

**3. APPOINTMENT OF THE BUSINESS COMMITTEE (Business Committee)
(This version replaces the earlier Proposal # 3)**

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 Grant Finlay.

**9. ASSOCIATION OF PERSONS WITH THE ASSEMBLY (Business Committee)
(This version replaces the earlier Proposal # 9)**

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:

Sr Elizabeth Delaney, Australian Catholic Bishops Conference
Major Paul Kinder, Salvation Army
Fr Shenouda Mansour, Coptic Orthodox Diocese of Sydney
Bishop Albert Chiew, Chinese Methodist Church in Australia

- (ii) from overseas churches and from international ecumenical bodies for the whole of the Assembly:

Rev David Bush, Methodist Church of New Zealand
Rev Richard Mortimer, United Reformed Church
Mr Graham Redding, Presbyterian Church of Aotearoa New Zealand
Rev Dr Mark Wakelin, Methodist Church, UK
Rev Samson Lowa, Council for World Mission
Mr Iveta Short, Cook Islands Christian Church
Rev Tuikilakila K. Waqairatu, Methodist Church in Fiji
Pastor Philippe Capoa, Eglise Evangelique en Nouvelle – Caledonie
Rev Hawea Jackson, Ekalesia Kerisiano Niue
Rev Laka Renagi, United Church in Papua New Guinea
Mr George Tuke, United Church in Solomon Islands
Rev Kitiona Tausi, Tuvalu Congregational Church
Pastor George Aki, Presbyterian Church of Vanuatu
The Most Revd. Dr.J.W, Gladstone, The Church of South India
Rev E. F. Lyngdoh, The Presbyterian Church of India
The Rt. Revd. Pradeep Kumar Samantaroy, The Church of North India
Rev Robert Stevanus Litelnoni, Protestant Evangelical Church in Timor
Rev I Made Priana, Protestant Church in Bali
Rev Dr Albert Obednedju Supit, The Christian Evangelical Church in Minahasa
Rev Kuntadi Sumadikarya, Indonesian Christian Church
Rev YeanWon Chung, Korean Christian Church in Japan
Rev Seo Jae-II, Presbyterian Church in the Republic of Korea
Helen Grace Paris, United Church of Christ in the Philippines
Rev Sayam Muangsak, The Church of Christ in Thailand
Rev Moises da Silva, Protestant Church in East Timor
Rev Simbarashe Sithole, The Methodist Church in Zimbabwe

(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
Rev Prof. James Haire
Rev John Mavor
Rev Dr D'Arcy Wood

for specific business of the Assembly:

Mr Bruce Binnie for Assembly Finance and Audit Committee
Rev Dr Sandy Yule for Christian Unity Working Group
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
Rev Carolyn Thornley for Theology and Discipleship
Mrs Alyson Madsen for UC Adult Fellowship
Rev Sandy Boyce for Uniting Faith and Discipleship
Rev Dr Kerry Enright for UnitingWorld
Mr Gavin Pretorius for Proposal 41 – Delegation of Authority to Consent to Property Transactions

39. REPLACEMENT FOR PROPOSALS 17 AND 26 NATIONAL PROPERTY POLICY FOR THE UCA (Joint proposal from Task Group reviewing the Property Policy for a Multicultural Church & the Synod of NSW / ACT)

That the Assembly

1. Receive the report;
2. authorise the Standing Committee, on advice from the Assembly Legal Reference Committee, to make Regulations relating to property sharing arrangements where two or more Uniting Church congregations or faith communities are sharing property including provisions that:
 - (i) where two or more Uniting Church congregations or faith communities function or will function from one property base, a culturally sensitive and appropriate form of memorandum of understanding or covenant [not a tenancy agreement] will apply to that relationship, according access and usage rights and stewardship responsibilities, and an appropriate sharing of costs, and taking into account the ministry and mission needs of both congregations or faith communities, on the basis of joint custodial stewardship;
 - (ii) such agreements are to be negotiated by the congregations or faith communities involved and the relevant presbytery/ies and approved by the synod concerned.
 - (iii) the transfer and responsibility for the stewardship and use of the premises will normally be made by the presbytery/ies having oversight of the

congregation(s) or faith community/ies concerned, in consultation with the relevant church council/s and the synod, and that the synods may provide policies and processes to assist presbytery/ies and church council/s in this process.

- (iv) 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) a resolution will be sought between the congregations through the relevant church councils'
 - (b) if there is no agreement, a decision can be made by the presbytery/s having oversight of the congregations
 - (c) 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.
- (v) there is an expectation of compliance with a "National Property Policy" that has been approved by the Assembly Standing Committee

3. request Assembly Multicultural and Cross-cultural Ministry to resource the Assembly Standing Committee in the development and adoption of a "National Property Policy" by bringing a draft Policy document to the ASC in November 2010, which is based on any changes to the Regulations and ensuring that the following considerations are taken up in it:

- (i) a register to be kept by synods of all Uniting Church congregations or faith communities seeking a place of worship;
- (ii) 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;
- (iii) whilst taking account of ministry and mission needs, priority shall normally be given to UCA congregations or faith communities listed on the register;
- (iv) 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;
- (v) 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;
- (vi) where more than one UCA congregation or faith community are sharing property, irrespective of racial, cultural and linguistic backgrounds, that they undertake appropriate workshops together e.g. property sharing and Cross-cultural relationships.

