Task Group on "Code of Ethics and Ministry Practice"

1. The 11th Assembly resolved to establish a new Task Group to review the Code of Ethics and Ministry Practice after the group established following the 10th Assembly was unable to satisfactorily conclude its remit. The task group was asked that it review the operation and scope of the Code with particular reference to (Assembly Minute 06.06):
   a. The knowledge of the Code of Ethics within the life of the church;
   b. The operation of the Code of Ethics within the church, including within different cultural backgrounds;
   c. Whether areas addressed by the Code of Ethics should be broader than professional ethics ie "ministry practice";
   d. The inclusion of candidates for the specified ministries of Ministry of the Word, Ministry of Deacon and Ministry of Youth Worker;
   e. Consideration of including persons in recognised placements fulfilling the roles of those ministries named in the Code of Ethics; and
   f. Such other matters as may be agreed in consultation with the Standing Committee. (Assembly Minute 06.06)

2. The August 2006 Standing Committee appointed the membership of the task group (ASC Minute 06.37). The task group met twice face to face and corresponded regularly by email. It met initially to review the contents of the current Code and frame the timeline and the tools for review. A questionnaire was then developed and promoted and focus groups were conducted. Five Presbytery and 31 individual responses were received. This response was not high and may have been due to a number of factors including a significant change in leadership in some Synods.

3. The Code of Ethics was approved at the 9th Assembly in 2000 and was a relatively new concept in the life of the Church. As a living document and with some six years of experience of its use in the life the Church it was believed to be time to look at its operation and explore its ongoing effectiveness.

4. While there were a wide range of responses received, the task group found that the underlying ethic of the Code was found to be grounded within the life of the Church. Nevertheless the knowledge of the Code was patchy. It appears that those with regular need or use for the Code are quite familiar with it, while most ministry agents had a general familiarity with its basic contents. Beyond that the Church has a limited knowledge of the Code.

5. Knowledge of the operation of the Code was patchy. It was often only referred to in situations where breaches of the Code were being investigated. The Code was also seen by some as primarily about sexual misconduct. The feedback also reflected questions of its applicability in a variety of contexts (particularly non-congregational settings). Questions around its accessibility to those from migrant-ethnic congregations, particularly in relation to its language also figured in the feedback.

6. There was strong support for the inclusion of candidates for ministry, interns and ministers from other denominations. As to the inclusion of others in ministry roles, the task group believed the inclusion of the Ministry of Pastor would overcome some of those concerns and that rather than seeking to include all who the Church may wish to cover by the Code in the definition it was better to make the Code an expectation in the terms of placement or appointment in circumstances not covered by the new definition.

7. There was little support for substantially expanding the scope of the Code. While it was recognised that issues of the practice of ministry are important, there was also a recognition in the feedback that the Code of Ethics does not "cover the field" in defining all the expectations of a Minister. Therefore while some sections of the Code on ministry practice may require amplification, wholesale expansion was not desirable.

8. Overall the responses indicated a general satisfaction with the Code but demonstrated particular concerns about particular sections born out of the lived experience of working with the Code. These particular concerns are enumerated below.

9. The Standing Committee received a report from the task group in November 2008 which included a number of recommendations. The ASC affirmed the place of the Code in the life of the Church and determined that the Code be retained in essentially in its current form but that clarification and amplification was required in some areas (ASC Minute 08.91). The questions about the knowledge and operation of the Code were canvassed including a number of ways the Assembly may assist with this issue, but the ASC believed that Synods and Presbyteries were much better placed to assist with that task and that better co-ordination between those councils would assist in that regard.

10. It was also determined to expand the definition of "Minister" to include Ministers from another denomination serving in approved placements, candidates for ministry and interns.

11. The General Secretary arranged for the redrafting of the Code of Ethics on the basis of that decision. All the primary material was provided to the drafter who reviewed that

material. The redrafting was undertaken along with a few minor amendments identified in the feedback and a number of technical amendments.

12. The redrafting was undertaken in consultation with the General Secretary. It was then distributed to the previous Task Group members for comment. Following is a draft of the Code of Ethics. It outlines the deletions and insertions and includes annotations which seek to explain the reasoning for the changes. The revised draft was presented to the March 2008 meeting of the ASC and following some minor amendments was prepared for the consideration of the 12th Assembly.

13. The revised Code of Ethics affirms the place of the Code, its underlying ethic, its overall structure and its status as a Code. The Code in this form will continue to be at the heart of ministry practice, while not seeking to cover the field. The regulations, policy and guidelines produced by the Church, formation practice and terms of placement will all be used to define the expectations of ministers. The Code will continue to deal with particular issues, which have application across ministry in the Uniting Church. While essentially a positive document, it will retains in places the clear boundaries about acceptable behaviour for ministers.

