

The Uniting Church in Australia  
**CONSTITUTION**



# THE UNITING CHURCH IN AUSTRALIA

## 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.

Adopted by the 12<sup>th</sup> Assembly, 2009.

*The Preamble to the Interim Constitution is located at the end of this edition of the Constitution.*

# CONSTITUTION

## NAME

1. The Church shall be known by the name of 'The Uniting Church in Australia'.

## BASIS OF UNION

2. The Church, affirming that it belongs to the people of God on the way to the promised end, lives and works within the faith and unity of the one holy catholic and apostolic church, guided by its Basis of Union.

## DEFINITIONS

3. In this Constitution unless the context or subject matter otherwise indicates or requires:

**Adherent** means a person not being a member or a member-in-association but recognised as sharing in the life of the Congregation and within the pastoral responsibility of the Church.

**Body** includes council, committee, department, college, board, agency or other institution.

**Bounds — within the bounds** means within the range of people, places and activities for which a council of the Church has oversight and responsibility.

**Church** means The Uniting Church in Australia.

**Church Council** means the body established in each Congregation to have oversight of its total life and mission.

**Confirmed member** is a member who is recognised as having affirmed the faith, and as sharing the right and responsibility of participation in the work and government of the Church.

**Congregation**, as the embodiment in one place of the one holy catholic and apostolic church, means those people (members and adherents) who worship, witness and serve as a fellowship of the Spirit in Christ, meeting regularly to hear God's Word, to celebrate the sacraments, to build one another up in love, to share the wider responsibilities of the Church, and to serve the world, and who are recognised as a Congregation by the Presbytery.

**Congregational Church** means the Congregational Union of Australia, the Congregational Unions in each of the States of Australia, and Congregational

Churches which have approved entering into union with the Methodist Church of Australasia and the Presbyterian Church of Australia.

**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.

**Deacon** is a person recognised by the Church and set apart by ordination as a Deacon or a person who was set apart by commissioning or ordination as a Deaconess and was accredited as a Deacon in accordance with decisions of the Assembly or a person who was set apart by ordination and accredited as a Deacon in accordance with decisions of the Assembly.

**Deaconess** is a person recognised by the Church and set apart by commissioning or ordination for the specified form of service known as Ministry of Deaconess in accordance with decisions of the Assembly.

**Elder** means a person elected as such in the prescribed manner and a person who, at the date of the first Assembly, is recognised as an Elder by reason of holding the office of Deacon, as being an Elder who is a member of a session, or a Leader elected to assist in exercising spiritual oversight or, in the case of a Joint Parish, a corresponding spiritual leader, and who in each case adheres to the Basis of Union.

**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.

**Lay Pastor** is a person recognised by the Church as a Lay Pastor and set apart by commissioning for a particular placement.

**Lay Preacher** means a person who, having passed prescribed tests, is authorised to preach and is accredited.

**Leader** means a person who in the Methodist Church was appointed to assist the Minister in exercising spiritual oversight over members of a Congregation.

**Member** is a baptised person recognised by the Church Council as being within the pastoral responsibility of the Church.

**Member-in-association** is a person who participates in the life of a Congregation of the Church while maintaining membership in another denomination and is recognised as having such rights and responsibilities as may be prescribed.

**Methodist Church** means the Methodist Church of Australasia within the Commonwealth of Australia.

**Minister** means a Minister of the Word, Deacon or Deaconess.

**Minister of the Word** is a person recognised by the Church and set apart by ordination as a Minister of the Word or a person who was set apart by ordination and accredited as a Minister of the Word in accordance with decisions of the Assembly.

**Ministries** are specified forms of service for which the Church sets persons apart.

**Pastoral Charge** means a Congregation or Congregations, department, college, or other institution or activity to which a Minister is, or may be, called.

**Placement** means the position of responsibility for the regular discharge of the duties of the ministerial office to which a Minister is or may be called.

**Presbyterian Church** means the Presbyterian Church of Australia comprising the Presbyterian Church of Australia in the State of New South Wales, the Presbyterian Church of Queensland, the Presbyterian Church of South Australia, the Presbyterian Church of Victoria, the Presbyterian Church of Tasmania and the Presbyterian Church in Western Australia.

**Prescribe** means prescribe by Regulation, rule, or by-law made pursuant to this Constitution.

**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.

**Uniting Aboriginal and Islander Christian Congress** means the Aboriginal and Islander body which is recognised by the Assembly as having responsibility for oversight of the ministry of the Church with the Aboriginal and Islander people of Australia.

**Uniting churches** means the Congregational Church, the Methodist Church and the Presbyterian Church.

Words importing any gender shall include any other gender and words in the singular shall include the plural and vice versa.

Whenever a power is conferred upon any body by this Constitution such power may be exercised from time to time as that body thinks fit.

## **PURPOSES**

4. The purposes of the Church are to provide for the worship of God, to proclaim the Gospel of the Lord Jesus Christ, to promote Christian fellowship, to nurture believers in the Christian faith, to engage in mission, to assist in human development and toward the improvement of human relationships, to meet human need through charitable and other services and to do such other things as may be required in obedience to the Holy Spirit.

## **DIVISION 1 MEMBERSHIP**

### **MEMBERS**

5. The members of the Church shall be:
  - (a) those persons who at the date of the first Assembly are members of any of the uniting churches except those persons who decline to be recognised as such; and
  - (b) those persons who at a later date are recognised as members by baptism or on transfer in the manner prescribed.

### **CONFIRMED MEMBERS**

6. The Church will recognise as confirmed members:
  - (a) those members who were confirmed members in one of the uniting churches;
  - (b) such baptised persons as affirm their faith in Jesus Christ, accept the responsibilities of membership and acknowledge the discipline of the Church and are confirmed in the manner prescribed;
  - (c) those who having been confirmed members of another church are accepted on transfer from that church.



## **MEMBERS-IN-ASSOCIATION**

7. The Assembly shall make provision for the recognition, rights and responsibilities as members-in-association of persons who for the time being participate in the life of a Congregation of the Church while maintaining their membership in another denomination or another Congregation of the Church.

## **ADHERENTS**

8. (a) Persons not being members or members-in association but who share in the life of a Congregation may be recognised as adherents and continued as such by the Church upon such conditions as the Assembly may prescribe.
- (b) The rights and responsibilities of adherents shall be as prescribed.

## **ADMISSION, TRANSFER AND TERMINATION OF MEMBERSHIP**

9. The Church Council shall be responsible for:
- (a) admission to membership by baptism;
- (b) recognition of such members as in the manner prescribed become confirmed members;
- (c) transfer of members in the manner prescribed;
- (d) admission of members on transfer from another church;
- (e) termination of membership.

## **OVERSIGHT OF MEMBERS AND ADHERENTS**

10. (a) The Congregation with the Ministers and the Church Council shall make provision for the spiritual oversight and pastoral care of its members and adherents.
- (b) Church Council shall be responsible for the maintenance and review of the rolls of members.
- (c) The Presbytery shall have responsibility for discipline of members and adherents in relation to matters of sexual misconduct.

## **APPEAL**

11. The Assembly shall make Regulations providing for any person whose membership has been terminated by a Church Council to appeal against such termination.

## DIVISION 2

# MINISTRY

### MINISTRIES

12. Recognising that ministry is a function of the whole Church to which all baptised persons are called, provision shall be made by Congregations, Presbyteries and Synods for the development and exercise of the gifts of all members. Provision shall also be made by the Assembly for the selection, education, training and setting apart of persons for forms of ministry specified by the Assembly.

### RECOGNITION OF MINISTRIES FROM THE UNITING CHURCHES

13. (a) **Ministers of the Word**

The Church shall recognise as Ministers of the Word all ordained Ministers of the Word of the uniting churches who are in good standing at the date of the first Assembly, and who by the time of the first Assembly have expressed their adherence to the Basis of Union in a manner prescribed by the uniting churches, or who at some later date being in good standing express their adherence in a manner prescribed by the Assembly.

(b) **Deaconesses**

Deaconesses of the uniting churches who are in good standing at the date of the first Assembly, and who by that time have expressed their adherence to the Basis of Union in a manner prescribed by the uniting churches, shall be recognised as Deaconesses.

(c) **Lay Pastors**

All accredited Lay Pastors of the Congregational Church and Home Missionaries of the Methodist and Presbyterian Churches who are in good standing at the date of the first Assembly, and who by that time have expressed their adherence to the Basis of Union in a manner prescribed by the respective uniting churches, shall be recognised as Lay Pastors.

(d) **Elders**

The Church will recognise all Elders, Deacons and Leaders appointed to exercise spiritual oversight, or in the case of a joint Parish a corresponding spiritual leader, who actively hold such office in any of the uniting churches at the date of the first Assembly, who are in good standing at that time and who have expressed adherence to the Basis of Union, such adherence being in a manner prescribed by the respective uniting churches. Those so recognised shall be known as Elders, and shall have such responsibilities as may be prescribed.

## **ORDINATION**

14. Ordination (being the setting apart of persons for ministry as Ministers of the Word or Deacons) shall be conducted by the Presbytery by prayer and laying on of hands, and in accordance with requirements and procedures determined by the Assembly.

## **RESPONSIBILITY TO PRESBYTERY**

15. Ministers and Lay Pastors will be responsible to a Presbytery and Synod in matters of faith and discipline and to the Presbytery or other appointing body for the exercise of their ministry.

## **REQUIREMENTS AND PROCEDURES FOR ACCEPTANCE AND OVERSIGHT OF MINISTERS**

16. The Assembly shall determine the requirements, standards and procedures for:

- (a) acceptance and education of persons as Ministers;
- (b) acceptance and education of persons for other specified ministries;
- (c) appointment, maintenance, general direction, oversight and discipline of Ministers and of persons exercising other specified ministries.

## **TRANSFERS FROM OTHER DENOMINATIONS**

17. The Assembly shall prescribe the conditions upon which a Minister of another denomination may be admitted as a Minister of the Word or Deacon in the Church, and the conditions upon which a Deaconess or other person recognised by another denomination for the exercise of another specific ministry may be admitted to exercise a ministry in the Church.

## **PLACEMENT OF MINISTERS**

18. (a) The Assembly shall make provision whereby:
- (i) Congregations and other bodies may call a Minister;
  - (ii) Ministers may be called by the Presbytery at the request of Congregations or other bodies or on the initiative of the Presbytery;
  - (iii) placements may be filled by call of the Assembly, a Synod or Presbytery to an office or body of the Church;
  - (iv) placements in other forms of ministry may be filled as prescribed;
  - (v) ministry in a placement may be terminated;
- subject to such conditions as the Assembly may prescribe.
- (b) (i) Each Synod shall establish an Advisory Committee on Ministerial Placements consisting of persons appointed respectively by the Synod and each Presbytery, a majority being appointed by the Presbyteries.

- (ii) The power of a Congregation or Presbytery or Synod to call Ministers to placements may be delegated in whole or in part to an Advisory Committee on Ministerial Placements.

