

4. APPOINTMENT OF MINUTE SECRETARIES (Business Committee)
(This version replaces the earlier Proposal # 4)

That the Assembly appoint the following persons as Minute Secretaries: Jenny Bertalan and Lynda Stanford.

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 and 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
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
Rev Dr Finau Ahio, Free Wesleyan Church of Tonga
Rev Dr Cho Seong Si, Presbyterian Church of Korea

- (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 Carroll 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
Mr John Langmore for Proposal 43 – An Economy of Life: Re-imagining Human Progress for a Flourishing World
Rev John Rickard for UAICC and the Proposal from the Task Group on the Preamble to the Constitution

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

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, and also to the council or board of a designated parish mission.

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.

49. PROPOSAL 49 – AMENDMENT TO REGULATION 4.12.1 (Pilgrim Presbytery) has been withdrawn.

53. CHURCH SCHOOLS (Ku-ring-gai Presbytery)

That the Assembly authorise the Standing Committee to:

1. appoint a Task Group to consider the ways in which the Church's schools, Councils and Ministers serving as chaplains interact in the exercise of their respective responsibilities and ministries;
2. establish the Terms of Reference for the Task Group to include, but not be limited to
 - (a) the appointment and oversight of chaplains;
 - (b) the schools as sacramental communities and the celebration of baptism and the Eucharist within them;
 - (c) the mission of the church expressed through the values and purpose of the church's schools; and
3. report back to the next Assembly, including with any recommendations for amendment to the Regulations, relating to placement procedures, sacraments in Church schools, responsibilities of Ministers and any other relevant matters.

Rationale:

Schools associated with the Uniting Church have a strong reputation for educational excellence and engagement with issues of social justice. Many of them also seek chaplaincy and develop as worshipping communities, with students gathered for regular chapel liturgies and parent groups invited to celebrate significant events in the life of the school. For significant numbers of students and their families, the school represents their only association with the Church, and is understood as a community where 'traditional' Christian values are taught and reinforced.

Schools benefit from their association with the Church both perceptually and materially. Their identification as 'church schools' projects stability, an expectation of pastoral care, high standards of ethical modelling and behaviour and a valued connection to Christian tradition. Their status as agencies of the Church gives them access to property owned by the Church and to government funding that independently incorporated schools do not have.

Chaplains called to placements in Uniting Church schools are intended to represent the Uniting Church to the school community. Chaplains are appreciated for their pastoral care, teaching, and leadership in worship. Representing the Uniting Church also involves them in communicating and advocating an ethos that affirms the importance of Christian community, described in the Basis of Union as “a fellowship of reconciliation, a body within which the diverse gifts of its members are used for the building up of the whole, an instrument through which Christ may work and bear witness to himself” (Para 3).

The church finds itself at a time in history where organisations, workplaces and certain councils of the church need to be aware of and responsive to different models of corporate governance. These models have pragmatic strengths and a necessary emphasis on ethical and social responsibility, but the distinctive value of Christian community in this context is contested. Christians and others struggle to form Christian community in the broader social landscape, and this proposal asks the Assembly to exercise its “determining responsibility for matters of doctrine, worship, government and discipline” with regard to the Church’s schools and chaplaincy within them. (BoU Para 15 (e)).

As ministers in the Uniting Church chaplains are primarily accountable to the Church for the exercise of their ministry. They are called to both pastoral and prophetic witness and are bound by the church’s code of ethics. The Uniting Church is also committed to a theological tradition and to ecumenical relationships in which Baptism and Communion are necessarily associated with membership in a congregation.

Over recent years it has become clear that some of these central affirmations of the Uniting Church produce an awkward ‘fit’ with the developing culture of its schools. Some chaplains have reported tensions with regard to their accountability within the schools, and a sense of distance with regard to the Church. Membership of Presbytery, arrangements for supervision, sustaining collegiality and ensuring regular consultations on vitality of call are often difficult to maintain. Schools request contractual agreements inconsistent with ministers in other placements, and chaplains express frustration with their involvement in contributing to the formation of the policies and values of the schools. This proposal requests the Assembly to clarify and regularise processes and terms of placement for chaplains within Uniting Church Schools, and provide guidelines for schools and councils of the Church involved in their placement and oversight.