Rationale:

See Report B 27 and rationale for Proposal 26.

40. REPLACEMENT FOR PROPOSAL 18 AMENDMENT TO CLAUSE 39
(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, or its Standing Committee, 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
 - there was inadequate consultation prior to the decisionthe 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 the original 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:

See rationale for Proposal 18.

41. REPLACEMENT FOR PROPOSAL 35 DELEGATION OF AUTHORITY TO CONSENT TO PROPERTY TRANSACTIONS (Synods of Queensland and NSW / ACT)

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

DELEGATIONS BY SYNOD PROPERTY BOARD TO PRESBYTERY

~~4.2.2 (a) A Synod Property Board may delegate to the Property Committee of any Presbytery 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.~~

(a) A Synod Property Board may delegate to:

- (i) _____ the Property Committee of any Presbytery, or
- (ii) _____ another body within the Synod, or

(iii) a church council of a congregation which is designated as a Parish Mission or a subcommittee of that congregation, or

(iv) the Property Officer and / or specified 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.

Rationale:

See rationale for Proposal 35.

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

- 4.5A a) On the initiative of a Church Council or Presbytery, a Presbytery or Synod may make any of the decisions mentioned in paragraph (b) relating to property acquired or held for the use of a Congregation provided that
- i) any Congregation affected by such a decision shall first be notified of the proposal and shall be given the opportunity to make a submission thereon to the Presbytery and/or Synod;
 - ii) in the case of a Presbytery decision the Synod or its Standing Committee agree;
 - iii) a Synod shall not make a decision mentioned in paragraph (b) unless the Synod (or its Standing Committee) has first determined by a two thirds majority that special circumstances exist.
- b) the decisions which may be made are
- i) a disposition of a property;
 - ii) transfer of the management and administration of a property from the responsibility of a Church Council;
 - iii) a change of the use of a property; and
 - iv) related matters

Rationale:

See rationale for Proposal 38.

43. AN ECONOMY OF LIFE: RE-IMAGINING HUMAN PROGRESS FOR A FLOURISHING WORLD (UnitingJustice)

That the Assembly

- 1 adopt the Statement, "An Economy of Life: Re-imagining human progress for a flourishing world";
- 2 (a) commit itself and call on members, councils and agencies of the Uniting Church to
 - (i) examine their life as Christian disciples and communities that they may first of all serve God in the world through the love, compassion and generosity extended to all our neighbours
 - (ii) examine its life in order to identify where and when it behaves in ways that deny human and ecological wholeness
 - (iii) examine its life in order to identify where and when monetary interests are placed ahead of human and ecological wellbeing
 - (iv) identify, develop and implement alternative systems, structures and processes within the church that promote the practice of the economy of God and model a way of being in the world which promotes human wholeness, equity and ecological sustainability
 - (v) challenge rampant consumerism and materialism as antithetical to what is necessary for a healthy and sustainable world and engage in public conversation about notions of sufficiency, abundance and the fullness of life
 - (vi) challenge the commodification of people, the exercise of the profit-motive when it denies people without wealth access to essential services such as water and electricity, decent healthcare, education and other essential social services, and the recasting of education as merely a tool for producing productive human beings
 - (vii) advocate social and economic policies which
 - are based on relational rather than mechanistic models
 - support the growth of vibrant, safe and inclusive communities
 - overcome poverty and injustice, addressing, as first priority, the needs of people who are most vulnerable
 - dramatically and urgently reduce greenhouse gas emissions and energy consumption
 - support the research, development and implementation of clean and renewable energy, and
 - prioritise peacemaking and seek to end militarism;
- (b) calls on Australian governments to develop economic systems and structures which recognise that human and ecological flourishing require much more than the creation of wealth by ensuring that public policy seeks to address first and foremost the wellbeing of all people, especially those most vulnerable, and the environment, including
 - (i) regulatory reform of financial markets including systems of greater accountability
 - (ii) the reduction of military spending and redirection of human and financial resources towards peacemaking
 - (iii) the reform of the Australian tax and transfer system to make it a progressive tool for the equitable distribution of wealth, including taxing the most wealthy at an appropriate level and providing adequate income support for those people who are most vulnerable and disadvantaged
 - (iv) the provision of universally accessible and affordable essential services such as water and electricity
 - (v) workplace relations policies which ensure just working conditions – fair and sustainable wages and conditions, with adequate protections especially for low-skilled low-paid workers, job security and predictability of hours

