbytery, or
 - (ii) the governing body of a Synod institution, or
 - (iii) other body within the Synod, or
 - (iv) the Property Officer and/or specific positions,

any of its powers of consent or approval in relation to property, provided that the financial liability involved, or the value of the property concerned, does not exceed such sum or sums as the Synod may determine from time to time.

- (b) A Synod Property Board may withdraw such delegation, either generally or in a particular case, at any time.
- (c) The delegation shall be made subject to such conditions as the Assembly or the Synod Property Board shall determine from time to time.

LEASES

- 4.6.2 (a) Subject to paragraph (b) of this Regulation a lease shall not be granted without the prior approval of the Synod Property Board unless a delegation has been granted under Regulation 4.2.2.
- (b) Approval to grant or vary a lease or accept any surrender thereof may be given by the Church Council or other responsible body where:
 - (i) the term of the lease (including any options for renewal) does not exceed 3 years, and
 - (ii) the premises are not a Church building, a Church hall or a Minister's residence.
 - (c) A lease shall not be taken without the prior approval of the Synod Property Board unless a delegation has been granted under Regulation 4.2.2.
 - (d) All leases shall be executed by a Property Trust unless otherwise authorised by the Synod Property Board on such terms as it thinks fit.
 - (e) All leases shall be taken or granted in the name of a Property Trust.
 - (f) Each lease, or a copy thereof, shall be lodged with the Property Officer of the Synod.
 - (g) This regulation applies notwithstanding anything elsewhere contained in the Regulations.

PROPERTY TRANSACTIONS

- 4.6.3 Unless a delegation has been made under Regulation 4.2.2 or special circumstances are declared to exist by Synod or its Standing Committee, no real estate shall be acquired, sold mortgaged or (except as provided in Regulation 4.6.2) leased, or any rights, easements or other estates or interests therein granted or created, assigned or surrendered, or contracts entered into in respect

of such matters or in respect of the erection, enlargement, structural alteration, improvement or demolition of any substantial building or the borrowing of any money unless the same shall be approved by the Church Council or other responsible body, the Presbytery and the Synod in the manner required.

Rationale:

Over time some Synod services (particularly community services) have been consolidated into large corporate structures. This trend has been forced to occur because of efficiencies of scale, legislated compliance requirements and government funding. At the same time, they remain unincorporated entities/parts of the Synod.

For example, Uniting Care Queensland is the health and community service provider for the Church in Queensland and supports more than 14000 people every day of the year. It has over 15,000 staff and 8,500 volunteers in more than 400 geographic locations across Queensland. It is one of Australia's largest non-profit health and community service providers with annual revenue in excess of \$800m. (From *UnitingCare Queensland Annual Report 2007-2008*). Another example is UnitingCare Ageing NSW.ACT which has a substantial property portfolio with a long term capital expenditure property development plan worth hundreds of millions of dollars.

These institutions are large enough to have professional boards which oversight the day to day governance processes, and have become increasingly sophisticated and expert at assessing various property proposals. They employ professional staff to manage their real property portfolios which do require some specialised knowledge relevant to their operations.

The current process for property approvals often result in significant duplication of work within the institution with its board approval process, and then in the Synod office to prepare submissions to the Property Board. Such duplication adds no value, adds considerable cost, time delays, and resentment between the parties.

The problem is that there are no specific provisions within the existing Regulations to provide property delegations to major institutions of Synod who are responsible for larger property portfolios than most presbyteries. Whilst it is recognised that there may be a long term need to review the property regulations to cater for the many growing and significant non-congregational activities, this proposal is about fixing an immediate and pressing need. The prime purpose of the proposal is to extend the power to delegate to the boards of institutions of the Synod that are non-congregational activities.

Currently under Regulation 4.2.2, the Synod Property Board may only delegate its powers of consent or approval to the Property Committee of any Presbytery. Further, Regulation 4.6.2 only provides a delegation to a Church Council or other responsible body for granting, varying or surrendering certain leases. Therefore commissions, councils, committees or boards of management of any Synod institution or agency are excluded from the property delegations.

It is envisaged that delegations would only be given where the Synod Property Board establishes that a particular part of the Synod has the relevant expertise, appropriate governance processes in place, and feedback mechanisms to advise the Synod Property Board when and on what the delegation has been exercised. Delegation does not abrogate the Synod Property Board from its responsibilities as any delegation will require reporting of decisions, as well as constant monitoring to ensure the delegation remains appropriate. The delegation should also be revocable in general terms or for a specific matter. It is also up to the Synod to determine and make a decision on the value delegated.