14. The changes deal with emerging issues in the Church and clarify and amplify areas in the Code which have been of particular concern. These included:
    a. internet and other technology that provides a basis for establishing, or behaving inappropriately, in relationships that are covered by the Code of Ethics;
    b. Ministers who work in structured work environments which creates certain relationships and accountabilities;
    c. Cultural issues associated with ministry, including the giving and receiving of gifts;
    d. Expectations of retired ministers;
    e. The way power is used and abused (including bullying);
    f. The application of the Code to candidates, interns and ministers from another denomination.

15. The revised code follows this introduction and includes annotations outlining the way in which these issues have been taken up. The document needs to be read as a whole. Often the issue will be raised in the introduction and the specified further later in the Code. These amendments must be read in combination to understand how they interact with each other. This is particularly important in understanding the issues in section 3 and section 7.

16. There have been further minor amendments made to update language or correct obvious errors.

17. This revised Code seeks to be a helpful evolution in the Code, as it seeks to adapt to the changing patterns of ministry. While a Code such as this is never set it stone neither should it be subject to constant revision. As noted above, these amendments have arisen from the lived experience of the Code but careful thought has gone into their drafting, seeking not to be knee-jerk reactions to particular situations but thorough, cautious amendments, reflecting the breath of ministry contexts. Often the Code seeks to hold in tension a number of different issues, it seeks to navigate a careful way through those issues while providing clear guidance to the Ministers about their ethical and ministry practice.

18. These amendments seek to be faithful to the call in the Basis of Union to "keep [the Church's] law under constant review so that its life may increasingly be directed to the service of God and humanity, its worship to a true and faithful setting forth of, and response to, the Gospel of Christ."

Mr Andrew Johnson
Task Group on the Code of Ethics

The proposals arising from this report are included in Section C of the Assembly papers.

Uniting Church in Australia	Comments
CODE OF ETHICS AND MINISTRY PRACTICE for Ministers ~~of the Word, Deacons, Deaconesses,~~ ~~Youth Workers, Community Ministers, Lay~~ ~~Pastors and Pastors~~ in the Uniting Church in Australia (whether in approved placements or not)	This deletion is designed use the title "Minister" otherwise it ends up with this long list in the title. Then it can just rely on the definition and minimise the repetition. The only issue is "whether in approved placements or not". This is primarily to cover those who are ordained when they are retired or out of placements.
Approved by the <u>Twelfth</u> ~~Ninth~~ Assembly July 2009~~0~~	This would need to change if it were approved.
In this Code, "Minister" refers to Community Ministers, Deacons, Deaconesses, Lay Pastors, Ministers of the Word, Youth Workers, ~~and~~ Pastors<u>, Interns,</u> <u>Candidates and to Ministers from another denomination serving in</u> an<u> approved</u> <u>placement (Reg 2.7.22).</u>	This seeks to include all those who the have been asked to be added. If the Intern phase is abolished that will clearly need to be addressed. In the case of ministers from another denomination in the UCA 2.7.22 makes it clear they are only recognised if they are serving in an approved placement. If a minister from another denomination where to come and begin worshiping in the UCA but without any formal role they are not covered by the code. There is always the option of "contracting" people into the code. This will all obviously interact with the regulations and be defined by whether people are still considered Pastors, Lay Pastors etc when they are not in approved placements
This Code ~~of Ethics~~ is to be applied within the context of the Constitution and Regulations of the Church which state the Church's requirements in relation to the conduct and accountability of its Ministers.	This seeks to standardise style in relation to self-reference to the code.
1. INTRODUCTION	
1.1 The Christian community is called into being by God through the incarnation, life, death and resurrection of Jesus Christ and the gift of the Holy Spirit. As the Basis of Union says:	
"The Uniting Church acknowledges that the Church is able to live and endure through the changes of history only because its Lord comes, addresses and deals with people in and through the news of his completed work." (paragraph 4).	

The church is sustained by Christ through baptism, the Eucharist and preaching of the Word. Its life and fellowship is derived from the fact that the Church is the Body of Christ, the presence of Christ in the world. We are united in a fellowship of love, service, suffering and joy through our shared faith in Christ. We worship, pray, give our witness, study Scripture and other sources of faith, offer pastoral care to each other, develop deep friendships, and seek to be mutually accountable. We are, for this reason, a deeply intimate community.	
1.2 Ministers have a particular place within that community. They touch people's lives at many points of joy, pain, celebration, grief and vulnerability. They are responsible for providing leadership in the community's task of worshipping, proclaiming the good news of Jesus, providing pastoral care, standing with those who suffer, and working for justice and peace. They minister within a pastoral relationship in which they seek to enable other people to focus on God as the source of healing, restoration and wholeness.	
As part of their responsibility to promote and maintain the Church as a missional community Ministers may occupy ministry positions in any of the Councils of the Church. This may mean that they will give more emphasis to some parts of their ministry than they would in a congregational placement. This form of ministry carries particular responsibilities in regard to other staff in the organisation.	This new section is adding a section to the introduction to outline more clearly the divers models of ministry which now exist in the Uniting Church. In that context it is seeking to highlight the responsibility to staff which often attaches to non-congregational placements. It also provides a grounding in the introduction for the additions in Sections 3 and 7.
1.3 The pastoral relationship occurs within a faith community whose life and relationships are established by Jesus Christ. The pastoral relationship has its meaning, and is established and maintained, as the church enables others to meet Jesus who nourishes our lives. The pastoral relationship is part of the way the church is nourished and built up as the Body of Christ, and nurtures life in the world. As a result of this context, ministers also have relationships and responsibilities within the broader community which are based on their responsibilities within the faith community.	
1.4 It is the seriousness of the pastoral relationship, and the vulnerability of	