- (vi) the recognition of the importance of shared (community) leisure time, reasonably priced and readily available childcare, and paid parental leave
 - (vii) the increase and prioritisation of support for renewable energy over support for climate polluting industries
 - (viii) urban planning which is marked by a commitment to enhancing and protecting 'the commons' (public space including parks, art galleries, performance spaces and community centres), ensuring that people have access to workplaces close to home, public transport, schools, healthcare and social services, and an understanding of people's inherent need of spaces and places of beauty and quiet;
- (c) calls on the Australian Government to work with other national governments and multilateral institutions to redevelop a global economic system that is regulated, transparent and accountable, for the wellbeing of people and the planet, and includes action that
- (i) renews and strengthens global action to achieve the Millennium Development Goals;
 - (ii) immediately and dramatically reduces greenhouse gas emissions through the development and use of renewable sources of energy, the reduction of our dependence on fossil fuels, and the saving of the world's oceans and forests
 - (iii) commits to ending the stranglehold of the military-industrial complex on the global economic system
 - (iv) develops a practice of ethics and social justice that can guide financial markets in the world
 - (v) regulates 'the market' and holds it accountable for unjust and exploitative practices, environmental damage, excesses of greed, the fostering of rampant and damaging consumerism
 - (vi) creates a new international financial architecture developed under the aegis of the United Nations where broad participation of all countries and civil society can take place and which creates a process for the democratisation of all global finance and trade institutions
 - (vii) encourages the development and sustainability of local economies through localised and sustainable systems of food production and consumption, fair trade, microfinance and incentives for investment in rural, regional and Indigenous communities
 - (viii) recognises the intrinsic value of cultural heritage (including sites, language and customs) as an expression of the wholeness of humanity and ensures its conservation, and
- (d) calls on the Australian Government to shift its rhetoric from the focus on continual and unlimited growth and redefine how Australia measures its progress as a nation in terms of wellbeing rather than monetary indices such as GDP, doing so in such a way that these measures eventually become primary and directive.

Rationale:

See Report B 28.

44. AMENDMENT TO THE PREAMBLE AND CLAUSES OF THE CONSTITUTION (Standing Committee)

That the Assembly

1. receive the report;
2. delete the present 'PREAMBLE TO THE INTERIM CONSTITUTION' and replace it with

The Uniting Church in Australia was formed on 22 June, 1977 by the union of the Congregational Union of Australia, the Methodist Church of Australasia and the Presbyterian Church of Australia after the approval of the Councils and Courts by those three churches of 'The Basis of Union', guided by the belief that they had been called by God into this union.

The Basis of Union recognises that the responsibility for government in the Church belongs to the people of God by virtue of the gifts and tasks which God has laid upon them and provides that the Uniting Church in Australia shall so organise its life that locally, regionally and nationally, government will be entrusted to representatives, men and women, bearing gifts and graces, with which God has endowed them for the building up of God's Church and therefore shall be governed by a series of inter-related councils, each of which has its tasks and responsibilities in relation to the Church and the world.

In the Basis of Union it is acknowledged that the demand of the Gospel, the response of the Church to the Gospel and the discipline which it requires are partly expressed in the formulation by the Church of its law, the aim of which is to confess God's will for the life of Christ's Church.

Seeking a truer understanding of our identity as the Uniting Church in Australia, as a community of First and Second Peoples, the Church

RECOGNISES THAT

1. When the churches that formed the Uniting Church arrived in Australia as part of the process of colonisation they entered a land that had been created and sustained by the Trinitarian God they knew in Jesus Christ.
2. This land had nurtured and sustained the First Peoples of this country, the Aboriginal and Torres Strait Islander peoples, who continue to understand themselves to be the traditional owners and custodians (meaning 'sovereign' in the languages of the First Peoples) of these lands and waters since time immemorial.
3. The First Peoples had already encountered the Creator God before the arrival of the colonisers; the Spirit was already in the land revealing God to the people through law, custom and ceremony. The same love and grace that was finally revealed in Jesus Christ sustained the First Peoples and gave them particular insights into God's ways.
4. A small number of members of the uniting churches approached the First Peoples with good intentions; considering their well being, culture and language as the churches proclaimed the reconciling purpose of the Trinitarian God found in the good news about Jesus Christ.
5. Many in the uniting churches, however, shared the values and relationships of the emerging colonial society including paternalism and racism towards the First Peoples. They were complicit in the injustice that resulted in many of the First Peoples being dispossessed from their land, their language, their culture and spirituality, becoming strangers in their own land.
6. The uniting churches were largely silent as the dominant culture of Australia constructed and propagated a distorted version of history that denied this land was occupied, utilised, cultivated and harvested by these First Peoples who also had complex systems of trade and inter-relationships. As a result of this denial, relationships were broken and the very integrity of the Gospel proclaimed by the churches was diminished.