## **ELDERS**

**19.** Unless the Presbytery shall authorise otherwise:-

- (a) each Congregation shall recognise and appoint confirmed members or members in association as Elders to share with the Minister in oversight and building up the Congregation in faith and love, sustaining its members in hope and leading them into a full participation in Christ's mission in the world; and
- (b) the Elders shall be members of the Church Council and shall comprise at least one half of its membership.

Elders may be called 'Elders' or 'Leaders'.

## **LAY PREACHERS**

- 20.** All accredited Lay Preachers and Local Preachers in any of the uniting churches who at the date of the first Assembly are in good standing and have expressed adherence to the Basis of Union in a manner prescribed by the respective churches shall be recognised as Lay Preachers.
- 21.** The Assembly shall prescribe the conditions for the recognition of Lay Preachers (other than those referred to in clause 20), the method of selection, the standards of education and training and the manner in which the office of Lay Preacher shall be exercised.

## **DIVISION 3**

# **GOVERNMENT AND ADMINISTRATION**

- 22.** The powers and responsibilities of government and administration in the Church shall be vested in the Congregation, the Presbytery, the Synod and the Assembly, each of which shall be constituted and have the rights, powers and responsibilities hereinafter provided. The primary expression of the corporate life of the Church shall be the Congregation.

## **PART A – THE CONGREGATION**

### **FORMATION AND RESPONSIBILITIES OF CONGREGATIONS**

23. Congregations shall be formed, recognised, governed and continued or disbanded in such manner and have such responsibilities as may be prescribed.

### **COUNCILS OF THE CONGREGATION**

24. For the effective exercise of their responsibilities and for the better ordering of the life of the Congregations:-

- (a) each Congregation shall form a Church Council; or
- (b) where authorised by the Presbytery, more than one Congregation may form a joint Church Council; and
- (c) one, or more than one, Congregation may form such other committees or agencies as may be necessary or desirable.

The Church Councils and other committees or agencies shall have such membership, responsibilities and relationships to one another as may be prescribed.

## **PART B — THE PRESBYTERY**

### **FORMATION**

25. A Presbytery shall be a council of the Church formed or dissolved by the Synod which shall determine its name, fix its bounds and arrange for its first meeting.

### **RESPONSIBILITIES**

26. The Presbytery shall have such oversight as is necessary to the life and mission of the Church in the area committed to it; it shall stimulate and encourage the Congregations within the bounds, providing them with opportunities for counsel in the strengthening and assistance of one another and in their participation in wider aspects of the work of the Church. The Presbytery shall also have such further responsibilities as may be assigned to it by the Assembly or Synod and may do such other things as are consistent with the purposes of the Church, not being the exclusive responsibility of any other council or body within the Church.

### **MEMBERSHIP**

27. The members of the Presbytery shall be such Ministers and persons in other ministries as may be prescribed, and such confirmed lay members as are elected to represent the Congregations within the bounds and as may be otherwise appointed together

with such confirmed lay members as may be prescribed. The lay members of the Presbytery shall be not fewer in number than the ministerial members, and the lay persons elected to represent the Congregations shall be not fewer than half the total number of lay members.

## **OFFICERS**

28. The Presbytery shall elect a Chairperson and other officers as may be necessary.

## **MEETINGS**

29. The Presbytery shall meet at such intervals as may be prescribed, and at such other times as it may determine.

## **COMMITTEES AND DELEGATION OF RESPONSIBILITIES**

30. The Presbytery shall appoint a Standing Committee and may appoint other committees or other bodies for such purposes and for such term as it may determine and may assign to them or to other councils of the Church such of the responsibilities of the Presbytery as may be so delegated for the better fulfilment of those responsibilities.

# **PART C — THE SYNOD**

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## **FORMATION**

31. A Synod shall be a council of the Church formed by the Assembly which shall determine its name, fix its bounds, prescribe its responsibilities and its relationship to other councils of the Church and arrange for its first meeting. A Synod may be dissolved by the Assembly in accordance with procedures as prescribed.

## **RESPONSIBILITIES**

32. Subject to the direction of the Assembly, the Synod shall have general oversight, direction and administration of the Church's worship, witness and service within its bounds. It shall exercise executive, administrative, pastoral and disciplinary functions over the Presbyteries within its bounds, shall be the council to hear and deal with appeals and requests from Presbyteries and shall establish and maintain such boards, institutions, committees and agencies as are appropriate to the furtherance of its responsibilities. A Synod may do other things as are consistent with the purposes of the Church and not the exclusive responsibility of any other council or body within the Church.

## **MEMBERSHIP**

33. Subject to the maximum number determined by the Assembly, the membership of each Synod, unless determined otherwise by the Assembly, shall consist of:

- (a) such proportion of the number of Ministers of the Presbyteries within the bounds appointed by the Presbyteries as may be prescribed;
- (b) ex-officio members as prescribed by the Synod;
- (c) confirmed lay members appointed by the Presbyteries as prescribed, the number of such persons being not fewer than the number of Ministers appointed in accordance with section (a) hereof;
- (d) such other members being confirmed members of the Church as the Synod may determine and appointed in such manner as the Synod shall prescribe, provided that the ministerial and lay representatives so appointed shall not exceed the number of ministerial and lay representatives appointed by the Presbyteries in accordance with sections (a), (b) and (c) hereof, and provided further that the total number of lay members of the Synod be not fewer than the number of ministerial members;
- (e) such other members being confirmed members of the Church as may be prescribed.

#### **MODERATOR**

- 34. The Synod shall elect, in accordance with such rules and procedures and for such term as the Synod may determine, a Moderator who shall have such powers as may be prescribed and such further powers as may be determined by the Synod.

#### **OTHER OFFICERS**

- 35. The Synod shall appoint a secretary and may appoint a treasurer and such other officers as it shall determine. Each appointee shall hold office for such time and shall have such responsibilities as may be prescribed.

#### **STANDING COMMITTEE**

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

#### **MEETINGS**

- 37. The Synod shall meet at least once every three years between normal meetings of the Assembly, and at such other times as are determined in such manner as may be prescribed.

## **PART D — THE ASSEMBLY**

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### **RESPONSIBILITIES OF THE ASSEMBLY**

- 38.** (a) The Assembly shall have determining responsibility in matters of doctrine, worship, government and discipline, including the promotion of the Church's mission, the establishment of standards for theological education and the reception of Ministers from other denominations, and is empowered to make final decisions on all matters committed to it by this Constitution.
- (b) Without limiting the generality of the preceding clause, the Assembly shall have the power:
- (i) to make guiding decisions on the tasks and authority to be exercised by the other councils of the Church;
  - (ii) to create or dissolve Synods, to determine the bounds of the Synods, to divide or alter the number or bounds of Synods;
  - (iii) to make provisions for and in respect of calls and appointments of Ministers;
  - (iv) to make provision for the transfer of Ministers between Synods and/or Presbyteries;
  - (v) to disallow any by-law, rule or decision of a Synod or Presbytery or any other body which contravenes this Constitution or Regulations of the Assembly;
  - (vi) subject to the provisions of this Constitution to provide for the control and management of the property and funds vested in the Church;
  - (vii) generally to provide for the control, management and discipline of the Church;
  - (viii) to act in all matters in respect of which exclusive authority is not vested in any other council by this Constitution;
  - (ix) to delegate to any other council any of the authorities vested in the Assembly for such period and on such terms as the Assembly shall think fit;



- (x) to affiliate with ecumenical and other bodies;
  - (xi) to prescribe for the association of the Church or any council or other part of the Church with any other churches, activities of other churches, or congregations of other churches;
  - (xii) to receive into union any other denomination or any congregation or activity of any other church which in each case adheres to the Basis of Union;
  - (xiii) to negotiate and to unite with any other denomination of the Christian Church.
- 39.** (a) On matters which, by a two thirds majority vote, the Assembly deems to be vital to the life of the Church, the Assembly shall seek the concurrence of Synods and/or Presbyteries and/or Congregations as the Assembly may determine;
- (b) (i) If within six months of a decision of the Assembly, or its Standing Committee, at least half the Presbyteries within the bounds of each of at least half the Synods, or at least half the Synods, notify the President that they have determined that in their opinion
- a decision includes a matter vital to the life of the Church; and
  - there was inadequate consultation prior to the decision the President shall notify the Church that the decision is suspended until the Assembly has undertaken further consultation;
- (ii) Following this consultation, the Assembly shall determine whether to affirm, vary or revoke the original decision and report its decision and reasons to the Church;
- (iii) No action taken in reliance on a the original decision of the Assembly prior to the President's notification to the Church under clause 39(b)(i) shall be invalid by virtue of that notification;
- (iv) This sub-clause can only be used a second or subsequent time on the same matter if the Assembly determines to vary the original decision.

## **MEMBERSHIP OF THE ASSEMBLY**

**40.** The membership of the Assembly, unless otherwise determined by it, shall consist of:

- (a) one Minister and one confirmed lay member appointed by each Presbytery;
- (b) Ministers appointed by the Synods, the total number appointed by each Synod being equal to the number appointed by its Presbyteries;
- (c) confirmed lay members appointed by the Synods, the total number appointed by each Synod being no fewer than the number of ministerial representatives appointed under (b) hereof;
- (d) such ex-officio members as may be prescribed by the Assembly;
- (e) other members being confirmed members of the Church as are appointed thereto in accordance with provisions prescribed by the Assembly;
- (f) alternates as may be prescribed.

In no case shall the representatives appointed pursuant to (d) and (e) above exceed the number pursuant to (a), (b) and (c) above. The Assembly shall make provision, in such manner as it shall think fit, to provide that there shall be no less lay members than ministerial members of the Assembly by reason of the number of the ex-officio members and may increase but not reduce the number of members appointed by the Presbyteries and Synods in accordance with clauses (a), (b) and (c) hereof, provided that the number of lay members shall not be less than the number of ministerial members.

## **MEETINGS**

**41.** The Assembly normally shall meet at least once every three years and a special meeting may be convened at any time by the President or Standing Committee for urgent business in the manner prescribed.

## **SPECIAL MEETINGS**

**42.** In the event of the Assembly being specially convened, the members thereof shall be the same persons and office holders as were members of the preceding Assembly without the necessity of further election. Written notice shall be given specifying the date, time and place of the Assembly, and the nature of the business to be transacted shall be given as prescribed. No other business shall be dealt with unless the taking of the business is approved on a three-fourths majority vote of those present.

43. The Assembly may make provision for alternates to attend any Assembly specially convened by the President or Standing Committee in the place of any members who are unavailable or who have died since the preceding Assembly.

#### **PRESIDENT**

44. The Assembly shall elect from among its members in the prescribed manner a President who shall hold office until the installation of a successor at the next ordinary Assembly. The President shall have such powers as may be conferred by or under the authority of the Assembly. The Assembly may make provision for an acting President in the event of the President dying, resigning or being unable to act.

#### **OTHER OFFICERS**

45. The Assembly may appoint such other officers and confer upon them such powers and responsibilities as it may determine.