people in that relationship, which make it necessary for Ministers to appreciate their unique position and the way they touch people's lives. They exercise considerable influence and power. It is essential that each individual Minister recognises the power they have and understands the boundaries that the church requires to be observed within their ministry.	
1.5 Because the pastoral relationship occurs in a deeply intimate community, friendships will develop. These will, at times, challenge the capacity of Ministers to provide the pastoral care that belongs to their role as Minister. Ministers have responsibility to distinguish times when objective pastoral care is required. They have the responsibility to discern the boundaries of the pastoral relationship, to offer professional pastoral care when it is required, and to discern when their relationships overstep the appropriate level of friendship and intimacy, or when they are exercising power inappropriately in relation to others in the pastoral relationship.	
1.6 The Uniting Church understands that as Ministers live out God's call to ministry, all relationships shall be characterised by the love, care and compassion that was embodied in Jesus Christ. The requirement is that the Minister will <u>exhibit a mature Christian faith in all their relationships and in particular</u> embody integrity, trust and compassion.	This is intended to pick up the concern that we ensure that it is clear ministers should act as Christians.
1.7 People enter ministry as a response to a call from God and the Church. It is this call that requires that all Ministers carry out their ministry in a professional and accountable manner.	
<u>**1.8** The Uniting Church is a multi-cultural church and as such is made up of faith communities from across many different cultural backgrounds. Each culture has its own unique expression of community and relationships. which need to be borne in mind when overseeing the behaviour of ministers. In ministry with people from diverse cultural backgrounds these unique expressions form an important part of the intimate community which is formed and inform how a Minister expresses their ministry.</u>	This section seeks to open up the issue of the Uniting Church as a multi-cultural church and address the issues surrounding that so that there is a stronger foundation when this is dealt with in specific ways later in the document.
1.9̶8 It is recognised that rural and isolated communities present particular difficulties in term of professional/personal relationship; availability of supervision and access to support. This intensifies the responsibilities of	

presbyteries for care of such persons, and in assisting Ministers to fulfil the Code of Ethics.	
2. THE PASTORAL RELATIONSHIP (N.B. Ministers should note the relationship between this section and Section 4: Particular relationships)	
2.1 Recognising that all relationships in the Christian community are intended to nurture the church and people's relationship with Christ who is Lord of the Church, in the context of this Code of Ethics, the **pastoral relationship** means the relationship between a Minister and another person:	
(a) "in which the Minister is providing spiritual care for the person; or	
(b) where the person has looked to the Minister for guidance, protection or care; or	
(c) where the person has made contact with the Minister in their responsibility or function as Minister" (Reg 7.7.4̶5). Ministers are in a pastoral relationship with all members and adherents of a Congregation through the ~~vows~~ commitments they make at their induction, commissioning or other service of recognition. Where Ministers are in a non-Congregational placement, they are in pastoral relationship with those persons they come in contact with by virtue of their placement. Where Ministers are not in, or are yet to commence, a placement they are in a pastoral relationship with those persons they come in contact with by virtue of their role as a Minister. Ministers may form pastoral relationships in a variety of contexts. Where Ministers form relationships through the internet and other technology any pastoral relationships they form are to be conducted in a manner consistent with the Code.	This just appears to be wrongly numbered. The language of vows is no longer used in the services, this merely changes the language to reflect that. This seeks to reflect the diverse language we now use for the commencement of ministry and capture any further changes we make This is intended to provide a basis for applying the Code of Ethics to candidates and interns. This is intended to provide a basis for applying the Code of Ethics when relationships are formed over the internet.
2.2 The pastoral relationship is concerned for maturity in Christian life, and for fullness of life for all people, regardless of their age, gender, ethnicity, economic circumstances or other personal characteristics. It is a relationship in which Ministers seek~~s~~ to express an ethic of care, which includes nurturing the other person's power over their own life as they relate to others and to God. Ministers shall end a pastoral relationship when it is not beneficial for the other person.	This has been relocated from 3.4(2) because it would appear to fit more appropriately here.