7. From the beginning of colonisation the First Peoples challenged their dispossession and the denial of their proper place in this land. In time this was taken up in the community, in the courts, in the parliaments, in the way history was recorded and told, and in the Uniting Church in Australia.
8. In 1985 Aboriginal and Torres Strait Islander members of the Uniting Church in Australia formed the Uniting Aboriginal and Islander Christian Congress.
9. In 1988 the Uniting Aboriginal and Islander Christian Congress invited the other members of the Church to join in a solemn act of covenanting before God.
10. After much struggle and debate, in 1994 the Assembly of the Uniting Church in Australia discovered God's call, accepted this invitation and entered into an ever deepening covenantal relationship with the Uniting Aboriginal and Islander Christian Congress. This was so that all may see a destiny together, praying and working together for a fuller expression of our reconciliation in Jesus Christ.

AND THUS the Church celebrates this Covenantal relationship as a foretaste of that coming reconciliation and renewal which is the end in view for the whole creation.

AND FURTHER the Uniting Church in Australia pledges to keep its law under constant review so that its life may increasingly be directed to the service of God and humanity, and its worship, witness and service to a true and faithful setting forth of and response to the Gospel of Christ, and to that end the Assembly of the Uniting Church in Australia has adopted this Constitution in accordance with the powers conferred upon it.

3. amend the Constitution by inserting the following clause after clause 2: 2A
INTERPRETATION OF THE CONSTITUTION
 - (i) Any interpretation of the Constitution and Regulations must take into account the Covenantal relationship and the Preamble, and where any interpretation does not in the opinion of the Uniting Aboriginal and Islander Christian Congress and Assembly Standing Committee reflect that relationship, then that interpretation cannot be used as the basis for further action in the Church.
 - (ii) Recognising that the Covenantal relationship is continually developing and evolving, where the Assembly and the Uniting Aboriginal and Islander Christian Congress agree that a particular Regulation that impacts on the life of the Uniting Aboriginal and Islander Christian Congress no longer reflects that relationship, then the Assembly Standing Committee may suspend said Regulation and replace it with an Interim Regulation.
4. request the Assembly Standing Committee, on the advice of the Legal Reference Committee, to adopt a Regulation to indicate how the Uniting Aboriginal and Islander Christian Congress would make known its opinions in relation to the matters raised in the new clause 2A of the Constitution.
5. amend the Constitution by inserting the following clause in the appropriate alphabetical order within Clause 3 DEFINITIONS
Covenantal relationship is the relationship which exists between the UAICC and the Assembly, which began in the invitation of 1985 and response of 1994, in which both groups commit themselves to developing more just, inclusive and equal relationships in the Uniting Church in Australia that recognise the place of First Peoples, the difficult history of this nation since invasion, and the particular responsibility of the UAICC for ministry with and among Indigenous peoples.

First Peoples are the Aboriginal and Torres Strait Islander peoples of Australia who are the indigenous peoples of this land. These peoples are a diverse group with many languages and communal identities.

Second Peoples are all those peoples who have come after the First Peoples and who are beneficiaries in some way of the invasion and dispossession of the lands of the First Peoples. Among Second Peoples within the Uniting Church in Australia are many whose racial, cultural and linguistic backgrounds, experiences and expression of Christian faith are not those originating in Western forms of thought and theological expression.

6. i. amend the heading of Division 4 by deleting the existing heading and replacing with: COVENANTAL RELATIONSHIP WITH THE UNITING ABORIGINAL AND ISLANDER CHRISTIAN CONGRESS
- ii. renumber clause 49 as 49A, then insert a new clause 49:
 - (a) The Church seeks a renewal of its relationship with the First Peoples so that God's purposes and the purposes of the Church may be fulfilled in the land of Australia through its Covenantal relationship.
 - (b) The Church will so order its life that the Covenantal relationship will be reflected in its worship, witness and service and in the role and place of the Uniting Aboriginal and Islander Christian Congress in the Church.

Rationale:

See Report B 29.

45. AMENDMENT TO REGULATION 3.6.1 – CHAIRPERSON OF THE AUDIT AND FINANCE COMMITTEE (Standing Committee)

That the Assembly amend Regulation 3.6.1 to read

- 3.6.31** (a) The Assembly shall establish a Finance and Audit Committee consisting of:
- (i) a Chairperson appointed by the Standing Committee ~~from the membership of the Standing Committee;~~

effective immediately.

Rationale:

The 10th Assembly approved amendments to the Regulations, which led to the establishment of an Assembly Audit and Finance Committee. This group replaced the former National Finance Committee that was structured differently, and had a different role.

At the time the new regulations were put in place it was determined that the Chairperson of the new Assembly Audit and Finance Committee should also be a member of the Assembly Standing Committee. On revisiting the rationale that was taken to the Assembly in 2003 no reference was made as to why this was considered to be a helpful or necessary feature of the new arrangements.

The rationale did say: "... the Assembly Standing Committee as the governance body on behalf of the Assembly, needs to be supported by a Finance and Audit Committee which will provide independent oversight of the financial structures and operations of the Assembly." The question is whether there are ways to achieve an effective relationship between these two bodies apart from the Chairperson being a member of the Assembly Standing Committee.