#### **COUNCILS AND COMMITTEES**

46. The Assembly may establish such institutions and agencies and appoint such councils and committees for such purposes and for such time as it deems necessary or desirable.

#### **STANDING COMMITTEE**

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

#### **QUORUM**

48. A quorum shall consist of not less than one half of the members of the Assembly representing at least half the number of Synods.

## **DIVISION 4**

# **UNITING ABORIGINAL AND ISLANDER CHRISTIAN CONGRESS**

49. (a) A Synod may at the request of a Regional Committee of the Uniting Aboriginal and Islander Christian Congress prescribe that the Regional Committee may have and exercise all or specific rights, powers, duties and responsibilities of a 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 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.

## DIVISION 5

### FUNDS AND PROPERTY

- 50. The beneficial ownership of all property whether real or personal shall be vested in the Church.
- 51. There shall be created in each Synod a body corporate (herein referred to as the Synod Property Trust) in which the legal title to all property, except such as may be prescribed, shall be vested.
- 52. All property vested in a Synod Property Trust shall be held, managed and dealt with in accordance with the rules, regulations, by-laws and resolutions made by or under the authority of the Assembly in that regard.
- 53. The Assembly may at its discretion delegate to any Synod power to make by-laws with respect to any property within the bounds or under the control or management of the Synod.
- 54. No interest in real estate shall be created or leased except in such manner as may be prescribed by the Assembly.
- 55. Pending the creation of a Synod Property Trust in any Synod, the Assembly or the Synod, if so authorised by the Assembly, may appoint any person or any body corporate to act as trustee of any property for the Church and in that event the rules, regulations, by-laws and resolutions of the Assembly and Synod relating to Synod Property Trusts shall apply to such trustee or trustees and the property vested in them, so far as they are relevant and appropriate.
- 56. The Assembly shall either appoint trustees or create a body corporate to hold property which is under the direct control or management of the Assembly.

## DIVISION 6

# INTERIM PROVISIONS

57. (a) Where, at the date of the inauguration of the Church, there is an existing arrangement between a Minister and a Congregation, such arrangement shall be deemed to be binding on the Church until its terms are fulfilled or the parties agree to its earlier termination or variation.
- (b) All Ministers settled in a pastoral charge or holding an appointment at the time of inauguration of the Church may so continue until the expiry of the period of the settlement or till the normal time for review in accordance with the original terms of settlement, or till a variation of the period and conditions thereof has been mutually agreed.
58. (a) Until such time as the various Church councils can be established in accordance with this Constitution the relevant councils, committees, courts, organisations and agencies of the uniting churches may and if so instructed shall continue so far as is practicable to carry out similar functions to those carried out by them prior to union, having regard to this Constitution and any relevant regulations, rules and by-laws of the Church.
- (b) Any provisional arrangements made to prepare for or facilitate the entry of the uniting churches into the Church may be continued for such time as considered expedient by the relevant council of the Church.
59. Until otherwise determined by the Assembly the orders for the celebration of the sacraments of Baptism and the Lord's Supper, and the several orders of worship and other rites, and hymn books which were authorised or recognised for use in the uniting churches at the time of union shall be recognised for use in the Church.
60. For the purpose of dealing with and settling any question or disputes which may arise in the transition from the uniting churches to the Church, the Assembly may appoint one or more committees with such powers as the Assembly may confer or delegate, provided that in the event of the Assembly delegating to any such committee power to make, rescind or vary any Regulation, no Regulation so made or any rescission or variation of any Regulation shall take effect until approved by the Standing Committee of the Assembly.
61. For the purpose of effectively inaugurating the Church the Assembly at its first meeting may establish or appoint or make provision for the establishment or appointment of provisional Synods, Presbyteries, Parishes or other bodies and matters incidental thereto, including the appointment of officers.

DIVISION 7

**REGULATIONS, BY-LAWS,  
RULES AND STANDING ORDERS**

62. The Assembly may make Regulations not inconsistent with this Constitution prescribing all matters which by this Constitution are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Constitution or for the life of the Church.
63. A Synod may make by-laws not inconsistent with this Constitution or with Regulations made by the Assembly prescribing all matters which by this Constitution are required or permitted to be prescribed in connection with a Synod or which are necessary or convenient to be prescribed for the carrying out or giving effect to this Constitution or for the life of the Church within that Synod.
64. A Presbytery may make rules not inconsistent with this Constitution or with any relevant Regulations and by-laws prescribing all matters which are required, permitted, necessary or convenient to be prescribed for carrying out or giving effect to the Constitution in respect of all matters within the oversight and responsibility of the Presbytery.
65. Any such Regulations, by-laws or rules may delegate to any specified body power to make regulations, by-laws or rules for any of the purposes for which regulations, by-laws or rules may be made under this Constitution.
66. Any Regulation, by-law or rule may be rescinded or varied by the body by which it was made in such manner as may be prescribed, but any such rescission or variation shall not affect any act, matter or thing done prior to the rescission or variation.
67. The Assembly may prescribe for the giving of notice of any proposed Regulations, by-laws, rules and standing orders and any amendment thereof.
68. The Assembly and other bodies within the Church may adopt, amend or repeal standing orders regulating procedures at their respective meetings.
69. Subject to this Constitution each council or other body within the Church may make such provisions for the better ordering of its life and fulfilment of its responsibilities as it sees fit.

## DIVISION 8

# MISCELLANEOUS

### TRANSFER AND DELEGATION OF POWERS AND RESPONSIBILITIES

**70.** On such terms and conditions as may be agreed by the councils concerned:

- (a) a Presbytery may refer any of its powers and responsibilities to the Synod or to another Presbytery with the consent of the Synod or Presbytery concerned;
- (b) a Synod may refer any of its powers and responsibilities to the Assembly with the consent of the Assembly;
- (c) a Synod may delegate any of its powers and responsibilities to a Presbytery with the consent of the Presbytery;
- (d) a Synod may transfer any of its powers and responsibilities to another Synod with the consent of the other Synod and shall do so if required by direction of the Assembly;
- (e) a Presbytery or a Synod may delegate powers and responsibilities to a Congregation;
- (f) a Congregation may refer powers and responsibilities to a Presbytery or to such other body as the Presbytery shall approve; and
- (g) a Church Council may refer powers and responsibilities to a Presbytery or to such other body as the Presbytery shall approve.

### INTERPRETATION

**71.** 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.

### AMENDMENT OF CONSTITUTION

**72.** This Constitution or such later Constitution as may be adopted may be amended by the Assembly from time to time provided that no amendment shall have effect unless the amendment is approved by a majority of the Synods and two-thirds of the Presbyteries.

- 73.** In the event of any Synod or Presbytery, after having been notified in writing of any amendment, failing to inform the President or such other person as the Assembly may nominate for that purpose that it does not approve of any amendment or amendments within such period as is prescribed by the Assembly, such Synod or Presbytery shall be taken to have approved the proposed amendment or amendments.



# THE UNITING CHURCH IN AUSTRALIA

## PREAMBLE TO INTERIM CONSTITUTION

(Replaced by the 12<sup>th</sup> Assembly, 2009)

WHEREAS the Congregational Union of Australia, the Methodist Church of Australasia and the Presbyterian Church of Australia, through their properly constituted Councils and Courts, have expressed the belief that they have been called by God into an organic union AND WHEREAS the Joint Commission on Church Union constituted by the three churches aforesaid, after earnestly and prayerfully seeking the guidance of the Holy Spirit as to the Basis upon which they were being led into union and after due consultation with the churches concerned, published 'The Basis of Union' in its final form in 1971 AND WHEREAS the union of the three churches on 'The Basis of Union' has been approved and agreed upon by the appropriate Councils and Courts of the three churches AND WHEREAS the Basis of Union recognises that the responsibility for government in the Church belongs to the people of God by virtue of the gifts and tasks which God has laid upon them and provides that the Uniting Church in Australia shall so organise her life that locally, regionally and nationally, government will be entrusted to representatives, men and women, bearing the gifts and graces, with which God has endowed them for the building up of his Church and therefore shall be governed by a series of inter-related councils, each of which has its tasks and responsibilities in relation both to the Church and the world AND WHEREAS in the Basis of Union it is acknowledged that the demand of the Gospel, the response of the Church to the Gospel and the discipline which it requires are partly expressed in the formulation by the Church of her law, the aim of which is to confess God's will for the life of his Church AND WHEREAS the Uniting Church in Australia pledges herself to keep her law under constant review so that her life may increasingly be directed to the service of God and man, and her worship to a true and faithful setting forth of and response to the Gospel of Christ IT IS DECLARED THAT pursuant to the powers conferred upon it, the first Assembly of the Uniting Church in Australia meeting at Sydney on the 22nd day of June 1977 has adopted this Constitution as the Interim Constitution of The Uniting Church in Australia for the organisation of her government and administration as from the 22nd day of June 1977 until amended in accordance with the provisions made in that regard or until repealed and replaced by a new Constitution in accordance with the relevant decisions of the Assembly.

## NOTES

## NOTES

## NOTES

# THE UNITING CHURCH IN AUSTRALIA REGULATIONS

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## DEFINITIONS (Part 1)

Unless the context or subject matter otherwise indicates, the definitions in Paragraph 3 of the Constitution shall apply to words when used in the Regulations and

**Beneficiary Fund** means the Beneficiary Fund established pursuant to Regulation 3.1.6(d);

**Code of Ethics** means the Code of Ethics for Candidates, Community Ministers, Deacons, Deaconesses, Interns, Lay Pastors, Ministers of the Word, Pastors, Youth Workers and Ministers from another denomination serving in an approved placement relating to their professional and pastoral responsibilities, as approved by the Assembly or the Assembly Standing Committee from time to time;

**Congress** means Uniting Aboriginal and Islander Christian Congress.

**Policies for the Prevention of Sexual Misconduct** means those policies approved by the Assembly or the Assembly Standing Committee from time to time to deal with allegations of sexual misconduct against lay staff of the Church and its agencies, against members, adherents and volunteers, and against members in positions of leadership or responsibility;

**Professional Supervision** means the relationship a Minister has with another professional whereby the Minister is assisted to maintain the boundaries of the pastoral relationship and the quality of their ministry;

**Responsible body** means any body of the Church to which specific responsibilities are assigned by the Constitution or by any Regulation, by-law or rule;

**Youth Worker** means a person accredited by the Church to the specified ministry of Youth Worker.

Words in the singular shall include the plural and vice versa. Reference to a **Congregation** may thus refer to more than one Congregation where those Congregations are linked together for particular purposes.

[NOTE: – the word “Korean” in brackets after a Regulation indicates that there is an approved alternative Regulation for Korean congregations. The alternative

Regulations are found elsewhere in this publication.]

# **1 MEMBERSHIP**

## **1.1 GENERAL**

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### **1.1.1 RECOGNITION OF MEMBERS**

The members of the Church shall be:

- (a) those persons who at the date of the first Assembly are members of any one of the uniting churches, except those who decline to be members of the Church.
- (b) persons who at a later date become members in accordance with the procedures of the Church.