Schools are not recognised as congregations or faith communities by the Church. Chaplains therefore report difficulty in responding to requests from families associated with the schools for celebrations of baptism and confirmation, and to requests from the school for services of Holy Communion. Regulations 1.1.3 and 1.1.7 require that the names of candidates for baptism and confirmation be submitted to a Church Council for approval, and that baptism normally be “administered in the presence of the Congregation within whose life the candidates or the parents of the candidates are currently or promise in future to be involved.” This proposal requests the Assembly to explore issues of membership and celebrations of the sacraments in schools, and that the Assembly provides schools and councils of the Church with clear guidelines.

54. CHILDREN’S YOUTH AND FAMILY MINISTRY (Rob Hanks and Drew Hanna)

That the Assembly

1. authorise the Standing Committee to appoint a Task Group to consider the ways in which children’s, youth and family ministry are undertaken throughout the Uniting Church, and develop a whole of church understanding as to how effective our ministry and mission is with younger generations;
2. establish the terms of reference for the Task Group to include but not be limited to
 - (a) an evaluation of the current landscape of children’s youth and family ministry across the life of the Uniting Church
 - (b) the developing research from the Christian Education Unit of the Assembly concerning the Next Generations (Next Gen’s) Project and its value to the life of the church into the future
 - (c) highlight resources and models encouraging congregations, and communities and other agencies to engage in contextually relevant ministry and mission
3. report back to the 13th Assembly, including any recommendations on how children’s, youth and family ministry may be undertaken more effectively into the future.

Rationale:

The world has changed and there is a large degree of dissonance between the surrounding culture in Australia and that of traditional and even the emerging church culture of the Uniting Church. We note that the church is changing rapidly. The councils of the Church and those who remain find themselves in an environment of contested priorities. There is evidence that Synods and Presbyteries have already taken measures to address the issues of decline and to increase participation of younger generations in the life of local congregations and faith communities. However the landscape as we now experience it in 2009 is greatly altered even from ten years ago.

New ways of being in ministry with children, youth and families are yet to be formulated for the next ten years to twenty years. Current research is still being undertaken. Previous resources produced from the Assembly for e.g.: Uniting Education's (UE) the Children's Ministry Policy Workbook (1998) and the Joint Board Christian Education (JBCE) facilitated publication of Youth and Children's Policy Papers and Action manual (1990) are becoming out of date.

Further, some structural changes in the Uniting Church e.g. the discontinuation of the specified ministry of Youth Worker and the commitment to the specified ministry of Pastor have given rise to an unintended interpretation amongst some, that the church isn't as strong as it once was in its intention to nurture and disciple the young in our midst. Those who have vocations to work with younger generations in local congregations and faith communities may feel isolated in a church that seems to have other priorities.

The next generation's project, initiated by the Christian Education Unit of the Assembly as it partners with the network of Synod Children's, Youth and Family Ministry Workers [CHYNC] seeks to promote collaboration between the Assembly and those who work with young people, so that their voices are heard by the church. Also this project will include careful research that could help clarify the issues that create connection and disconnection between congregations, faith communities and younger generations. Thus this research can be the basis for recommendations about the future of this work across the life of the Uniting Church.

This proposal seeks to move from the rhetoric of concern to asking the Assembly to facilitate a national process and an approach about what is most effective in the life of the Uniting Church as it seeks to be in mission and ministry with younger generations into the future.

55. REPLACEMENT FOR PROPOSAL 44 - AMENDMENT TO THE PREAMBLE AND CLAUSES OF THE CONSTITUTION (STANDING COMMITTEE)

That the Assembly

1. receive the report;
2. note that:
 - (a) the purpose of a constitution may be to rehearse those historical facts, features of the community (including beliefs and values), and other issues which better enable the community to understand what is enacted in the constitution;
 - (b) a preamble can give expression to what a community considers important and formative for its life, and can be educative and have a significant symbolic value;
 - (c) a preamble is not legally binding in terms of interpretation of the constitution, or for any understanding of regulations which flow from that constitution;
3. amend the Preamble to Constitution by deleting the existing Preamble and replacing it with:

PREAMBLE TO CONSTITUTION

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 Basis of Union" by the Councils and Courts of those three churches, guided by the belief that they had been called by God into this union.

The Church in accordance with the Basis of Union accepts 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 so organises its life that locally, regionally and nationally, government is 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 that therefore the Church 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.