The reason that this issue has arisen is that for the last six years the ASC has been well served by having Mr Bruce Binnie available to undertake the role of the Chairperson of its Audit and Finance Committee. However Bruce is not a member of the 12th Assembly and as such is no longer available to be a member of the ASC. He also wishes to stand down from this area of work in the life of the church. There are no members of the ASC, who will be at the 12th Assembly, who are qualified to serve as the Chairperson of the Audit and Finance

Committee. A review of the membership of the 12th Assembly has been unsuccessful in identifying people who are qualified and available to serve as Chairperson's of this important Committee. Subsequently three people who are very well qualified to be Chairperson of the Audit and Finance Committee have been approached and on each occasion it was the requirement that the person attend the 12th Assembly and then be a member of the ASC that worked against them considering the role of Chairperson. One person, a current member of the Assembly Audit and Finance Committee, would be available for that role but not to attend the other meetings presently required by the regulations.

Given the difficulty being experienced in seeking to fulfil the current requirements of Regulation 3.6.31(a) (i) it raises the question as to whether such a requirement is essential to the effective oversight that needs to be offered by the ASC, and the effective working of its Audit and Finance Committee.

The proposal anticipates that the needs of both the ASC and its Committee can be equally well served by not requiring that a member of the ASC be Chairperson of the Committee. Indeed such a requirement is rare, even if it is increasingly customary for a board member to serve on audit and finance committees of companies. It is within the capacity of the ASC to appoint one of its number to the Audit and Finance Committee (Regulation 3.6.31 (a) (ii)) as well as to require regular reports and even the presence of a member of the Audit and Finance Committee at its meetings as and when required. Given the importance of having the best qualified person as Chairperson of the Audit and Finance Committee, and the availability of other options to sustain a strong link between the ASC and its Committee, a change to the regulations does not seem to create any problems and indeed better serves the interests of the Assembly.

46. REPLACEMENT FOR PROPOSAL 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:

It was clear at the 11th Assembly that one of Gregor's great gifts to the Church was his deep understanding of Uniting Church's Consensus decision making processes. This cannot be underestimated. Having worked for many years as the General Secretary of the Assembly Gregor moved seamlessly into the role of President. His wise, energetic chairing meant that the 11th Assembly and the subsequent Assembly Standing Committee was in very capable hands. The 11th Assembly also agreed to pay particular attention to the needs of the Uniting Aboriginal and Islander Christian Congress in its business procedures. Gregor is one of the few chairpersons who can smoothly craft proposals from the floor ensuring the mind of a meeting is gathered in decisions made.

The Central Committee of the World Council of Churches was also ably led by Gregor in introducing the consensus decision making processes into its meeting procedures. There are many wonderful photographic images of Gregor, head bowed, in serious discussion with our brothers and sisters within the WCC. Gregor has a breadth of knowledge of the church ecumenically and within our partner Churches which has been a great gift for the Church. He loves people. He finds great joy in his love of God and this is infectious.

But what has been most obvious in this triennium is that Gregor absolutely loves the Uniting Church...passionately. It is in his DNA. He has travelled far and wide in his three year term, not just within the national Church but globally, taking with him his personality of infectious enthusiasm and love of God and God's church.

Across the Assembly congregations were always left in good heart after a visit from the President. Gregor embraced the role of President and constantly remarked that it was a great privilege. He was prepared to roll his sleeves up and be there! Many young people will remember Gregor walking with the same spring in his step around Methodist Ladies College talking warmly to everyone he met during NCYC 2009.

But undoubtedly it was the three ministers Conferences that Gregor initiated that have been a major triumph in this triennium. Hosted in Bali, the Northern Territory and the Gold Coast these gatherings were acclaimed a resounding success. Lead by Gregor, Andrew Dutney and Jenny Byrnes they explored the Basis of Union and who we are as Uniting Church. It was an inspiring event for the Ministers who participated. Comments from these events have been overwhelmingly positive with strong hopes of this initiative continuing.

Personally for Gregor this was a difficult three years with the loss of his wife Alison to cancer in 2007. Gregor understandably 'downed tools' during this time to be with her and his family. Gregor was quite overwhelmed by the outpouring of love and prayers during this time, and after, for him and his family.

Gregor declares he is first and foremost a congregational minister and he has been most appreciative of the support offered by his Canberra congregation over the three years and looks forward to continuing ministry there.

The Uniting Church is indebted to Gregor Henderson for giving so much of himself as our eleventh President, and we commend him in his future life and ministry to the love of the triune God.

47. AMENDMENT TO REGULATIONS RE VEXATIOUS COMPLAINANTS (Synod of NSW / ACT)

That the Assembly authorise the authorises the Standing Committee, on the advice of the Assembly Legal Reference Committee,

1. amend the Regulations so that each of a Presbytery Complaints Committee, a Pastoral Relations Committee and a Synod Committee for Counselling be given the explicit power given to a Synod Sexual Misconduct Complaints Committee under Regulation 7.7.12(e)(i), namely the power to determine at any stage after a complaint is made that *"the complaint warrants no further action on the ground that it is frivolous, vexatious, misconceived or unable to be substantiated"*, and
2. determine that the proposed amendments to the Regulations be supported by educating members of the committees of the power they have to make such determinations and the reasons for that power.