### **1.1.2 FORMS OF MEMBERSHIP**

The membership of the Church shall be in one of the following forms:

- (a) baptised members — comprising all baptised persons who have not yet become confirmed members.
- (b) confirmed members — comprising persons confirmed by the Church or in a manner recognised by the Church.
- (c) members-in-association — being persons who are granted such recognition in accordance with Regulations 1.4.1. and 1.4.2.

## **1.2 BAPTISED MEMBERS**

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### **1.2.1 BAPTISED MEMBERS**

- (a) The names of candidates for baptism shall normally be submitted to the Church Council for prior approval.
- (b) The sacrament shall be administered by water and in the name of the Father and of the Son and of the Holy Spirit according to an order which meets the requirements of the Assembly.

- (c) Normally the sacrament shall 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.

### **1.2.2 RECORD OF BAPTISMS**

A record of each person baptised shall be made as prescribed in the records of the Congregation in which the sacrament was administered.

### **1.2.3 BAPTISMAL CERTIFICATE**

All persons baptised shall be issued with a baptismal certificate in the form approved by the Assembly.

### **1.2.4 NURTURE OF BAPTISED PERSONS**

The Congregation and the Church Council shall seek to ensure that all baptised persons are nurtured within the fellowship of the Church, equipped for witness and service in the community and prepared for confirmation.

## **1.3 CONFIRMED MEMBERS**

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### **1.3.1 CONFIRMED MEMBERS**

Prior to confirmation the names of candidates shall be submitted to the Church Council for approval.

### **1.3.2 PREPARATION FOR CONFIRMATION**

Candidates for confirmation who have not been previously baptised shall be baptised either prior to or in conjunction with the confirmation.

### **1.3.3 CONDITIONS AND MODE OF CONFIRMATION**

Confirmation shall be according to an order which meets the requirements of the Assembly and which makes provision for the candidate to declare:

acknowledgement of Jesus Christ as Saviour and Lord, determination to follow him in daily life, intention to participate actively in the fellowship of the Church and to support its work, and resolution to seek the extension of the reign of God in human society.

### **1.3.4 CONFIRMED MEMBERS ROLL**

Following confirmation the person's name shall be recorded on the roll of confirmed members.

## **1.4 MEMBERS-IN-ASSOCIATION**

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### **1.4.1 MEMBERS-IN-ASSOCIATION**

A person may apply to the Church Council for recognition as a member-in-association if the person:

- (a) is a member of another Christian denomination but not actively engaged in the life of that denomination and participates in the corporate life of the Congregation and accepts the polity and discipline of the Church; or
- (b) participates actively in the corporate life of two Congregations of the Church and is enrolled as a confirmed member of the other Congregation.

### **1.4.2 ADMISSION OF MEMBERS-IN-ASSOCIATION**

A person so recognised by the Church Council shall be admitted to membership according to an order which meets the requirements of the Assembly and the person's name shall then be entered on the roll of members-in-association.

## **1.5 MEMBERS' RIGHT TO VOTE**

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All confirmed members and members-in-association shall have the right to vote:

- (a) at meetings of the Congregation in respect of which they are enrolled.
- (b) in any committee, council or other body to which they, being eligible, have been appointed.

## **1.6 MEMBERSHIP ROLLS**

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### **1.6.1 MEMBERSHIP ROLLS**

- (a) The rolls of the Congregation shall be kept by the Church Council and shall include:
  - (i) a roll of baptised members indicating the name, place and date of baptism, and, in the case of infants, the date of birth of the infant and the names of parents;
  - (ii) a roll of confirmed members indicating the name, the date of admission, transfer, removal or other action concerning each member;
  - (iii) a roll of members-in-association, including the name of the other denomination and congregation in which membership is retained; and
  - (iv) a roll of adherents.
- (b) The Church Council shall annually undertake a review of the rolls and in making the review, shall consider whether any person who is enrolled as a member-in-association in accordance with Regulation 1.4.1(b) continues to participate actively in the corporate life of both Congregations.

### **1.6.2 REMOVAL OF NAME FROM ROLL**

- (a) A member's name shall be removed from the roll when such member

- (i) dies;
  - (ii) is transferred to another Congregation;
  - (iii) resigns or otherwise signifies a desire to discontinue membership; or
  - (iv) is declared by the Church Council to be a person no longer qualified to be recognised as a member.
- (b) The removal of a member's name from the roll in accordance with
  - (a)
    - (i) shall not be effected until the member has first been given reasonable notice that the matter is to be considered, and until reasonable efforts have been made by the Minister and the Church Council to offer the member pastoral care.
- (c) Any person who considers that their name has been wrongfully removed from the roll of members shall have the same rights of appeal as those set out in Regulation 5.2.3.

### **1.6.3 INSPECTION OF ROLLS BY PRESBYTERY**

The rolls shall be available for inspection by the Presbytery at such intervals as it determines. In the event of a Congregation being disbanded its roll shall be forwarded to Presbytery for safe keeping.

## **1.7 TRANSFERS**

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### **1.7.1 TRANSFER OF MEMBERS**

- (a) A member or the parents or guardians of a baptised member may request and shall be granted by the Church Council a certificate of transfer to a specific Congregation in another place. In addition, the secretary of the Church Council shall forward an appropriate letter to the secretary of the Church Council of the new Congregation.
- (b) In the event of a member moving beyond the bounds of the

Congregation but no certificate of transfer being sought, the secretary of the Church Council shall forward an appropriate letter to the secretary of the Church Council related to the new Congregation, if known. If no request for transfer is received within two years of a member leaving the Congregation the member's name shall be removed from the members' roll and the reason for the removal entered therein.

### **1.7.2 ADMISSION OF MEMBERS BY TRANSFER**

- (a) Any member of the Church possessing a certificate of transfer may apply to the appropriate Church Council and shall be granted admission to membership, which shall be recognised by an appropriate ceremony and the member's name entered on the roll.
- (b) A person who is a confirmed member of another denomination desiring to transfer membership to the Church shall present a certificate of transfer or other evidence to the Church Council which shall determine the matter. A person so accepted shall be received and recognised at an appropriate ceremony and the member's name entered on the roll of confirmed members.

## **1.8 ADHERENTS**

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### **1.8.1 ADHERENTS**

In addition to a roll of members, a roll of persons who, though not members or members-in-association, regularly attend the services of worship and share in the life of the Congregation shall be kept. Such persons shall be known as adherents of the Church.

### **1.8.2 PRIVILEGES AND RESPONSIBILITIES**

- (a) Adherents may attend and speak at meetings of the Congregation but



not in the determination of any item of business.

- (b) Adherents may be appointed as members of committees of the Congregation.

## 2 MINISTRY

### 2.1 DEFINITIONS

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In Part 2 unless the context or subject matter otherwise indicates:

**Applicant** means a person who has applied to become a candidate for the ministry of Minister of the Word or of Deacon;

**Candidate** means a person preparing for ministry as a Minister of the Word or Deacon, whose application for candidature has been approved in accordance with these Regulations;

**Certificated Candidate** means a candidate to whom a statement has been issued certifying that the education and formation requirements of ordination have been fulfilled;

**Minister** means Minister of the Word, Deacon or Deaconess (see Para 3, Constitution);

**Ordinand** means a candidate who has fulfilled the requirements for ordination;

**Placements Committee** means the Advisory Committee on Ministerial Placements referred to in Regulation 3.7.4.2;

**Period of discernment** means a period during which a person will engage with the Church to explore a call to ministry;

**Selection panel** means the selection panel referred to in Regulation 2.3.2.4;

**Student** means a person who is undertaking a course of study in a theological college; the term ‘student’ does not carry any necessary implication, of subsequent candidature for ministry.

[Korean]

### 2.2 DEFINITION AND SCOPE OF THE SPECIFIED MINISTRIES

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### **2.2.1 DUTIES OF A MINISTER (See Para 3, Constitution)**

- (a) Within the ministry of the whole Church, Jesus Christ calls men and women to proclamation of the gospel in word and deed through the ministry of the Word and the ministry of Deacon. This calling is exercised by:
  - (i) preaching of the Word;
  - (ii) presiding at the celebration of the sacraments;
  - (iii) providing for other persons to preside at worship and/or preach within the pastoral charge in which the Minister is in placement;
  - (iv) witnessing in the community to the gospel of Jesus Christ;
  - (v) guiding and instructing the members of the Church and equipping them for their ministry in the community;
  - (vi) nurturing candidates for baptism and confirmation;
  - (vii) pastoral oversight and counsel wherever needed;
  - (viii) serving in the community, especially among those who are hurt, dis-advantaged, oppressed or marginalized;
  - (ix) careful attention to administrative responsibilities;
  - (x) due observance of the discipline of the Church;
  - (xi) the enhancement of the Minister's own gifts for the work of ministry;
  - (xii) pioneering new expressions of the gospel and encouraging effective ways of fulfilling the mission of the Church.
- (b) Every Minister shall participate fully and regularly in the public worship of God and the mission and fellowship of the Congregation with which the Minister is enrolled (See Reg. 2.9.3).
- (c) Every Minister shall report annually to the Presbytery with which the Minister is enrolled on the ways in which the duties of a Minister as prescribed in Regulations 2.2.1(a) and (b) are being exercised.

### **2.2.2 DEFINITION AND SCOPE OF THE MINISTRY OF PASTOR**

- (a) Pastor is a specified lay ministry of the Church and means a lay person commissioned by a Presbytery, (or a Synod in the case of a Synod appointment, or the Assembly in the case of an Assembly appointment), to minister within a Congregation, community or Church based organisation for the purpose of undertaking one or more of the following tasks:
  - (i) teaching the beliefs and practices of the Church; and / or
  - (ii) pastoral oversight of members and / or groups operating under the auspices of the Church; and / or
  - (iii) leadership of worship in congregations or faith communities of the Church; and / or
  - (iv) evangelism or service beyond a gathered congregation but which is exercised under the auspices of the Church.
- (b) No appointment of a person to a remunerated position, which involves the exercise of the responsibilities outlined in Regulation 2.2.2(a), shall be made without prior consultation with the Presbytery (or the Synod in the case of a Synod appointment, or the Assembly in the case of an Assembly appointment).
- (c) The Presbytery shall consider designating a ministry location as appropriate for the ministry of Pastor when lay persons are making a significant contribution of their gifts to the Church by fulfilling any of the tasks set out in Regulation 2.2.2(a) in ministry locations designated as appropriate for the ministry of Pastor (See Reg. 2.6.9).

### **2.2.3 DEFINITION AND SCOPE OF THE MINISTRY OF LAY PREACHER**

- (a) The ministry of Lay Preacher is one in which lay persons may participate in the proclamation of the gospel and in witness to Christian faith and experience, and for which they have received

gifts and are called by the Holy Spirit.