2.3 The pastoral relationship is nurtured and guided through the <u>commitments</u>~~vows~~ of commissioning, ~~or~~ ordination <u>or other service of recognition</u>. These <u>commitments</u>~~vows~~ reflect the intention of Ministers to exercise their ministry:	As above. This section does not need to be changed for candidates because it doesn't link the commitments to the individual by pointimg to them as an objective standard which all are guided by. Therefore candidates should be guided by these standards even if they are not "bound" by them by virtue of a commitment made in a service. It may be appropriate to amend the documents which outline a candidates responsibilities to make it clear that they are bound by the Code.
(a) through faith in Jesus Christ and relying on the power of the Holy Spirit;	
(b) within the faith of the church, guided by the Basis of Union;	
(c) by being nourished and guided by the study of Scripture;	
(d) through announcing the Good News in Christ to those outside the community of faith;	
(e) through faithful affirmation of, and celebration of sacraments;	
(f) in a mutual manner, offering pastoral care and nurturing people in faith, recognising and valuing other peoples gifts, training them for ministry and working cooperatively with their ministry;	
(g) through working for justice and peace;	
(h) by striving for peace and unity among all Christian people;	
(i) by engaging in ongoing study;	
(j) by respecting the guidance and decisions of the councils of the church;	
(k) within the discipline of the church.	
2.4 Ministers shall exercise their ministry in a manner that expresses:	
(a) commitment to God;	
(b) inclusiveness of the Gospel;	
(c) accountability;	
(d) commitment to the call of the church to ministry;	
(e) the professional nature of the relationship, and ensures:	
(i) that Ministers do not seek to meet their personal needs through the pastoral relationship;	
~~(ii) that people are encouraged to identify and use their power;~~	This section has been moved to the section about power.

(iii) that clear boundaries are recognised and observed (ie. the relationship and behaviour are appropriate to the pastoral relationship);	
(iii~~v~~) respect, sensitivity and reverence for others;	
(iv) confidentiality;	
(v~~i~~) non-abusive use of power;	
(vi~~i~~) commitment to justice.	
3. PROFESSIONAL CONDUCT	
3.1 Relationships with Colleagues	
(a) Ministers shall work within the polity of the Uniting Church as guided by the Basis of Union and defined in the Constitution and Regulations, respecting the rights and responsibilities of those who share leadership in the Uniting Church, both lay and ordained.	
(b) Ministers shall respect the call and placement of other Ministers. They shall recognise those people who are colleagues, or those with whom they are in team ministry, as equals in standing and responsibility in the fulfillment of their duties as a Minister in that placement as outlined in the Regulations (2.4.2 and 2.4.18–19). Such collegial relations do not preclude the possibility that in some ministry positions a Minister may exercise direct oversight or management of another's work role, or be required to accept oversight and management.	This section outlines the principles of collegial ministry. The addition seeks to clarify that while all ministers are colleagues, this does not mean that a minister is not subject to normal management and oversight structures. It seeks to clearly identify this responsibility for ministers which is in practice already accepted widespread in the life of the Church but not clearly outlined in the Code of Ethics due to is congregational focus.
~~(c) Ministers who have particular authority in relation to other Ministers and lay staff shall~~ (c) Ministers who have particular authority in relation to other Ministers and lay staff shall: (i) Be guided the principles of collegiate ministry; (ii) ~~e~~Exercise their power justly and in a clearly accountable manner; (d) Ministers who are under the particular authority of other Ministers or lay staff shall accept the guidance and direction of those who have been given authority over them by the Church.	This section seeks to hold two competing issues. First, the collegiality of all in ministry and the responsibility to respect all Ministers' call to the ministry. Second, the increasingly common situation, particularly in non-congregational placements of ministers who are in relationships of particularly authority. The language of "line management" was avoided because it describes a particularly narrow situation and presumes a particular organisational model. Rather the language of authority was used in order to cover a broader range of situations and organisational models. The language of collegiality has been retained in seeking to uphold the strong value the UCA places on the collegiality of all ministers. Nevertheless it is clear that in circumstances where personal authority relationships exist, they should be respected. The section about those who have authority exercising it in a just and accountable manner has been retained. The issue of institutional relationships is

	included later in an expanded section about institutions. This section is confined to being about relationships with other ministers not relationships with the "institution".
(d) Ministers shall:	
(i) accept the theological validity of the ordination of both women and men for ministry in Christ's church as a Minister;	
(ii) be willing to work with and support women and men as colleagues in the ordained ministries; and	
(iii) be willing to encourage, equip and support both women and men in all forms of ministry in the Church and to teach the Church's position in this regard (ASC minute 92.61.5).	
(e) Ministers shall respect the professional expertise of members of other disciplines/professions with whom they work in the Church or other institutions.	
(f) Retired Ministers and Ministers in non-congregational placements shall recognise the inherent power they have in the congregations in which they are members. In seeking to express the principles of collegiality they: (i) shall respect the call and placement of those in ministry; (ii) may support and encourage those in ministry if asked to do so; (iii) shall not seek to interfere with or encourage discontent about the ministry of a Minister (whether in their own congregation or elsewhere); (iv) may express leadership within the congregation of which they are a member when invited to do so by Minister in placement.	This is intended to emphasise the responsibility of retired ministers and those in non-congregational placements to respect and support ministers still in placement. This was particularly an issue for the ASC and was reflected in the feedback. Sub-section (iii) still allows for differences of opinion to be appropriately expressed. Ministers (retired or non-congregational) who have a concern about the way a minister practices their ministry are free to address those concerns to the Minister. If a minister were to consider that "interfering" then they were free to avail themselves of the Code of Ethics breach procedure. Consideration was given to including a section that pointed to the breach procedure, but it was thought better not to for fear of encouraging that kind of behaviour. This section may be seen as restricting retired ministers, but the feedback about this issue was quite overwhelming.
3.2̶3̶ **Relationships with ~~Church~~ Councils of the Church**	The language of "Church Councils" as intended to refer to all the councils of the Church, therefore this amendment is merely to avoid confusion with the local council of the Church called the "Church

