

## # 55 - CONGRESS AND THE CONSTITUTION

That the Assembly

1. receive the report;
2. note that:
  - (a) the purpose of a preamble 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 Peoples and of Second Peoples from many lands, 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 and fully revealed in Jesus Christ sustained the First Peoples and gave them particular insights into God's ways.
4. Some members of the uniting churches approached the First Peoples with good intentions, standing with them in the name of justice; 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 serve more effectively 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 of 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;

- (c) If a Synod declines a request from a Regional Committee made under (a) above the Assembly shall, at the request of the Regional Committee, seek to negotiate a resolution of the dispute in the spirit of the Covenantal relationship.
9. authorize the Standing Committee on the advice of the Legal Reference Committee to produce Regulations that give effect to Clause 49A of the Constitution;
  10. 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

11. 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.