- (b) A member of the Church who is recognised as a Lay Preacher may conduct services of worship in the Congregation in which such Lay Preacher holds membership and in any other Congregation to which the Lay Preacher may be invited by the Minister, or where there is no Minister in placement the Church Council.
- (c) Any Lay Preacher transferring membership from one Congregation to another shall be recognised as such in the Congregation to which transfer is made.

#### **2.2.4 DEFINITION AND SCOPE OF THE MINISTRY OF YOUTH WORKER**

In these Regulations Youth Worker means a person accredited by the Church to the specified ministry of Youth Worker, a ministry directed primarily to persons aged between 12 and 25 years. The scope of this ministry includes:

- (a) assisting the Church to proclaim the gospel of Jesus Christ to young people;
- (b) assisting the Church to guide and nurture young people in the Christian faith and membership of the Church;
- (c) training and assisting leaders and other volunteers in youth ministry;
- (d) empowering young people for participation in the community and in the Church;
- (e) assisting the Church in mission with young people in the community and engaging in mission with young people on behalf of the Church;
- (f) being an advocate for young people in the community and in the Church;
- (g) undertaking activities which enhance the Youth Worker's gifts and skills in youth ministry;
- (h) co-operating with other Youth Workers, with members of other specified ministries and with lay members of the Church in the

above areas of ministry.

### **2.2.5 DEFINITION AND SCOPE OF THE MINISTRY OF LAY PASTOR**

The ministry of Lay Pastor is a specified lay ministry, normally stipended and full-time, and is a pastoral ministry within a local or particular setting.

### **2.2.6 DEFINITION AND SCOPE OF THE MINISTRY OF COMMUNITY MINISTER**

- (a) Community ministry is a specified lay ministry of the Church.
- (b) In Regulations 2.2.6, 2.4.8, 2.7.6, 2.9.6 and 2.9.7 unless the context or subject matter otherwise indicates:
  - (i) **community** means people of a particular locality or people who belong to a particular cultural group or sub-group;
  - (ii) **Community Minister** means a leader from within a community commissioned by a Presbytery to minister within that community; Community Ministers are normally non- stipended and part-time.
- (c) The scope of the community ministry will be determined by the Presbytery and may include:
  - (i) providing a ministry of service within a community;
  - (ii) seeking to establish a new Congregation in a community;
  - (iii) working within an existing Congregation.

## **2.3 CANDIDATURE AND SELECTION**

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### **2.3.1 PERIOD OF DISCERNMENT**

- (a) Any member of the Church may engage in a period of discernment subject to and in accordance with the guidelines approved by the Assembly Standing Committee. The purpose is to enable the member and the Church together to discern the nature of the

ministry to which God may be calling the member.

- (b) A member of the Church who is considering making application for candidature to either of the two ordained ministries shall engage in a period of discernment.

### **2.3.2 PROCESS FOR CANDIDATURE FOR A MINISTER**

#### **2.3.2.1 Qualifications Required of an Applicant for Candidature**

- (a) An applicant for candidature as a Minister shall satisfy the Presbytery or, in the case of a member of Congress, the Congress Ministerial Education Board:
  - (i) that the applicant is, and for the period of twelve months prior to making an application under Regulation 2.3.2.2 has been, a confirmed member of the Church;
  - (ii) that the applicant is suitable in character, personality and spiritual maturity and has the capacity to exercise the responsibilities of the specific ministry for which application is made; and
  - (iii) that the applicant has engaged satisfactorily in the period of discernment.
- (b) The Presbytery or, in the case of a member of Congress, the Congress Ministerial Education Board, may waive the 12 month requirement in (a)(i) in exceptional circumstances.
- (c) An applicant for candidature as a Minister shall, in addition to the requirements of paragraph (a), satisfy the Presbytery or, in the case of a member of Congress, the Congress Ministerial Education Board:
  - (i) that the applicant has satisfactorily completed the final years of secondary education at a level sufficient to secure entrance to a degree course in an Australian University; or

(ii) that the applicant has educational qualifications acceptable to the Assembly as equivalent thereto; provided that any applicant who cannot so satisfy the Presbytery or, in the case of a member of Congress, the Congress Ministerial Education Board, may be permitted to proceed with the application upon condition that prior to final determination of the application by the Synod selection panel or, in the case of a member of Congress, by the National Executive of Congress under Regulation 2.3.2.4, an academic qualification referred to in sub-paragraphs (c)(i) and (c)(ii) is obtained or the applicant undertakes and satisfactorily completes a precandidature course of education which complies with the standards prescribed from time to time by the Assembly and for which course credit may, where appropriate, be given in the course of training for the specific ministry.

### **2.3.2.2 Application for Candidature for Minister**

(a)

- (i) Any person seeking to become a candidate shall make written application to the Presbytery or, in the case of a member of Congress, to the Congress Ministerial Education Board, through the Minister of the Congregation (or through the appropriate member of the ministerial team in the Congregation) in which the applicant holds membership. If there is no Minister of the Congregation in which the applicant holds membership, the application may be made directly to the Presbytery or, in the case of a member of Congress, to the Congress Ministerial Education Board.
- (ii) The applicant shall make available to the Presbytery or, in the case of a member of Congress, to the Congress



Ministerial Education Board, such additional information and material as is prescribed under these Regulations or as may be required by the Presbytery or by the Ministerial Education Board or, in the case of a member of Congress, by the Congress Ministerial Education Board, including information on the applicant's participation in the period of discernment.

- (b) An application may be lodged at any time prior to the commencement of a course of study or during a course of study or subsequent to a course of study, provided that any candidate must fulfil or have fulfilled the pre-requisites for and the demands of the course of study as set out in these Regulations.
- (c) Acceptance as a student of a theological college neither presupposes nor precludes subsequent acceptance as a candidate.
- (d) Acceptance as a candidate does not preclude subsequent acceptance for service in one of the other specified ministries of the Church.
- (e) Any former certificated candidate of the Church may apply to a Presbytery or, in the case of a member of Congress, to the Congress Ministerial Education Board, for readmission as a candidate, in which case Regulations 2.3.1 to 2.3.2.5 shall apply.

#### **2.3.2.3 Presbytery Responsibilities in Selection of Candidates for Minister**

- (a) As soon as possible following receipt of an application the Presbytery or, in the case of a member of Congress, the Congress Ministerial Education Board, shall request a confidential report from an appropriate Minister and shall seek comment from the Church Council where the applicant's membership is held and other referees, and shall then consider the application in accordance with the Regulations.

The Presbytery or a designated committee of the Presbytery or, in the case of a member of Congress, the Congress Ministerial Education Board shall:

- (i) receive the application together with the confidential report of the Minister and the comments of the Church Council;
  - (ii) consider the references submitted by the nominated referees and by other persons as it sees fit;
  - (iii) interview the applicant;
  - (iv) conduct such other tests or call for such other information as it may require or as may be required by the selection panel; and
  - (v) prepare a report and recommendation to the selection panel.
- (b) In considering its report and recommendation under Regulation 2.3.2.3(a)(v) the Presbytery or Presbytery committee or, in the case of a member of Congress, the Congress Ministerial Education Board shall satisfy itself regarding the matters mentioned in Regulation 2.3.2.1, and have regard, among other things, to:
- (i) the nature of the services to be performed within the ministry for which application is made;
  - (ii) the present qualifications and apparent potential of the applicant;
  - (iii) the spiritual maturity and motivations of the applicant; and
  - (iv) the applicant's personality and character.

A two-thirds majority of members present shall be required to commend the applicant to the Synod selection panel or to the Congress selection panel as the case may be, as suitable for candidature. Alternatively, the Presbytery or, in the case of a member of Congress, the Congress Ministerial Education Board may defer such commendation or may reject the application. The Presbytery or, in the case of a member of Congress,

the Congress Ministerial Education Board must give written notice of the decision to commend or reject the application to the applicant within 14 days of the decision being made.

- (c) Where the Presbytery or, in the case of a member of Congress, the Congress Ministerial Education Board, resolves to commend the applicant to the selection panel, the Presbytery shall forward to the selection panel its report and resolutions together with other reports, references and information conveyed to it in accordance with Regulation 2.3.2.2 and 2.3.2.3.
- (d) Where in the case of a member of Congress, the Congress Ministerial Education Board resolves to commend the applicant to the selection panel constituted under Regulation 2.3.2.4(a), the Congress Ministerial Education Board shall forward to the selection panel its report and resolutions together with other reports, references and information conveyed to it in accordance with Regulation 2.3.2.2 and 2.3.2.3.

#### **2.3.2.4 Selection Panel of Candidates for Minister**

- (a) Each application for candidature shall be considered by a selection panel comprising the members appointed by the Ministerial Education Board pursuant to Regulation 3.7.4.3(c)(iii)(3). and a representative appointed by the applicant's Presbytery. A Presbytery may appoint a different representative in relation to each application for candidature from the Presbytery.

#### **Duties**

- (b) The selection panel shall have before it all relevant documents and:
  - (i) arrange for medical, psychological and other assessments;
  - (ii) seek further information as it considers necessary;
  - (iii) meet with the applicants; and
  - (iv) determine the outcome of applications forwarded by Presbyteries.

- (c) In considering the applications before it, the selection panel shall have regard, among other things, to:
- (i) the spiritual maturity and motivation of each applicant;
  - (ii) the capacities and assessed potential for leadership of each applicant;
  - (iii) the ability and assessed potential of each applicant to fulfil the requirements of the course of studies (where applicable) and the responsibilities of the specified ministry;
  - (iv) the most appropriate vocational direction for each applicant in accordance with the applicant's gifts; and
  - (v) the character and personality of the applicant.
- (d) The selection panel shall determine the application by:
- (i) acceptance of the applicant as a candidate for the ministry applied for, with or without any conditions attached to that acceptance, or
  - (ii) deferral of the application, with or without any conditions which must be satisfied before further consideration of the application; or
  - (iii) acceptance of the applicant for a form of ministry other than that for which application was made, or
  - (iv) encouragement of the applicant to continue to exercise a ministry as a lay member of the Church but reject the application and shall give written notice to the applicant and the Presbytery of its decision within 14 days of the decision being made.
- (e) The resolution of the selection panel or, in the case of a member of Congress, the National Executive of the Congress, accepting an applicant shall:
- (i) specify the ministry for which the applicant is accepted as a candidate and, if appropriate, specify any conditions which

may attach to the acceptance, and make recommendations relative to the candidature; and

- (ii) refer the candidate to the Ministerial Education Board or, in the case of a member of Congress, to the Congress Ministerial Education Board.

- (f) Where the applicant for candidature is a member of Congress, the duties of the selection panel in paragraphs (c) and (d) (b) and (c) shall be carried out by a panel comprising the members of the Congress Ministerial Education Board and a representative of the applicant's Regional Committee appointed by the Regional Committee. The selection panel so constituted shall make a recommendation to the National Executive of Congress which shall determine the application and inform the applicant and the applicant's Regional Committee, in accordance with paragraph (e) (d) of this Regulation.