The Church in accordance with the Basis of Union acknowledges 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.

As the Church believes God guided it into union so it believes that God is calling it to continually seek a renewal of its life as a community of First and Second Peoples, and as part of that to

RECOGNISE 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 Triune God they knew in Jesus Christ.
2. Through this land God had nurtured and sustained the First Peoples of this country, the Aboriginal and 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 Triune 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.

4. note that Regulation 3.6.34 provides that the

"... Standing Committee (if in that Committee's opinion special circumstances exist or it is necessary or convenient in order to give effect to any resolution of the Assembly) by resolution:

(a) may grant exemption from compliance with all or any of the Regulations of the Assembly; and

(b) may make alternative Regulations in respect of all or any such matters;

in either case to have application either generally or only to such persons, congregations, councils and other bodies and in such circumstances and subject to such conditions as may be specified by resolution";
5. advise the Standing Committee that where the Regulations of the Church limit the capacity of the Uniting Aboriginal and Islander Christian Congress to exercise oversight in its ministry in the Church and the community, the Standing Committee may, having regard to the covenantal relationship and in consultation with the Uniting Aboriginal and Islander Christian Congress, consider that there are special circumstances warranting the Standing Committee exercising its authority under Regulation 3.6.34 in a manner that facilitates the ministry of the Uniting Aboriginal and Islander Christian Congress and the Church;
6. request the Uniting Aboriginal and Islander Christian Congress and the Standing Committee to note that actions taken under Regulation 3.6.34 may be of a temporary nature until such time as the Assembly has the opportunity to consider a permanent change to the Regulations;
7. request the Assembly Standing Committee, at the beginning of each of its meetings through this triennium, to note its authority as set out in Regulation 3.6.34 and the resolutions of this Assembly on this subject;
8. Amend Division 4 of the Constitution to read

DIVISION 4

COVENANTAL RELATIONSHIP WITH THE UNITING ABORIGINAL AND ISLANDER CHRISTIAN CONGRESS

- 49.** Noting the Preamble and the Church's desire to build on its covenantal relationship with the Uniting Aboriginal and Islander Christian Congress, and in order to more effectively serve the purposes of God in the land of Australia, the Church shall remain open to the ways in which the covenantal relationship may find fuller expression in its life.
- 49A.** (a) A Synod may at the request of a Regional Committee of the Uniting Aboriginal and Islander Christian Congress prescribe that the Regional Committee, or the National Executive of the Uniting Aboriginal and Islander Christian Congress, may have and exercise all or specific rights, powers, duties and responsibilities of a Synod or Presbytery under this Constitution

and the Regulations (including ordination and other rights, powers and responsibilities relating to Ministers) for the purpose of fulfilling any responsibility of the Regional Committee, or the National Executive of the Uniting Aboriginal and Islander Christian Congress, for Uniting Church work with Aboriginal and Islander people within the bounds of the Synod.

- (b) Any such prescription may be
 - (i) made subject to such limitations as may arise from the nature of the Congress or the Regional Committee and such limitations or conditions as may be required by the Synod and
 - (ii) withdrawn or varied from time to time by the Synod, after negotiation with the Uniting Aboriginal and Islander Christian Congress.

49B. If a Synod declines a request from a Regional Committee made under Clause 49A (a) the Regional Committee may appeal that decision to the Assembly; which shall first seek to negotiate a resolution of the disputed decision and if the Regional Committee remains unsatisfied the Assembly may direct the Synod to make the transfer of some or all of the specific rights, powers, duties and responsibilities of a Synod or Presbytery as requested by the Regional committee.;

- 9. authorize the Standing Committee on the advice of the Legal Reference Committee to produce Regulations that give effect to the amendment to Clause 49 of the Constitution;
- 10. request the UAICC and the General Secretary to identify areas where the ministry of Congress can be enhanced if there was transfer of powers and responsibilities, to facilitate the request for such transfer, and to report progress to the ASC over the next triennium;
- 11. amend the Constitution by adding the following definitions to Clause 3

Covenantal relationship is the relationship which exists between the Uniting Aboriginal and Islander Christian Congress and the Assembly, which began in the invitation of 1988 and response of 1994, in which both groups commit themselves to developing more just, inclusive and equal relationships in the Church that recognise the place of First Peoples, the difficult history of this nation since invasion, and the particular responsibility of the Uniting Aboriginal and Islander Christian Congress for ministry with and among Aboriginal and Islander peoples.