Rationale:

The Synod of New South Wales and the ACT has sought legal advice from Howard Packer, Barrister and Synod Advocate, as to how the Synod might prevent the making of complaints by people who could be considered vexatious complainants and how it might protect members of the Church's panels, respondents, witnesses, officials and even casual bystanders from intimidation, harassment and vilification. This working paper relates to the advice given about required changes to the Regulations of the Uniting Church in Australia.

Regulations 7.1.3 provides *"Discipline is to be exercised by the Church Council on behalf of the Congregation in the case of members, except in the case of allegations of sexual misconduct."* There is no complaints process as such but obviously some event or events within the life of the congregation or the members' life witnessed, reported or complained about trigger the coming to the opinion set out in Regulation 7.1.2, namely that *"in the opinion of the Church Council, [the] member of the Church appears to disregard the privileges and obligations of membership or to disregard the discipline of the Church"*.

Complaints against a member or an adherent in relation to sexual misconduct are dealt with under Regulation 7.2.7 by the process set out in the “*Policy for Dealing with a Complaint of Sexual Misconduct Made Against a Member or Adherent of the Uniting Church in Australia*”. That document enables a Presbytery Complaints Committee (PCC) at any stage in the process to determine that the *complaint* warrants no further action (see 2.2(i)(iii)).

Complaints against ministers which are not in relation to sexual misconduct are generally dealt with by either a Presbytery Pastoral Relations Committee (PRC) or the Synod Committee for Counselling (SCC). The Regulations give each of these bodies discretion to determine that a complaint does not warrant further action or investigation. In relation to a PRC Regulation 7.6.4(a)(ii) provides that “*The Pastoral Relations Committee shall: (ii) if it **thinks fit** enquire into the complaint*” (emphasis added). In relation to the SCC Regulation 7.7.3(b) enables the committee to determine that the complaint warrants no further action.

In relation to complaints of sexual misconduct the Synod Sexual Misconduct Complaints Committee (SSMCC) may also determine at any stage that: “*the complaint warrants no further action on the ground that it is frivolous, vexatious, misconceived or unable to be substantiated*” (Reg. 7.7.12(e)(i)).

In relation to the Synod Committee for Discipline (SCD), complaints it considers are mediated through either the SCC, the SSMCC or the Standing Committee (Reg. 7.8.2) and therefore subject to the same filters discussed above.

The point of this consideration of the existing regime is to highlight the significant powers to weed out vexatious complaints the Church’s processes already provide. It is interesting that only the SSMCC specifies the ground for taking no further action as that of the complaint being *frivolous, vexatious, misconceived or unable to be substantiated*.

It would be helpful if the Regulations were amended so that each of a PCC, a PRC and the SCC be given the explicit power to the SSMCC under Regulation 7.7.12(e)(i) namely the power to determine at any stage after complaint is made “*the complaint warrants no further action on the ground that it is frivolous, vexatious, misconceived or unable to be substantiated*”. Such a change would make it clear to each of those bodies that a consideration of the *bona fides* of the complaint should be made at an early stage in the proceedings.

The proposed amendments to the Regulations should also be back up by educating members of the committees of the power they have to make such determinations and the reasons for that power.

A maximum of 3 years per term is suggested as this facilitates a 3 year rotational system of election.

Whilst it is acknowledged that some congregations may plead a scarcity of people offering for leadership, it should be noted that under existing Regulations small congregations with less than 30 members may operate with the whole congregation as the Church Council, which avoids the difficulties mentioned above. It is also maintained that shorter terms and a rotational system provide a better environment for new leadership to be identified and nurtured. Clause (iv) provides for Presbytery to waive this Regulation should there be genuine difficulty.

The sole purpose for the proposed changes is to set a limit to the number of years of continuous service on the Church Council. Regulation 3.1.14 still applies in its entirety, under which congregations have the freedom to determine the size of their Church Council and for individual nominees to select the overall length of their term, up to the maximum of nine years. Following the year’s compulsory break, an individual may re-nominate.

48. VENUE FOR THE 13TH ASSEMBLY (Synod of South Australia)

That the Assembly:

1. receive with thanks the invitation of the Synod of South Australia to hold the Thirteenth Assembly within the bounds of the synod; and
2. authorise the Standing Committee to determine the exact date, and to negotiate with the Synod of South Australia as to the particular location and venues for the various Assembly functions.

49. AMENDMENT TO REGULATION 4.12.1 (Pilgrim Presbytery)

That the Assembly authorises the Standing Committee, on the advice of the Assembly Legal Reference Committee, to make any necessary amendments to Regulation 4.12.1 to clarify and ensure that the indemnity provisions of the church extend beyond property matters to other church activities undertaken by a person acting with the express or implied authority of the Church.