#### **2.3.2.5 Right of Appeal against a Decision**

- (a) An applicant may appeal against a decision made pursuant to Regulation 2.3.2.3(b), or 2.3.2.4(d)(ii), (iii) or (iv), or 2.3.2.4(f) only on the ground that correct procedures have not been followed in accordance with the Regulations.
- (b) The appeal is to be made within 14 days of receipt of the communication of the decision. The appeal shall be lodged with the Synod Secretary in writing.
- (c) Except in the case of an appeal by an applicant who is a member of Congress, the Synod Standing Committee shall appoint an appeal committee of three persons to determine the matter. The appeal committee shall consult with the applicant and the Presbytery and, when appropriate, the selection panel. The appeal committee shall then either dismiss the appeal or require the Presbytery or the selection panel to reconsider the application. A decision of the

appeal committee shall be final.

- (d) In the case of an appeal by an applicant who is a member of Congress, the Assembly Standing Committee shall appoint an appeal committee of three persons to determine the matter. The appeal committee shall consult with the applicant, the Congress MEB and when appropriate, National Executive of Congress. The appeal committee shall then either dismiss the appeal or require the National Executive or the Congress Ministerial Education Board or the selection committee constituted under Regulation 2.3.2.4(a) to reconsider the application. A decision of the appeal committee shall be final.

#### **2.3.2.6 Change of Ordained Ministry**

- (a) A Minister of the Word or Deacon may apply in writing to the Presbytery or, in the case of an applicant who is a member of Congress, to the Congress Ministerial Education Board, to be accepted as a candidate for the other ordained Ministry. If accepted, and when all requirements for ordination to the other ministry have been satisfied, such person shall be ordained, and shall cease to be recognised in their previous ministry.
- (b) The Presbytery or Congress Ministerial Education Board as the case may be shall deal with the application in terms of Regulations 2.3.2.3 to 2.3.2.5, with the exception of requiring a report and recommendations of the Church Council and confidential report of the Minister.

#### **2.3.2.7 Termination of Candidature**

In the case of a candidate who is not a member of Congress

- (a) The Presbytery which has the pastoral care and oversight of the candidate may terminate the candidature on any one of the following grounds that:

- (i) the candidate has resigned;
  - (ii) following consultation with the faculty and the Ministerial Education Board, in the judgment of the Presbytery, the candidate is not considered suitable for the work of the specified ministry;
  - (iii) as advised by the faculty or other training authority, the candidate has not attained satisfactory standards in the course of training or that, in the judgment of the faculty, the candidate is not considered suitable for the work of the specified ministry.
- (b) Consideration of termination of candidature may be initiated by the Presbytery, the faculty or the Ministerial Education Board.
- (c) Any candidate for ministry whose candidature has been terminated by the Presbytery in accordance with Regulation 2.3.2.7(b) or (c) may appeal to the Synod which shall refer the matter to the Convenor of the Standing Appeal Panel to be dealt with under Part 6 of these Regulations.
- (d) The Presbytery must be given notice of a decision to terminate candidature within 14 days of the decision being made.

#### **2.3.2.7 In the case of a candidate who is a member of Congress**

- (a) The Congress Ministerial Education Board acting on the recommendation of the Regional Committee which has the pastoral care and oversight of the candidate or on the Board's own assessment may terminate the candidature on any one of the following grounds that:
- (i) the candidate has resigned;
  - (ii) following consultation with the faculty, in the judgment of the Board, the candidate is not considered suitable for the work of the specified ministry;
  - (iii) as advised by the faculty or other training authority, the

candidate has not attained satisfactory standards in the course of training or that, in the judgment of the faculty, the candidate is not considered suitable for the work of the specified ministry.

- (b) Consideration of termination of candidature may be initiated by the candidate's Regional Committee, the faculty or the Congress Ministerial Education Board.
- (c) Any candidate for ministry whose candidature has been terminated by the Congress Ministerial Education Board in accordance with Regulation 2.3.2.7(a) or (b) may appeal to the National Executive of the Congress which shall refer the matter to the Convenor of the Standing Appeal Panel to be dealt with under Part 6 of these Regulations.
- (d) The candidate's Regional Committee must be given notice of a decision to terminate candidature within 14 days of the decision being made.

### **2.3.3 PROCESS FOR THE SELECTION OF A PASTOR**

- (a) A person may make application for the ministry of Pastor by applying for a ministry appointment that is designated by the Presbytery, (or the Synod in the case of a Synod appointment, or the Assembly in the case of an Assembly appointment), as appropriate for the exercise of the ministry of Pastor.
- (b) In considering and determining applications made under Regulation 2.3.3(a) the appointing body shall have reference to:
  - (i) confidential testimonials, supplied at the request of the appointing body, from an appropriate Minister; and the Church Council of the applicant's Congregation;
  - (ii) the gifts and graces appropriate to the particular expression of the ministry of Pastor for which the person is applying;



- (iii) the applicant's spiritual maturity and sense of call;
- (iv) the applicant's capacity for exercising this ministry and perceived potential to meet the required competencies for the ministry of Pastor;
- (v) the applicant's personality and character; and
- (vi) the applicant's willingness to accept the doctrine, polity and discipline of the Church.

### **2.3.4 PROCESS FOR CANDIDATURE AND SELECTION OF LAY PREACHERS**

- (a) Any person offering to serve as a Lay Preacher must be:
  - (i) a confirmed member of the Church and must have held the status of a confirmed member for twelve months or more or have held equivalent status in another church acknowledged by the Church; and
  - (ii) assessed by the Presbytery as a person of suitable character, personality, spiritual maturity and capacity to exercise the responsibilities of Lay Preacher.
- (b) Applicants shall make written application to the Presbytery through the Minister of the Congregation (or through the appropriate member of the ministerial team in the Congregation) in which the applicant holds membership. If there is no Minister of the Congregation in which the applicant holds membership, the application may be made directly to the Presbytery;
- (c) The Minister of the Congregation or, if there is no such Minister, the Presbytery, shall notify the Church Council of the application, after which the Church Council shall interview the applicant and forward its report and recommendations, to the Presbytery within ninety days.
- (d) The Presbytery shall request a confidential report from an appropriate Minister and shall make such other investigations and

enquiries as it sees fit and may interview the applicant and shall either accept the applicant as a candidate for training as a Lay Preacher or reject the application providing that a two-thirds majority vote of members present shall be required for acceptance.

## **2.4 FORMATION, EDUCATION AND RECOGNITION**

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### **2.4.1 FORMATION AND EDUCATION FOR A MINISTER**

- (a) A candidate for Minister shall undertake formation and education for ministry in accordance with
  - (i) the standards set by the Assembly; and
  - (ii) prescriptions set by the Ministerial Education Board or the body authorised by it;
- (b) may request a leave of absence or deferral of studies from the Ministerial Education Board (See Reg 3.7.4.3(c)(ii)).

### **2.4.2 PASTORAL CARE OF CANDIDATES AND CERTIFICATED CANDIDATES**

- (a) The Presbytery which commended the applicant who has been accepted as a candidate shall arrange for the pastoral care and oversight of the candidate in consultation with the faculty or theological college council.
- (b) A candidate who has satisfactorily completed the prescribed course shall remain under the pastoral care and oversight of the Presbytery until the candidate is ordained or otherwise admitted to a specified form of service of the Church or resigns or has the candidature terminated as provided for under these Regulations or is transferred to the pastoral care and oversight of another Presbytery.
- (c) When a Presbytery transfers a candidate or certificated candidate to the pastoral care and oversight of another Presbytery, it shall

provide the latter Presbytery with a report on progress towards readiness for the ministry intended.

### **2.4.3 COMPETENCY DEVELOPMENT FOR MINISTRY OF PASTOR**

Core competencies means those competencies determined by the Assembly as essential for all persons that exercise the Ministry of Pastor.

**General competencies** means those competencies determined by the Assembly as essential for all persons exercising a particular ministry role, for example chaplain, youth worker, etc.

- (a) A Pastor shall develop the general competencies identified by the Assembly as appropriate for the particular ministry in which the Pastor is engaged.
- (b) The Presbytery, (or the Synod in the case of a Synod appointment, or the Assembly in the case of an Assembly appointment), shall identify the general competencies yet to be developed by the Pastor and the time frame within which they shall be acquired.
- (c) The Presbytery that has oversight of the Pastor, (or the Synod in the case of a Synod appointment, or the Assembly in the case of an Assembly appointment), shall monitor the progress of the Pastor to ensure that the relevant competencies are being developed.

### **2.4.4 TRAINING FOR A LAY PREACHER**

- (a) The Synod shall establish or approve training centres to assist in the training of Lay Preachers and shall establish a committee or other such body to direct such training and to conduct such examinations as are prescribed at a standard determined by the Assembly.
- (b) Candidates for training as Lay Preachers shall be required to undertake such preparation and training as are prescribed by the Assembly.

## **2.4.5 RECOGNITION AND ORDINATION OF A MINISTER**

### **Recognition**

- (a) A Minister is recognised by ordination, by admission from another denomination (See Reg 2.5.1), or by the re-admission of a former Minister (See Reg. 2.5.2). A Minister is recognised as such for the whole of life unless that recognition is withdrawn.

### **2.4.5.1 Approval for Ordination**

- (a) A candidate for ordination shall:
  - (i) affirm a sense of vocation appropriate to a Minister of the Word or a Deacon;
  - (ii) express adherence to the polity and discipline of the Church, and be prepared to make the required ordination vows;
  - (iii) have complied with the current requirements of the Church for the education of Ministers of the Word or of Deacons;
  - (iv) submit, where applicable, an enrolment form and health statement for membership of the Beneficiary Fund or such other required particulars to enable the candidate to become a member of the Beneficiary Fund.
- (b) The ordaining Presbytery shall be satisfied as to the suitability of the character and abilities of the candidate for ministry as a Minister of the Word or a Deacon as the case may be. In the case where the ordaining Presbytery has not previously had pastoral care of the candidate, it shall be guided in its decision by the report of that Presbytery which last had pastoral care of the candidate.
- (c) A person who fulfils the requirements for ordination shall be ordained, after accepting a call made or approved by a Presbytery, Synod or the Assembly. The Presbytery with the pastoral responsibility for the ordinand may itself perform the ordination or,

if the ordinand is to minister within another Presbytery, may arrange for that other Presbytery to ordain the ordinand.

- (d) If a candidate has fulfilled all other requirements for ordination and, with the prior approval of the Presbytery and Synod, has accepted a call to a pastoral charge overseas, the Presbytery may ordain that person.

#### **2.4.5.2 Service of Ordination**

- (a) The ordination service shall be conducted by the Presbytery in accordance with a form authorised by the Assembly.
- (b) Ordination shall:
  - (i) be by prayer and the laying on of hands.
  - (ii) be presided over by the chairperson of the Presbytery or the chairperson's appointee.
  - (iii) include at least four members of the ordaining Presbytery (at least two of whom shall be Ministers and at least two of whom shall be lay persons).
- (c) The ordination shall take place at such time as the Presbytery may arrange and shall normally be in the presence of a Congregation, though not necessarily the Congregation among whom the ordinand is to minister.