First Peoples are the Aboriginal and 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 Church 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.; and

- 12. amend Clause 71 to read: All rulings as to the interpretation of this Constitution or any of the Regulations made by the Assembly shall be made by the President after taking appropriate advice, and noting the preamble, provided however that any such ruling may be confirmed, varied, modified, rescinded or over-ruled by the Assembly or by the Standing Committee on its behalf.

Rationale:

The purpose of the set of proposals relating to the Preamble is to:

- Honour the Indigenous peoples of this country by recognizing within the preamble that they were the First peoples of this land, and a people who lived here with God for many thousands of years before European ‘settlement’ or invasion.
- Be honest about the role of the church in the relationship which exists between the church and First peoples; part of which is to own that we are Second peoples.
- Provide a platform for future changes in regard to the rights and authorities needed by the Congress to carry out its ministry.
- Explore way in which, as our relationships with the UAICC grows and develops, we can more quickly change the way that relationship is expressed – the authorities and responsibilities entrusted to Congress – than is possible within the present three year cycle of Assemblies. That is, the proposals seek to suggest how we change Regulations to reflect the relationship, and what do we do when Regulation change is not possible because of the requirements of the Constitution.

The first three purposes are explored in the Preamble which, except for some relatively minor changes, is the same as that found in the original proposal.

Given some concern that people might expect too much from the Preamble and what it means for the understanding of the Constitution, a new Proposal 2 reminds us of what a preamble is and is not.

In the original proposal we suggested changes to the Constitution which would mean that the Constitution could not be interpreted in ways that contradicted the covenantal relationship, and would allow for the suspension of Regulations that did the same.

In this proposal we have chosen a different way of dealing with the need for flexibility, and for our ability to honour the covenant. In short we are suggesting:

- i. That the ASC be reminded of its powers to change Regulations, and be advised it should exercise that power where it will help facilitate the ministry of Congress. [Proposals 4 to 7]
- ii. That Clause 49 of the Constitution be changed so that specific rights, powers, duties and responsibilities of a synod or presbytery may be transferred to Congress, and so there is an appeal mechanism if a synod does not respond to a request from Congress for such a transfer. There is an additional request that appropriate Regulations be drafted to enact this clause, and that the General Secretary and Congress take steps to identify those areas of ministry where those should occur. [Proposals 8 to 10]
- iii. That Clause 71 – Presidential rulings – be amended so that in making a ruling the President must ‘note the preamble’. [Proposal 12]

With small amendments the suggestion for an additional three definitions in the Constitution – Covenantal Relationship, First Peoples and Second Peoples – remains. [Proposal 11]

56. REGULATION CHANGE RE 3.4.5 – CONSULTATION ON LIFE AND WITNESS OF A CONGREGATION (Dan Wootton and Robert Johnson) (Submitted as amendment to Proposals 25 and 42)

That the Assembly

Authorise the Standing Committee, on the advice of the Legal Reference Committee, to amend regulation 3.4.5 (e) to read:

- 3.4.5 (e) Any such consultation shall be conducted with such bodies and persons within the Congregation as is thought fit, and by such persons as the Presbytery appoints, and they shall report to the Presbytery and the Congregation with such recommendations regarding the life and witness of the Congregation (including matters relating to placements and property) as they think fit.

Rationale:

Standing Committee proposal 23 [Revision of the Regulations] asserts that there is a need to simplify the regulations “so that they are prescriptive only when deemed essential, and simplified to enhance the capacity of Councils to be adaptive and missional...”.

This proposal is presented as an alternative to the more prescriptive proposals 25 and 42 which have the potential to damage rather than enhance the presbytery's pastoral relationship with congregations.

Any proposal which impacts on the inter-relatedness of the councils of the Uniting Church should be carefully considered, particularly if it engenders a power relationship of one council over another. The relationship of a presbytery with a congregation is primarily a pastoral one that is intended to provide stimulation and encouragement rather than submission.

Davis McCaughey in his *Commentary on the Basis of Union* speaks of the concept of conciliarity as being deeply embedded in the way in which the Uniting Church makes decisions about her faith and life. Previously, the Presbyterian Church referred to its governing bodies as 'courts' which emphasised their judicial function and the Methodist Conferences exercised authority 'from the top downwards'. Whereas, the concept of inter-related councils in the Uniting Church confers upon each council the obligation of recognising 'the limits of its own authority' and of listening to other councils of the church.