Rationale:

Regulation 4.12.1 currently says

“INDEMNITY

- 4.12.1 (a) Any person acting under the express or implied authority of the Church and who is not an independent contractor shall be indemnified out of trust property against all liability for any matter or thing done or liability incurred except in the case of fraud, criminal act, gross negligence or willful misconduct.
- (b) Without detracting from the generality of paragraph (a), a member of a Church Council or other body responsible for the management and administration of property shall be indemnified out of trust property against liability for any matter or thing done or liability incurred in the performance of functions as a member thereof except in the case of fraud, criminal act, gross negligence or willful misconduct. “

Although Regulation 4.12.1(a) is couched in very broad terms, the provision is located with other regulations that deal primarily with property matters. Recent concerns have been expressed about the adequacy of the current regulation to cover other forms of work undertaken in good faith within or on behalf of the Church. For example, will a person appointed by the Church as a member of a committee handling a complaint, or an appeal or a disciplinary matter, be appropriately indemnified against legal action taken against them?

In order to provide some comfort for those who undertake these and other forms of work within or on behalf of the church, it would be helpful for the current indemnity provisions to be reviewed by the Assembly Legal Reference Committee and amended by the Assembly Standing Committee should this be considered necessary and appropriate.

50. MINISTERIAL PLACEMENTS PROCESS (Port Phillip East Presbytery)

That the Assembly

1. request the Standing Committee to establish a Task Group to review the Ministerial Placements Process;
2. establish the terms of reference for the review to include:
 - available ministerial resources in the future
 - contemporary and future ministry and mission contexts

- cross-Synod cooperation and communication between minister availability and placements that are calling ministers
 - methods for ministerial recruitment which reflect community expectations and experiences of being agile and proactive in ensuring appropriate ministry staffing
 - and the suitability, nature and scope of the Profile document;
3. request the Task Group to report to the Standing Committee by November 2010; and
 4. authorise the Standing Committee to approve any regulations necessary to give effect to changes that it agrees to arising from the findings of the Task Group.

Rationale:

The Presbytery of Port Phillip East is asking for this review arising from a concern for the mission of the church and in response to ministry and mission needs in 2009 and beyond. The current system has been in existence for 15 years or more, and is in desperate need of review.

MINISTRY: Many of the current rules and processes for seeking a new minister are based on the situation at least 15 years ago when there were plenty of ministers available, and depth to choose from. The mission environment and situation we find ourselves in has changed significantly.

- The nature of congregations is uneven. There are some congregations that because of their verve and vitality need to be able to find a new minister quickly before they lose momentum and strength. Other congregations can carry on well with Supply ministry or may need Intentional Interim Ministry for a time. The present process leaves little room for recognition and response to these variations.
- By comparison to the secular environment, a new person can be found and in place within weeks, where as the church takes months and sometimes years to achieve the same. It is true that congregations are entering a discernment process, but this now takes too long due to the shortage of personnel and other factors.
- There is a need for clarity in congregations about why they do what they do, and to find creative ways of instigating the appropriate resourcing of ministry, such as making better use of the Pastor ministry, making better use of Supply ministry so that particular skills are put in place for particular situations such as regional or multicultural congregations.
- As the age profile of most congregations continues to rise and we ultimately see congregations close, it seems likely that the shortage of ministers will outstrip any decline in congregational placements.

PROFILE DOCUMENTS: The Profile (for both ministers and congregations/agencies/schools has no real differentiation between organisations with particular emphases such as neighbourhood/ regional/multicultural.

- List of priorities is outdated and reflects a church practise from decades ago.
- The current profile format says a lot about the congregation, but very little about what is envisaged for the Minister.
- There is a need to separate the functions of
 1. the Profile of an organisation (congregation, agency, school etc)
 2. the Ministry Description and the Terms of Placement.
- Having separate documents would enable/require the congregation to be much clearer about what it seeks from a minister and ensure congregations are clear about their expectations of ministry.
- A profile should be consistent for the whole organisation, and in response to the profile a Ministry Description & Terms of Placement can be created.

PROCESSES: In this current situation of shortage, the discernment process cannot possibly be restricted to what's available in one state and who happens to be available at the time a congregation falls vacant or when a ministry position is created. We are a national church, and the placements process needs to reflect this in a way that is agile and timely.

- The Placements process needs clear and consistent communication across Synods, particularly between Placements Committees, ministers who may be available, and organisations looking for ministry.
- The rules regarding advertising create unnecessarily long delays, are restrictive and merely frustrate congregations seeking to move forward in their mission.
- The amount of time required to complete a mission study, Profile & Terms of Placement, have them submitted and approved by PRC, then proceed to Placements is too long. At present this can take 3-6 months. Having Profiles regularly reviewed as a separate document will help shorten the process, but other time gains may be found as well
- The policy of not offering a new name for consideration if a Conversation is already in progress is not helpful.