#### **2.4.6 RECOGNITION OF MINISTRY OF PASTOR**

An applicant under Regulation 2.3.3 shall be recognised as a Pastor when:

- (a) the applicant is a confirmed member or member in association of the Church; and
- (b) the Presbytery, (or the Synod in the case of a Synod appointment, or the Assembly in the case of an Assembly appointment), is satisfied that the applicant can demonstrate the core competencies (See Reg. 2.4.3); and
- (c) the applicant is appointed to a ministry location designated as

appropriate for the ministry of Pastor (See Reg. 2.6.9).

At the time of recognition the Presbytery (or the Synod in the case of a Synod appointment, or the Assembly in the case of an Assembly appointment) shall advise the Placements Committee.

## **2.4.7 RECOGNITION OF LAY PREACHERS**

### **Recognition**

- (a) The Church recognises as Lay Preachers:
  - (i) persons who at the time of the inauguration held the office of Lay Preacher or Local Preacher in any one of the uniting churches, and who signified adherence to the Basis of Union;
  - (ii) persons who are subsequently recognised as Lay Preachers in accordance with procedures prescribed by the Assembly
- (b) A former Minister whose recognition has been withdrawn under the provisions of Regulation 2.10.3(a), and who is in good standing with the Church, may upon request be recognised as a Lay Preacher.
- (c) Candidates who have fulfilled the training requirements and passed the prescribed examinations may apply to the Presbytery through their Church Council for recognised as Lay Preachers.
- (d) Recognition is dependent upon the candidate demonstrating an understanding of and affirming adherence to the Basis of Union.
- (e) The Presbytery shall determine whether or not a candidate is to be recognised as a Lay Preacher and shall, where appropriate, arrange for a service of worship at which such recognition will be acknowledged before the Church, and shall issue a certificate of recognition as a Lay Preacher.
- (f) Each Presbytery shall maintain a roll of Lay Preachers and on the advice of the appropriate Church Council shall from time to time enter the names of Lay Preachers according to the following classifications:

- (i) active;
- (ii) inactive - unavailable for an extended period;
- (iii) retired.

## **2.4.8 CANDIDATURE PROCESS FOR COMMUNITY MINISTER**

### **(The Ministry of Community Minister has closed to new candidates)**

- (a) During the period of candidature the candidate shall:
  - (i) undertake the required studies, as determined by the Ministerial Education Board. In determining the educational requirements the Ministerial Education Board shall take into account the candidate's life experience and experience in the church, the part-time nature of community ministry, and the specific nature of the ministry to be exercised;
  - (ii) minister under the terms and conditions, approved by the Presbytery, which shall include:
    - (1) a description of the ministry;
    - (2) how the minister will relate to other ministers, lay and ordained;
    - (3) proportion of time to be given to the ministry;
    - (4) any provision for expenses and other financial arrangements;
    - (5) anticipated duration of the placement.
- (b) During the period of candidature the Presbytery shall monitor the candidate's progress and provide regular reports to the Ministerial Education Board committee (See Reg. 3.7.4.3(d)).
- (c) A candidate will be commissioned by the Presbytery, according to the form of service authorised by the Assembly, when
  - (i) the Assembly (on the recommendation of the Ministerial Education Board) certifies that the required course of

- studies has been completed;
- (ii) the Presbytery is satisfied as to the candidate's readiness for commissioning, and
- (iii) the community, Congregation or other appropriate body affirms that it will accept the candidate as a Community Minister.

## **2.4.9 YOUTH WORKER ACCREDITATION**

Subject to Regulation 2.10.6, the accreditation of a Youth Worker shall continue while the Youth Worker is:

- (a) in a placement;
- (b) awaiting an initial or new placement; or
- (c) on a leave of absence (See Reg. 2.6.1(c)).

## **2.5 MINISTERS FROM OTHER DENOMINATIONS AND FORMER MINISTERS**

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### **2.5.1 APPLICATION BY A MINISTER OF ANOTHER DENOMINATION TO SERVE IN A PLACEMENT**

- (a) This Regulation shall apply to any minister of another denomination
  - (i) whose ordination to ministry of that denomination is recognised by the Assembly and
  - (ii) who desires to apply to serve in a Placement in the Church.
- (b) The application shall be made to the Synod.
- (c) A placement or placements shall be for no more than three years in total unless the Synod or the Assembly (in the case of an Assembly placement) determines otherwise after considering:
  - (i) any mutual understanding, written or unwritten, between the Church and a partner church concerning the placement of Ministers from the partner church into a ministry of the



Church;

- (ii) in a case where the applicant has also applied for admission as a Minister of the Church and has engaged in the process relating to that admission in good faith, whether that process is likely to be completed within the three year period; and
  - (iii) any other matters that it considers relevant.
- (d) The Synod shall assess the suitability of an applicant to serve in a ministry of the Church having regard to:
- (i) whether the applicant is of good standing in the denomination in which he/she has been ordained and in each denomination in which the applicant has subsequently been in ministry;
  - (ii) the commitment of the applicant to the Church;
  - (iii) the educational attainments of the applicant;
  - (iv) if the applicant is not an Australian citizen, the applicant's immigration status;
  - (v) the language proficiency of the applicant relevant to the context;
  - (vi) any guidelines or requirements laid down by the Assembly; and
  - (vii) advice in relation to the previous ministry experience of the applicant.
- (e) The Synod shall seek confirmation from the Assembly that the ordination of the denomination from which the applicant comes has been previously recognised and, if not, request the Assembly to consider such approval.
- (f) The Synod shall determine whether the applicant is required to complete any ongoing education or formation.
- (g) In conjunction with the Presbytery, the Synod shall appoint a mentor

who will work with the applicant to ensure any education or formation requirements under 2.5.1(f) are met.

- (h) A placement shall not be extended where an application made under Regulation 2.5.2 has been completed and the result of that application was that it was rejected or deferred.

## **2.5.2 ADMISSION OF A MINISTER FROM ANOTHER DENOMINATION**

- (a) Any minister of another denomination whose ordination to ministry of that denomination is recognised by the Assembly may apply to a Synod for admission as a Minister of the Word or Deacon.
- (b) The Synod will not process an application by an applicant who has had no, or limited, prior experience in the Church until the applicant has served in a placement in the Church for at least 12 months unless the Synod decides to shorten the period of prior service by reason of exceptional circumstances.
- (c) In considering an application, the Synod shall
  - (i) take account of the matters referred to in Regulation 2.5.1(d), the standards for ministerial education and formation prescribed by the Assembly, the experience of the applicant and the Church in a placement; and
  - (ii) determine whether the applicant is required to undertake formation for ministry in the Church.
- (d) The Synod shall then proceed to determine the application in any one of the following ways:
  - (i) acceptance subject to issue of a certificate of completion by the Assembly (see Reg.2.5.3(e);
  - (ii) provisional acceptance, subject to satisfactory completion of all requirements of the Assembly and the Synod within such period as the Synod shall determine;
  - (iii) deferment for further consideration; or rejection.

The Synod shall give written notice of its determination to the applicant within 14 days of the determination being made.

- (e) A minister of another denomination whose admission as a Minister of the Church is approved shall be recognised as a Minister of the Word or a Deacon in a service arranged by the Presbytery in accordance with provisions laid down by the Assembly.
- (f) Any person whose application for admission has been rejected by the Synod under Regulation 2.5.2(d) may appeal on the grounds that the process followed did not comply with these Regulations. The appeal shall be dealt with under Part 6 of these Regulations.

### **2.5.3    ROLE OF THE ASSEMBLY IN THE ADMISSION OF MINISTERS FROM ANOTHER DENOMINATION**

- (a) The Assembly shall establish guidelines for assessing the suitability of, and requirements for the education and formation of, ordained ministers of other denominations who apply to serve in a placement for a Minister in the Church or for admission as a Minister of the Word or Deacon and shall provide such guidelines to the Synods.
- (b) The guidelines referred to in Regulation 2.5.3(a) shall include a requirement that, unless there are special circumstances, the applicant shall have received an education (academic study and ministerial formation) comparable to that of certified candidates for the corresponding ministry in the Church or attained competency comparable to that required of a Minister.
- (c) The Assembly shall provide oversight of the process of the application, assessment and admission, and will establish and maintain a list of ordained ministries of denominations of the church catholic that are recognised for the purposes of this Regulation.
- (d) In determining if a person's ordination to a ministry in a

- denomination of the church catholic shall be recognised by the Church for the purposes of this Regulation the Assembly or the body which it designates to make the decision shall consider
- (e) if the person seeking admission as a Minister of the Word, or to serve in a placement in the Church to fulfil substantially the responsibilities of a Minister of the Word , has been ordained to the ministry of the Word and Sacraments in a denomination of the church catholic;
  - (f) if an applicant seeking admission to the ministry of Deacon or to serve in a placement in the Church to fulfil substantially the responsibilities of a Deacon, has been ordained to a ministry in a denomination of the church catholic that is comparable to the ministry of Deacon in the Church.
  - (g) On the advice of the Synod in which the application is made, the Assembly shall issue a certificate of completion of requirements for admission of an ordained minister of another denomination as a Minister of the Word or Deacon.
  - (h) If the Assembly refuses to recognise the ordination of a person to ministry in another denomination in a case where the person is applying to serve in a placement in the Church or to become a Minister of the Church, the applicant may appeal against the decision of the Assembly and the appeal shall be dealt with under Part 6 of these Regulations. The Assembly shall give written notice of a decision to refuse to recognise the ordination of a person to ministry of another denomination within 14 days of the decision being made.

#### **2.5.4 ADMISSION OF A FORMER MINISTER**

- (a) Any former Minister of the Church may apply for readmission as a Minister.