The proposal deliberately includes leases in the delegation power because they represent the single biggest area of property activity for service entities, and in particular LifeLine and BlueCare in Queensland.

The proposal also allows for the delegation to Synod Property Officers to allow for the processing of minor property proposals between Property Board Meetings. In today's society, a number of such activities (such as licence agreements, community funding agreements and acquittals, etc) require an urgent response after going through other councils or committees.

36. NUMBER OF MEMBERS ON THE COMMITTEE FOR COUNSELLING (REGULATION 7.7.2 (A)) (Synod of NSW / ACT)

That the Assembly authorise the Standing Committee, on the advice of the Assembly Legal Reference Committee, to amend Regulation 7.7.2 (a) to read:

“The Committee shall consist of ~~not more than six~~ persons elected by the Synod”

Rationale:

During the last triennium three Synods (NSW / ACT, South Australia and Queensland) have asked the Assembly Standing Committee to suspend sufficient of this Regulation to allow their Synod’s Committee for Counselling to have more than six members. This appears to be a regulation that is unnecessarily prescriptive and prevents Synods from responding to the situations as they arise in their particular circumstance. All Synod General Secretaries are agreed on the need for the removal of these words.

37. THEOLOGY OF STIPENDS (Synod of Queensland)

That the Assembly:

develop a statement of the Uniting Church’s theological rationale for the remuneration of its Ministers in approved placements which includes -

- (a) a basis for the notion of stipend;
- (b) the reasons, if any, for the payment of loadings or margin allowances on stipend; and
- (c) the reasons, if any, for the payment of more than one housing allowance to a couple when both members of the couple are Ministers in approved placements and living in the same accommodation.

Rationale:

The church has a long history of custom and practice associated with the remuneration of its Ministers. Historically, that custom and practice has been underpinned by the notion of stipend. Across the synods, different policies and approaches have emerged around the remuneration of Ministers, and whilst there has been some move towards the idea of a national stipend, other aspects of the remuneration provided to Ministers vary across the synods. For example, if both members of a couple living in the one residence are both in full time approved placements, should one house allowance be paid or should two? Synods vary in their answer (and hence practice) to this question.

For the Church to have consistent policies and practices on the remuneration of its Ministers, it is important that it have a clearly articulated and sound theological understanding of stipend and related aspects of the remuneration of its Ministers consistent with its ecclesiology and theology of ministry.

Whilst several synods have developed their own theological understandings of stipend, it would assist the whole church to have a common theological understanding of stipend to underpin its policies and practices in relation to the remuneration of its Ministers.

38. ROLE OF CONGREGATIONS IN DISPOSITION OF PROPERTY, PROPOSED REGULATION 4.4.6 (Synod of NSW / ACT)

That the Assembly

Authorise the Standing Committee, on the advice of the Assembly Legal Reference Committee, to amend the Regulations as follow:

- (i) by adding a new Regulation 4.4.6 as follows:

4.4.6 Subject to Regulations 4.1.1 to 5.5.10, on the initiative of a Church Council or a Presbytery, and with the agreement of the Synod or its Standing Committee, a Presbytery or, in special circumstances deemed to exist by a two thirds majority, a

Synod may make decisions about the disposition of property acquired or held for the use of a Congregation which it considers are in the best interests of the mission of the Church provided that any Congregation affected by such a decision shall first be notified of the proposal and have the right to make a submission thereon to the Presbytery and / or the Synod; and

- (ii) by amending Regulation 4.4.1(b) as follows:
 - (b) subject to Regulation 4.4.6 and to clause (c) of this Regulation, determine the use of land and buildings.

Rationale:

In the run-up to the formation of the Uniting Church we were continually being told that this would be an opportunity to release funds for mission. The argument was that once the Uniting Church came into being, there would no longer be a need for three church buildings in a suburb or a country town and the sales proceeds from buildings which were surplus to requirement could be used for the mission of the Church. The reality has been different. Too many congregations have understood their existence in ways which have been defined by the property they occupied. Too few congregations have been prepared to let go of their buildings for the sake of the mission of the Church – even where the consolidation of two or more congregations into one building has been a practical possibility.

Earlier this year the General Secretary of the Synod of NSW and the ACT was asked by a Presbytery to comment on the Regulations regarding congregation property. The Presbytery wanted to consolidate two congregations on one site and sell the other property. There were very good reasons to support the Presbytery's intentions. The congregations could see the sense in the Presbytery's plan and each congregation was prepared to support it but only if the congregations were located on its own site, not the other congregation's site. Because the Regulations give congregations the right to determine the use their property will be put to, whether the rest of the Church thinks that use is a good idea or not, this plan could not proceed.