	Council".
	Please note that Section 3.2 and Section 3.3 have been swapped in order to create a better flow.
(a) Ministers shall <u>be aware of and</u> respect the guidance and decisions of the councils of the C~c~hurch, and maintain accountability within the discipline of the C~c~hurch.	This standardises the use of church/Church here where church refers the universal church and Church refers to the Uniting Church.
(b) Ministers have a responsibility to participate fully in their local church councils, Presbytery, and in the wider work of the church.	
(c) Ministers may not use their preaching role to inflame conflict within the Congregation, or between the congregation and other councils of the church. Processes and decisions of <u>councils of the Church</u> ~church councils~ should be reported accurately and fairly. Disagreements need to be conducted within the framework of principles provided by *A Manual for Meetings*, (ie. in a way that expresses Christian community and commitment to rational debate based on evidence and argument, not personal attacks and mere assertion of opinion).	
3.3~2~ Teaching	Please note that Section 3.2 and Section 3.3 have been swapped in order to create a better flow.
Ministers have a responsibility to represent accurately the teachings of the Scriptures and of the Church. When teaching, preaching or leading worship, Ministers have an obligation to present the gospel of Jesus Christ, guided by the witness to Christ in the Scripture, to take seriously the tradition of faith and worship of the church catholic; and to share that faith in the language and forms of the particular worshipping community and to address its issues.	
In particular, Ministers shall:	
(a) live out the vision of the Basis of Union;	
(b) accurately represent the meanings of biblical passages;	
(c) accurately represent the degree to which experts in a discipline support their views;	
(d) accurately represent opposing views;	
(e) uphold the theological and liturgical tradition of the Church;	
(f) be guided by the decisions of the Assembly;	
(g) be open to challenge and correction from colleagues.	
3.4 Competence	

(a) Ministers have a responsibility to maintain high standards of knowledge and skills in all the areas of ministry relevant to their placement. This responsibility requires that Ministers undertake continuing education appropriate to this ministry.	
(b) Ministers shall not misrepresent their competence, qualifications, training or experience.	
(c) Ministers shall refrain from offering to undertake and / or engage in work beyond their <u>level of</u> competence; and shall make appropriate referrals. <u>Referrals are appropriate when a person does not have the required:</u> <u>(i) professional competence or expertise;</u> <u>(ii) pastoral competence;</u> <u>(iii) cultural competence or experience;</u>	This is seeking to pick up two issues. One is the use of both professional and pastoral competence in this section and seeking to standardise and broaden some of the language. It is also seeking to pick up some of the concerns expressed about ministers working outside their cultural experience and often the need for someone from the same cultural background (or with experience in that culture) to provide pastoral care.
(d) Where Ministers are forced by circumstances to provide care beyond their normal <u>level of</u> competence they shall:	See above
(i) discuss this with their supervisor;	
(ii) seek guidance from a person with appropriate competence;	
(iii) where warranted, seek opportunities to develop the appropriate skills.	
(e) ~~Ministers shall end a pastoral relationship when it is not beneficial for the other person, or where the help needed is outside their pastoral competence.~~	The second half of this section has been deleted altogether because there was recognition that there may be some situations where a referral is made but where the pastoral relationship may still exist for other reasons and therefore a strict need to end the relationship where a referral has been made was seen as unhelpful. The first half of this section is therefore better located in the section on pastoral relationships and has therefore been relocated there.
3.5 Professionalism	
(a) ~~Ministers shall recognise the power that is inherent in their role and shall not use this power in a manner which is abusive or unprofessional.~~	This is shifted down to the new "Power" section.
(a~~b~~) Ministers shall exercise their ministry to the other person in the pastoral relationship in a professional manner. This includes, but is not limited to:	
(i) offering the best quality care, leadership of worship and preaching of which they are capable;	
(ii) offering appropriate Christian teaching;	