Even though working together to discern the future use of a property may take time, the 'listening' between the councils of the church is far more important than the ultimate outcome.

This proposal is a simple one, involving a small addition to an existing regulation [3.4.5]. It will clarify the role of Presbytery and encourage it to work with congregations to address property issues. It is less prescriptive and potentially a more 'nuanced tool' for the Presbytery which must, according to Davis McCaughey "know the congregations and love them".

57. REVIEWING THE MINISTRY OF LAY PREACHER (Craig Mitchell and Amelia Koh-Butler)

That the Assembly

1. request the Standing Committee to appoint a Task Group to explore and evaluate the current practice and contexts in which the Ministry of Lay Preacher is exercised, with particular reference to the needs and demands of our multicultural Church today and into the future;
2. authorise the Standing Committee to determine the terms of reference for the Task Group; including
 - (a) reference to the way that the leadership of worship is no longer, predominantly, provided by one person taking responsibility for leading every aspect of the worship service
 - (b) consideration of how the context in which the ministries of lay preaching, worship leading and proclamation of the faith may be best encouraged and enabled in the future
 - (c) consideration of what skills and gifts are appropriate for the exercise of these ministries and particularly for recognition in the Specified Ministry of Lay Preacher
 - (d) an exploration of how all the people who share significantly in the leadership of worship may be affirmed, equipped and recognised for the role
 - (e) taking into account the traditions and emerging needs of culturally and linguistically diverse groups and how these understandings might contribute to the development of this area of ministry
 - (f) whether the Lay Preacher Code of Ethics needs to continue to be distinctly different from the Ministry Code of Ethics and, if so, whether this now needs to be updated
 - (g) what support structures are in place or may be developed to meet the current and future needs of this ministry
 - (h) report to the July 2010 meeting of the Standing Committee, including with any recommendations for further action arising from its work;
3. direct that the Task Group consult with:
 - (a) Synod Lay Education providers and the National Lay Educators network
 - (b) Ministerial Education Commission (MEC)

- (c) the National Lay Preachers' Association and Synod Lay Preachers' Associations
 - (d) culturally and linguistically diverse groups
4. request the Standing Committee to bring a report and any recommendations to the 13th Assembly arising from this process

Rationale:

The Ministry of Lay Preacher is changing across the Uniting Church in Australia as a result of a number of factors, perceived as follows:

- An increase in the number of people who are not accredited Lay Preachers leading worship and preaching;
- An increase in the incidence of worship teams sharing the preparation and leadership of worship;
- Greater variety in approaches to worship due to contextual and cultural diversity;
- Fewer ordained ministers in many areas, hence a more regular role for Lay Preachers and worship leaders, whether or not they are accredited;
- Changes in the rate of recruitment of Lay Preachers (increased in some presbyteries, decreased in others);
- Possible shifts in reasons for using the ministry of Lay Preacher;
- Developments in the education of Lay Preachers in various synods and nationally.

There is a perception in some parts of the church that the Ministry of Lay Preacher is outdated, or may need to be revised to meet the needs of the Church for the 21st century. This proposal does not seek to judge the merits of particular views, but rather suggests a mechanism by which a review might take place.

The introduction of the Ministry of Pastor has resulted in the development of competencies for worship and preaching by the Ministerial Education Commission (MEC). This raises a question as to whether Lay Preacher education and assessment should also be competency-based and comparable to the said competencies for Pastors, or remain on a different basis. Any review of the MEC Rules for the Lay Preachers should be preceded by an examination of the currency of their role as defined in the Constitution and Regulations and intentions articulated in the Basis of Union.

It is recommended that a review consider whether there exists a need for a ministry of 'Worship Leader' alongside or encompassing the Ministry of Lay Preacher.

We anticipate that any review needs to include empirical examination of the roles of worship leaders (both accredited and non-accredited) across the church nationally, acknowledging our culturally and linguistically diverse contexts, and considering what this ministry might mean for young adults as they continue to take up leadership in the church. A review will also need to consider learnings from synods and presbyteries about effective ways to recruit, educate and support Lay Preachers, including possible parallels with the Ministry of Pastor.