If individual congregations retain control of property acquired or held for their use and too many of them continue to focus only on the mission that extends from their front door to their backyard we will see the progressive development of a situation in which ageing, shrinking congregations occupy property in excess of their needs and in which their Church Councils struggle to fulfill the responsibilities for property given to them under Regulation 4.4.1. Congregations need to achieve a critical mass in order to grow. This can sometimes be achieved by wise amalgamation of congregations, not by leaving small congregations to their own devices. It seems to many in this Synod that the Constitution and Regulations were written in a different time, a more comfortable time, a time when there was no sense that the Church would shrink the way it has or that smaller, ageing congregations would be using vast resources needed for mission.

There is a need to change the Regulations to allow for some oversight by Presbyteries of the way in which congregation property is used. This proposal requests the Assembly to amend the Regulations to enable a Presbytery to make decisions about the disposition of property acquired or held for the use of a Congregation which it considers are in the best interests of the mission of the Church. Such decisions might be proposed by the Presbytery or by a Church Council. In either case there would need to be some safeguards for an affected congregation. This is why the proposal includes the provision that a congregation likely to be affected by such a decision shall first be notified of the proposal and have the right to make a submission on it. As a further safeguard for the congregation the Presbytery would have to gain the agreement of the Synod or its Standing Committee. In special circumstances deemed to exist by a two thirds majority of Synod members, this proposal also allows that a Synod may make decisions about the disposition of property acquired or held for the use of a Congregation which it considers are in the best interests of the mission of the Church. In any of these situations, the affected congregation would first be notified of the proposal and be entitled to make a submission to the Presbytery and/or the Synod.

Presidential Ruling 26 was made on the question of "whether the resolution of the Synod and Presbytery of Western Australia on manses and proceeds of sale of manses (Resolution 38/2006) conforms to the Constitution and Regulations of the Uniting Church. The President ruled that, insofar as Resolution 38/2006 of the Synod/Presbytery of Western Australia

purports to impose requirements relating to the relinquishment of manses regardless of whether or not a Congregation or its Church Council consents, Resolution 38/2006 does not conform to the Constitution and Regulations of the Church.”

This ruling was made despite “concerns regarding matters such as variation in manse standards, lack of maintenance in some cases leading to manses becoming unusable, the cost of manse maintenance limiting ministry possibilities, the merits of rationalising maintenance, and the effect of increasing numbers of part-time ministries and of the majority of ministers using the housing allowance because they have their own homes.”

There were also mission related issues. “Manses that are redundant and manse embargoed funds held on behalf of congregations need to be freed up so that they may be used more appropriately for mission across the Synod of WA.” (Manse Review Report to Synod 2006). “However”, the ruling noted that “the Regulations do not give the Synod and/or the Presbytery overriding authority to make decisions affecting use of property and finance ‘held on behalf of Congregations’ where the Synod and Presbytery consider that they may be used more appropriately for mission. The Regulations grant specific and limited authority to the Synod and Presbytery in matters relating to property and finance held for the use of a Congregation and managed by its Church Council.”

Towards the conclusion of this ruling the President wrote, “This Ruling expresses my understanding of the present ‘law of the Church’. It should not be read as suggesting that Assembly is not able, or ought not, to confer greater (or overriding) authority on the Synod and/or Presbyteries to make decisions such as Resolution 38/2006. Paragraph 17 of the Basis of Union provides guidance for the Church in this regard. In fact, a relevant proposal (Proposal 70) was made to the Eleventh Assembly and has been referred to the Assembly Standing Committee.”

“The Assembly meets every three years. If it considers that the Synod and /or the Presbytery should have authority in particular circumstances to deal with property or finance that has been held for use of Congregations regardless of consent of the Congregation or its Church Council it can decide accordingly and make appropriate Regulations. The matter may not necessarily require amendment of the Constitution.”

The Church needs to be able to use its property resources for mission. At the 2008 meeting of the Synod of NSW and the ACT the Moderator said, “Many of the buildings we have are inappropriate for the mission we need to be involved with today and they are not even capable of providing the income they should. Applying the parable of the Talents – owning property that is hardly ever used or is inefficient or ineffective is like burying resources for ministry in a hole in the ground. The harvest that we want to be part of creating is a people of faith, living for God, changing the world.”

This proposal invites the Assembly to amend the Regulations to allow decisions about the disposition of property acquired or held for the use of a congregation to be based on a wide screen view of the mission of the Church.