(iii) appropriately dealing with emotional and spiritual needs;	
(iv) being sensitive to people's different social contexts;	
(v) following recognised and acknowledged modes of working in specialist areas such as bereavement, trauma and suicide;	
(vi) being sensitive to the needs and vulnerability of the children and young people with whom they work, ensuring that the professional nature of the relationship is made clear in an appropriate way;	
(vii) being sensitive to the needs of, and ways of relating to, people from any different cultures with whom they have contact including being aware of one's own inherent cultural bias.	There was a lot of discussion about cultural issues in the feedback but it is covered in the current Code. This seeks to amplify a particular issue here.
(be) Ministers shall not engage in sexual relationships with people in their professional pastoral care.	
(cd) Ministers have a responsibility to provide unbiased pastoral care to those with whom they disagree, and to consult their supervisor in relation to the situation.	
(de) Where there is an actual or potential conflict of interest in matters affecting Ministers, their family or their financial interests, the Ministers shall absent themselves from discussion and decision, except in the case of deliberations by Presbyteries, Synods and Assembly and their agencies on ministerial stipends and entitlements.	
3.6 Power	
(a) Ministers shall recognise the power that is inherent in their role and shall not use this power in a manner which is abusive or unprofessional. In particular, they shall not use their power to: (i) gain personal or financial advantage for themselves or family members; (ii) harass or intimidate other people including other ministers; (iii) exploit or abuse other people physically, mentally, emotionally, spiritually or financially.	This seeks to provide a basis for the use and misuse of power. It is based on the section on professionalism (Section 3.5). This may seem to repeat the earlier point but is meant to cover situations where there is not personal or family financial gain eg extracting donations for a favourite cause / ego need.
(b) Ministers shall assist people to understand the power they have and to use it in appropriate ways.	This is essentially a repeat of the section in 2 so it has been deleted there.
(c) Ministers shall not engage in bullying. Bullying is considered repeated unwelcome and unsolicited behaviour towards a person who considers it offensive, intimidating, humiliating or threatening; and which a reasonable	This is attempting to be clear about bullying which is a particularly prevalent abuse of power.

person would consider to be offensive, humiliating, intimidating or threatening.	
(d) Ministers who believe they are the subject of an abuse of power or bullying should seek to resolve the issue consistent with section 7 and section 8 of the Code.	This section seeks to deal with feedback that many ministers did not know what to do when they had experienced bullying. This was one of the most prevalent issues in the feedback.
3.76 Confidentiality	
(a) Ministers shall not breach confidentiality. Confidentiality is not about secrecy. In the context of a pastoral relationship, it is an assurance that Ministers will not share written or spoken information about an individual with other people [except as indicated in (d) below], or use it for a purpose other than for which it was collected.	
(b) In the processes of the church, there are also times when, because of its personal nature or its potential for misuse or harm, some information may be designated confidential, and is only intended for a particular audience such as a Synod in closed session, a board or local church council.	
(c) In a pastoral relationship Ministers shall take care to discuss the nature and limits of their confidentiality with the other person.	
(d) Information received in the context of a pastoral relationship shall remain confidential unless:	
(i) the person gives permission for the particular disclosure; or	
(ii) retaining such information would result in significant physical, emotional or sexual harm to another person or persons; or	
(iii) required by law; or	
(iv) disclosure is necessary to prevent financial loss to some other person due to fraud or other dishonesty or where undue hardship might result. (as stated in the Privacy Act 1988); or	
(v) disclosure is required in accordance with the terms of placement/employment applicable in a particular appointment.	
(e) Ministers should ensure the integrity of any records, particularly electronic records, by putting in place appropriate security procedures.	This is an outworking of the issues surrounding the internet.
(e) Confidentiality also requires that Ministers shall not seek to gain sensitive or confidential information to which they are not entitled or which would require another person to breach a confidence.	

(f) Ministers shall share with the intended audiences information from Presbytery, Synod and Assembly (and their agencies) that is meant to be disseminated.	
3.87 Self Care	
Ministers shall take responsibility to:	A drafting change for style reasons.
(a) to maintain their physical, spiritual and emotional health;	See above
(b) to participate in supervision;	
(c) to give adequate priority to their relationship with their family;	
(d) to nurture personal relationships which assist them in their wholeness;.	
(e) take appropriate and regular leave, and time off from work for recreational activity.	This is a recurring theme in some of the feedback. It is designed to place the obligation on Ministers to take appropriate leave. It also provides a straightforward basis for a Minister to point Congregations who are difficult about leave.
3.98 Supervision	
(a) Ministers have a responsibility to recognise that they are also delete vulnerable and that they are required to maintain their professionalism in difficult circumstances.	
(b) Ministers shall keep appropriate pastoral records (eg. details of appointments and referrals and a journal of critical incidents).	
(c) Professional supervision means the relationship Ministers have with another professional or group whereby the Minister is assisted to maintain the boundaries of the pastoral relationship and the quality of ministry (as per the definition at the commencement of the Regulations) including competencies, time management, priorities and any difficulties arising in ministry.	
(d) Ministers have a responsibility to ensure that they receive regular professional supervision. Such supervision is intended to assist Ministers to maintain the boundaries of the pastoral relationships and quality of ministry.	
(e) Ministers shall discuss with their supervisor any ongoing situations of conflict in which they are involved in the course of their work.	
(f) Where applicable, Ministers shall maintain membership requirements of any relevant professional association (eg, psychologists or counsellors.)	
4. PARTICULAR RELATIONSHIPS	
4.1 A particular relationship refers to a close personal relationship between	