51. AMENDMENT TO REGULATION 3.1.16 – TERM OF OFFICE FOR CHURCH COUNCILLORS (Mid North Coast Presbytery)

That the Assembly authorise the Standing Committee, on the advice of the Assembly Legal Reference Committee, to amend Regulation 3.1.16 to establish maximum terms and an orderly rotation for membership of the Church Council and in particular

- (i) Councillors to be elected for between one and three years per term, as stipulated by the nominee.
- (ii) A rotational system be explicitly required so that one-third of the Church Council will be elected each year.
- (iii) Establish a maximum term of nine years continuous service (three terms), after which a Church Councillor will stand down and not be eligible for re-election until the following year's rotation,
- (iv) Should a congregation have difficulty in finding willing and suitably gifted nominees, they may approach the Presbytery for exemption from this Regulation.

Rationale:

The current wording of the Regulation is unclear, thus allowing the possibility of a Church Council being comprised of the same people for decades. This can be a burden to individual members who, although tired and would appreciate a break, may continue to accept nomination because of their commitment to the church. It may also inhibit the election of new people to the Council since there is no requirement that existing members stand down. Whilst experience is a valuable gift to a Council, so are new ideas, perspectives and enthusiasm. New people may be reluctant to put themselves forward because of a consciousness of their own lack of experience in the role, or they wish to avoid giving the impression that an existing member is not doing a good job.

The current wording also does not explicitly require a rotational system. Thus it is possible for an entire Council to be elected at the same time, and whilst the best case scenario is for stable and enlightened leadership, the worse case scenarios under the present Regulations include either a Council which stifles new ideas for the next five years, or an inexperienced Council comprised of totally new members.

A maximum of 3 years per term is suggested as this facilitates a 3 year rotational system of election.

Whilst it is acknowledged that some congregations may plead a scarcity of people offering for leadership, it should be noted that under existing Regulations small congregations with less

than 30 members may operate with the whole congregation as the Church Council, which avoids the difficulties mentioned above. It is also maintained that shorter terms and a rotational system provide a better environment for new leadership to be identified and nurtured. Clause (iv) provides for Presbytery to waive this Regulation should there be genuine difficulty.

The sole purpose for the proposed changes is to set a limit to the number of years of continuous service on the Church Council. Regulation 3.1.14 still applies in its entirety, under which congregations have the freedom to determine the size of their Church Council and for individual nominees to select the overall length of their term, up to the maximum of nine years. Following the year's compulsory break, an individual may re-nominate.

52. RESPONSIBILITY OF SYNODS AND PRESBYTRIES FOR THE DISCIPLINE OF MINISTERS (Hedley Fihaki and Lulu Senituli)

That the Assembly

1. remind Synods and Presbyteries that
 - (a) Ministers have a responsibility to represent accurately the teachings of the Scriptures and of the Church (Clause 3.2 of the Code of Ethics);
 - (b) Ministers shall work within the polity of the Uniting Church as guided by the Basis of Union and defined in the Constitution and Regulations Clause 3.1(a) of the Code of Ethics, and that the Basis of Union speaks of Ministers adhering to the Basis of Union which it understands "as willingness to live and work within the faith and unity of the One Holy Catholic and Apostolic Church as that way is described in the Basis." (Basis of Union Para.14);
 - (c) the Basis of Union acknowledges the commitment of The Uniting Church to the confessions known as the Apostles' Creed and the Nicene Creed which she receives as authoritative statements and 'commits its ministers and instructors to careful study of these creeds and to the discipline of interpreting their teaching in a later age. It commends to ministers and congregations their use for instruction in the faith, and their use in worship as acts of allegiance to the Holy Trinity" (Basis of Union Para 9);
2. remind Synods and Presbyteries that the discipline of the church must be exercised if a minister has
 - (a) wilfully and persistently neglected the duties of a Minister;
 - (b) wilfully failed to comply with any provision of the Constitution, of any Regulation, rule or resolution of the Church or any body of the Church, or any terms of a conciliated outcome agreed under Regulation 7.7.12(f) (iv), or any lawful direction of the Moderator made pursuant to Regulation 3.5.17 (i);
 - (c) advocated doctrine contrary to that which the Church has determined essential to the faith;
 - (d) engaged in grave conduct unworthy of a Minister;
 - (e) wilfully failed to comply with the principles contained in any Code of Ethics approved by the Assembly or the Assembly Standing Committee. (Regulation 7.8.1, Synod Committee for Discipline)
3. affirm our belief 'that, through the gift of the Spirit, God will constantly correct that which is erroneous in its life, will bring it into deeper unity with other Churches, and will use its worship, witness and service to God's eternal glory through Jesus Christ the Lord. Amen.' (Basis of Union Para 18).

Rationale:

"The Uniting Church acknowledges that the faith and unity of the Holy Catholic and Apostolic Church are built upon the one Lord Jesus Christ. The Church preaches Christ the risen

crucified One and confesses him as Lord to the glory of God the Father. In love for the world, God gave the Son to take away the world's sin." (BU para. 3).

In the light of the 'New Faith' established in one of the Melbourne Uniting Churches in Australia by the Rev. Dr. Francis Macnab that denies the Lordship of Jesus Christ as the Son of God, we consider it appropriate for the Assembly to support this proposal.