a Minister and another person such as:	
(a) a very close personal friendship; or	
(b) a close family relationship; or	
(c) a marriage; or	
(d) a relationship which is becoming romanticised.	
4.2 Some particular relationships may exist within the pastoral community. In such circumstances the Minister should not be the sole provider of pastoral care, but steps should be taken to ensure professional pastoral care is available to the other person (eg. the spouse of the Minister, a close friend).	
4.3 Ministers shall recognise those situations in which it is inappropriate for them to enter into, or continue in, a pastoral relationship. In such situations Ministers shall ensure that appropriate care is arranged for the other persons involved.	
4.4 In some circumstances it will be appropriate for a Minister to cease a pastoral relationship in order to enter a particular relationship. In the event that a Minister and a person with whom they have been in a pastoral relationship identify a potential particular relationship, the Minister shall:	
(a) disengage from the pastoral relationship and arrange alternative pastoral care for the other person;	
(b) seek advice on the appropriateness of such a particular relationship, preferably through supervision;	
(c) encourage the other person to talk with someone else about the relationship;	
(d) disclose the relationship to an appropriate officer of the Church (eg. chairperson of the Church Council, Presbytery Minister or other appropriate person within the appointing body).	
5. **GIFTS AND FEES**	
5.1 Ministers shall not seek financial gain for themselves or their families from a pastoral relationship beyond recognised fees, stipends and entitlements.	
5.2 Where Ministers receive gifts resulting from the pastoral relationship the Minister shall use discretion concerning the acceptance or return of gifts by considering the intent, <u>value</u> and affordability of the gift and whether there is a	There may be situations where the gift is affordable to the person giving but the value is so large that it should not be accepted. This is seeking to tighten up this situation by creating an objective test

risk of the Minister being compromised or losing objectivity. Advice shall be sought from the appropriate Presbytery officer if the Minister is uncertain <u>or others have expressed uncertainty about</u> ~~of~~ the appropriateness of a gift.	about seeking advice from your Presbytery Minister. It is designed for the most grievous cases where gifts and fees which are completely inappropriate are accepted and yet ministers use the defence "but I thought it was appropriate".
5.3 ~~Where~~ Minister<u>s</u> accept<u>ing</u> a gift to satisfy cultural traditions <u>should be sensitive and gracious</u> ~~they should~~ <u>while still considering the appropriateness of gift. Where Ministers do accept the gift they should</u> then look at the appropriate use of the gift to benefit the community of faith. <u>Ministers should not seek to use "cultural traditions" as a basis for accepting an otherwise inappropriate gift.</u>	This is seeking to expand and amplify accepting gifts on the basis of cultural traditions. It seeks to provide amplified guidance coupled with the responsibility to consult the Presbytery Minister should provide a sound basis for appropriate behaviour.
5.4 Ministers shall not use their ministry to recruit clients for private practice or commercial interests <u>nor use their ministry skills as a basis for significant commercial benefit while in fulltime ministry with the Church.</u>	This was another issue which came through the feedback. This is not seeking to cover people who have other skills that earn income. It is like an IT person contracting themselves out for work that would otherwise have been done by their employer's firm. It is also not designed for minor marginal "hobby" activities but rather significant commercial operations. While this has an interaction with the taxation law that law is not designed to be covered here but rather provide an ethical standard for Ministers to abide by.
6. RELATIONSHIP WITH THE LAW	
6.1 Ministers shall inform the Synod Secretary ~~if~~ of any matter which may lead to legal action against the Minister and/or the Church.	
6.2 It is unethical for Ministers deliberately to break the law or encourage another to do so. The only exception would be in instances of political resistance or civil disobedience.	
7. WORKING WITHIN ~~ANOTHER~~ **INSTITUTION<u>S,</u> <u>ORGANISATIONS, THE WIDER CHURCH</u>OR <u>WITH OTHER PROFESSIONS</u>** (For example Synod or Assembly office, hospital, prison or ecumenical organisations)	This section seeks to consolidate all the material surrounding institutions and organisations. It expands the section to include institutions and organisations within the church (e.g. hospitals, schools, prisons, care agencies).
7.1 Ministers shall be aware of ~~the~~ <u>those</u> Codes of Ethics or similar guidelines in ~~other~~ institutions <u>or ministry locations</u> where they may work (eg. hospitals, prisons). Ministers in such <u>ministry locations</u> ~~placements~~ have a responsibility to abide by those Code of Ethics also.	This section seeks to deal with a quite specific issue which is conflict Code's of Ethics. That is an issue for a case by case basis. What this section seeks to do is draw attention to a Ministers and institutions responsibility to resolve conflicts rather than "policy shop".
7.2 <u>Ministers shall acknowledge situations when their ministry takes place in a particular structured work environment. They shall comply with all the</u>	This section deals with the broader issue of institutional policy (whether within or beyond the Church). It seeks to clarify and emphasise the need

relevant standards, policies, procedures, practices, guidelines, governance <u>arrangements and performance management practices that apply to employees,</u> <u>workers and those in ministry within that organisation. Notwithstanding this, for</u> <u>ministers in placement, the Regulations governing placements will always</u> <u>apply.</u>	for Ministers to comply with policy and particularly in structured work environments. This clears up the issues surrounding ministers ignoring basic work practices and the issue surrounding authority without being too prescriptive. Normally these policies and practices should not come into direct conflict with the Code, nevertheless conflicts are dealt with in the next section. If a further level of specificity is required on this issue it is preferable that it be dealt with by local by-laws or the terms of placement/appointment.
7.~~2~~3 Where the demands of <u>institutions, ~~an~~</u>other organisations <u>(as outlined in</u> <u>7.1 and 7.2)</u> conflict with this Code of Ethics, Ministers shall clarify the nature of the conflict between those demands and the principles of this Code. Ministers shall inform all parties of any conflict and seek to resolve it <u>with the institution</u> <u>or organisation.</u>	If ministers have a problem with any policies and procedures they must notify and resolve any issues rather than await an issue arising rather and seek to use the Code. The principles of the code are broad enough to ensure ministers are not obliged to accept oppressive work practices.
7.4 <u>Ministers who exercise ministry in organisations with their own</u> <u>policies and procedures for matters also covered under the Code shall normally</u> <u>seek to resolve issues following the procedures of that organisation.</u>	This section asks ministers within institutions to use institutional policy to deal with issues. The policy is normally more detailed and specific and is likely to be better known within the organisation. Nevertheless the section is flexible enough to provide for the Church (normally through the Presbytery) to still use the process of the Code.
8. BREACH OF CODE OF ETHICS	
8.1 Breach of the Code of Ethics refers to any violation of the requirements or principles of the Code by Ministers. It includes any instance where Ministers have deliberately encouraged another to breach the terms of the Code. <u>It also</u> <u>includes any breach which occurs via the internet or through other technology</u> <u>even in circumstances where those who have been affected cannot be identified.</u>	This is trying to be a catch all for breaches just in case Ministers. Ministers who form relationships over the internet even in circumstances where they have not met face to face.
8.2 When Ministers know of a Code violation by another Minister, and it seems appropriate, they shall informally attempt to resolve the issue by bringing the matter of concern to the attention of that Minister in a constructive manner. If this is not practical, or does not address the issue of concern, the facts shall be reported to the Presbytery or other appointing body.	
8.3 Ministers are required to inform the appropriate council or officer of the Church if the behaviour of any Minister, lay employee or lay appointee could be	

considered as sexual misconduct (as defined in Regulation 7.7.5).	
8.4 It is the responsibility of the Presbytery <u>or in certain circumstances the Synod Committee for Counselling</u> in the first instance to deal with an allegation of a breach of this Code in accordance with the Regulations <u>(7.5.1 – 7.6.4) and where appropriate refer to other bodies</u>. An allegation of a sexual misconduct which could amount to a breach of the Code should be forwarded immediately to the chairperson of the Synod Sexual Misconduct Complaints Committee as required under Regulation 7.7.9.	The addition of the reference to the Committee for Counselling is a technical matter. There are circumstances where complaints are referred in the first instance to that committee. Nevertheless the use of "in certain circumstances" seeks to ensure that it is clear that there is no "right" to complain to the Committee but rather access to that in the first instance is actually a referral from the General Secretary of a Synod on the advice of the Moderator, Synod or Standing Committee. There appears to be some confusion about what happens with a breach. It seems quite clear that except for situations of sexual misconduct all other breaches are matters of discipline. This now includes the reference (as is clear from the regs) that this can become a matter for the Counselling Committee or the Discipline Committee.
8.5 <u>Where breaches of the Code lead to civil or criminal action prior to the conclusion of dealing with the breach the Presbytery (or other body) should consider the need to suspend action under the Code until the outcome of any action. Nevertheless, all complaints of a breach of the Code should be fully dealt with in as timely a manner as possible.</u>	This is an attempt to deal with issues surrounding legal action. This is ultimately a matters of judgment for Presbyteries and Synods. This does not seek to create a blanket rule that all breaches must be suspended is that it can be used as a basis for delaying process unnecessarily. E.g. A process is nearly concluded but a Minister suddenly launches a frivolous action to delay the outcome. This is of course subject to the regulations for sexual misconduct 7.7.18 which makes a stay automatic in the case of criminal but is still discretionary in relation to civil.