- (b) Any person who was a minister or deaconess in one of the uniting churches at any time prior to the date of union may apply for admission as a Minister of the Word or Deacon and the application shall be dealt with in the same manner as an application from a former minister of the Church seeking readmission as a Minister. If there is no Minister of the Congregation in which the applicant holds membership, the application may be made directly to the Presbytery.
- (c) Any former Minister seeking readmission shall make written application to the Presbytery through the Minister of the Congregation (or through the appropriate member of the ministerial team in the Congregation) in which the applicant holds membership and shall make available to the Presbytery such additional information and material as is prescribed under these Regulations or as may be required by the Presbytery or by the Synod.
- (d) As soon as possible following receipt of an application the Presbytery shall request a confidential report from the appropriate Minister and shall seek comment from the Church Council where the applicant's membership is held and other referees, and shall then consider the application in accordance with the Regulations.
- (e) The Presbytery or a designated committee of the Presbytery shall:
  - (i) receive the application together with the confidential report of the Minister and the comments of the Church Council;
  - (ii) consider the references submitted by the nominated referees and by other persons as it sees fit;
  - (iii) appoint a support person for the applicant who shall assist the applicant in understanding and complying the requirements of the process.
  - (iv) The support person may attend any Presbytery or Synod meetings where the applicant is in attendance but may not

- speak in those meetings;
- (v) interview the applicant;
- (vi) conduct such other tests or call for such other information as it may require; and
- (vii) prepare a report and recommendation to the Synod panel.
- (f) An applicant shall satisfy the Presbytery or the designated committee of the Presbytery that
  - (i) the applicant is, and for the period of twelve months prior to making an application, has been a confirmed member of the Church, unless the Presbytery waives this requirement;
  - (ii) the reasons for the applicant having recognition as a Minister of the Church or as a Minister or Deaconess of one of the uniting churches withdrawn; and the reasons offered by the applicant for why those reasons no longer apply; and
  - (iii) the applicant is suitable in character, personality and spiritual maturity and has the capacity to exercise the responsibilities of the specific ministry for which application is made.
- (g) A two-thirds majority of members present at the meeting of the Presbytery or the designated committee of the Presbytery shall be required to commend the applicant to the Synod panel as suitable for readmission. Alternatively, the Presbytery may defer such commendation or may reject the application. The Presbytery must give written notice of the decision to commend or reject the application to the applicant within 14 days of the decision being made.
- (h) Where the Presbytery or the designated committee of the Presbytery resolves to commend the applicant to the Synod panel, the Presbytery shall forward to the Synod panel its report and any

resolutions together with other reports, references and information conveyed to it in accordance with Regulation 2.5.4 (c), (d) and (e). The Presbytery must give written notice of the decision to commend or reject the application to the applicant within 14 days of the decision being made.

### **2.5.5 SYNOD PANEL**

- (a) Each application for readmission shall be considered by a panel comprising members appointed by the Synod Standing Committee and a representative appointed by the applicant's Presbytery.

#### **Duties**

- (b) The Synod panel shall have before it all relevant documents and:
  - (i) arrange for medical, psychological and other assessments that it considers to be necessary;
  - (ii) seek further information as it considers necessary;
  - (iii) meet with the applicant; and
  - (iv) determine the outcome of application forwarded by the Presbytery.
- (c) In considering the application before it, the Synod panel shall have regard, among other things, to the issues considered by the Presbytery in Regulation 2.5.4 (f).
- (d) The Synod panel shall determine the application by:
  - (i) acceptance of the application for readmission, with or without any conditions attached to that acceptance, or
  - (ii) deferral of the application, with or without any conditions which must be satisfied before further consideration of the application; or
  - (iii) rejection of the application for readmission and shall inform the applicant and the Presbytery of its decision and shall give written notice to the applicant and the Presbytery of its decision within 14 days of the decision being made.

### **2.5.6 RIGHT OF APPEAL AGAINST A DECISION OF THE PRESBYTERY OR THE SYNOD PANEL**

- (a) An applicant may appeal against a decision made pursuant to Regulation 2.5.4(g) or 2.5.5 (d). The appeal shall be dealt with in accordance with Part 6 of these Regulations.
- (b) The appeal is to be made within 14 days of receipt of the communication of the decision. The appeal shall be lodged with the Synod Secretary in writing.
- (c) The Synod Standing Committee shall appoint an appeal committee of three persons to determine the matter. The appeal committee shall consult with the applicant and the Presbytery and, when appropriate, the Synod panel. The appeal committee shall then either dismiss the appeal or require the Presbytery or the Synod panel to reconsider the application. A decision of the appeal committee shall be final.

## **2.6 PLACEMENT AND APPOINTMENT**

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### **2.6.1 DESIGNATION OF MINISTERS**

- (a) Every Minister shall be designated as on active service, on leave of absence, retired, not available for placement or awaiting placement.

#### **2.6.1.1 Active Service**

- (b) A Minister shall be designated as in active service if the Minister is
  - (i) in an approved placement designated by a Synod or the Assembly for the regular exercise of the duties of a Minister (See Reg. 2.2.1);
  - (ii) seconded to another church for a defined period by the Placements Committee at the request of such other church for the regular exercise of the duties of a Minister (See Reg.



2.2.1);

- (iii) serving in an ecumenical or Church-related body for a defined period with the approval of the Placements Committee for the regular exercise of the duties of a Minister (See Reg. 2.2.1);
- (iv) regularly and faithfully exercising the duties of a Minister (See Reg. 2.2.1) in a situation other than those described in (i), (ii) or (iii) above, with the approval of the Placements Committee on the recommendation of the Presbytery. The Placements Committee may at any time, after review of the work of the Minister or on the recommendation of the Presbytery, declare that the Minister is no longer in active service.

#### **2.6.1.2 Leave of Absence**

- (a) A Minister, Youth Worker and Lay Pastor may be granted leave of absence from active service by the Placements Committee on the recommendation of the Presbytery for a defined period for reasons which the Placements Committee considers sufficient.

#### **2.6.1.3 Retirement**

- (a) A Minister may retire -
- (b) Permanently
  - i. after reaching the age of 55;
  - ii. on the issue of a medical certificate by the Synod's Medical Advisers that the Minister is unfit for active service and the Beneficiary Fund has determined a pension will be paid, or
  - iii. for any other reason which the Placements Committee after consultation with the Presbytery considers sufficient.

- (ii) temporarily for a defined period with the approval of the Placements Committee on the recommendation of or with the concurrence of the Presbytery on the issue of a medical certificate by the Synod's Medical Advisers that the Minister is temporarily unfit for active service and the Beneficiary Fund has determined a pension will be paid. Such temporary retirement may be extended or varied by the Placements Committee and at the end of the period of temporary retirement the Minister shall be available for active service or seek permanent retirement.

#### **2.6.1.4 Not Available for Placement**

- (a) A Minister shall be designated as not available for placement:
  - (i) at any time when the Placements Committee on the recommendation of or with the concurrence of the Presbytery determines that for a defined period the Minister shall not be in active service for any reason which the Placements Committee and the Presbytery consider to be sufficient, and such designation may be extended or varied by the Placements Committee after consultation with and concurrence of the Presbytery;
  - (ii) during a period of suspension determined by the Committee for Discipline pursuant to Regulation 5.7.4(r)(iii) or (v), or by an Appeal Panel on appeal from the Committee for Discipline unless a stay of the suspension is granted (See Reg. 5.7.8).

#### **2.6.1.5 Awaiting Placement**

- (a) Any Minister, Youth Worker or Lay Pastor who is not in active service and who is not on leave of absence, retired or designated not available for placement shall be designated as awaiting placement.

### **2.6.2 ELIGIBILITY OF MINISTERS FOR CALL**

- (a) The secretary of the Placements Committee shall prepare and maintain a list of Ministers who are eligible to accept a call.
- (b) The list shall include the names of Ministers in the fifth and subsequent years of a placement (or, in the case of a first placement following ordination, the third or subsequent year).
- (c) A Minister in placement shall be eligible to accept another placement to become effective at any time after the completion of five years (or, in the case of a first placement after ordination, three years).
- (d) No approach shall be made except by the Placements Committee to any Minister whose name does not appear on the list. When a Congregation or other body wishes for special reasons to approach such a Minister, it shall request the Placements Committee (in the case of a Congregation, the request shall be made through its Presbytery), and the Placements Committee may at its discretion approach the Minister concerned after consultation with the Presbytery in the bounds of which the Minister is placed or with any other appropriate body. In the case of an approach to a Minister not listed which may result in an inter-Synod transfer, the prior consent of the Placements Committee of the other Synod shall be obtained.
- (e) Ministers who are listed as eligible to accept a call shall ensure that an up- to-date ministerial profile, prepared according to Assembly guidelines, is lodged with the secretary of the Placements Committee.

### **2.6.3 CREATING APPROVED PLACEMENTS**

- (a)
  - (i) An approved placement is the position of responsibility for the regular discharge of the duties of the ministerial office to which a Minister is or may be called.

- (ii) Youth Workers and Lay Pastors may also be called to approved placements.
  - (iii) A Synod may from time to time declare that certain positions which are not under the jurisdiction of the Church (but which require the regular discharge of the duties of the ministerial office) are approved placements in which Ministers or ordinands may serve. Deacons, because of the particular focus of their ministry, may often serve in placements which are not under the jurisdiction of the Church.
- (b) A Minister, Youth Worker or Lay Pastor shall be called to serve in an approved placement as provided in these Regulations.
  - (c) A call to a placement gives effect to the perceived will of God as expressed by a decision of a council or councils of the Church and by the response of the Minister, Youth Worker or Lay Pastor concerned. After careful consideration and prayer, the Minister, Youth Worker or Lay Pastor discerns therein an expression of the will of God in relation to ministry at that time.
  - (d) With the agreement of the Minister, Youth Worker or Lay Pastor and the body which calling him or her to a placement within the bounds, a Presbytery may determine that a portion of the Minister's, Youth Worker's or Lay Pastor's time be available to serve the Church beyond the particular placement. Such time shall be related to specific activities and the arrangements shall be documented, monitored and reconsidered annually.
  - (e) Approved placements within the bounds of the Assembly shall be designated by the Assembly or its Standing Committee.
  - (f) Approved placements within the bounds of a Synod shall be designated by the Placements Committee

#### **2.6.4 PRIORITY PLACEMENTS**

- (a) The Placements Committee may designate certain approved placements as Priority placements.
- (b) Priority placements shall be made by the Placements Committee.
- (c) Subject to consultation with the Presbytery or other body concerned, the Placements Committee may approach any Minister in whatever year of placement to fill a Priority placement.

#### **2.6.5 ISSUING CALLS**

- (a) The Placements Committee has responsibility for issuing calls:
  - (i) to ordinands in respect of their initial placements;
  - (ii) to Ministers received under Regulation 2.5.1 in respect of their initial placements;
  - (iii) for filling Priority placements;
  - (iv) for filling placements at the request of a Presbytery.
- (b) Placements within the bounds of a Presbytery shall be made by the Presbytery with the exceptions listed in Regulation 2.6.5(a). The Presbytery shall consult with the Placements Committee concerning all vacancies in the Presbytery.
- (c) Any Presbytery may refer any or all of its responsibilities in placement matters to the Placements Committee.
- (d) A Presbytery may delegate any or all of its responsibilities regarding placements to its Pastoral Relations Committee.
- (e) Synod placements shall be made by the Synod with the exception of placements listed in Regulations 2.6.5(a).
- (f) Assembly placements shall be made by the Assembly.
- (g) Each placement shall be made in consultation with the Minister and any other body concerned.

## **2.6.6 PLACEMENT PROCESS FOR A CONGREGATION OR PRESBYTERY PLACEMENT**

### **2.6.6.1 Decision to Seek a Placement**

- (a) At the earliest opportunity after a vacancy exists or is known to be impending in a placement over which the Presbytery has oversight, the Presbytery and the Congregation or other body affected by the vacancy shall jointly conduct a special consultation/mission study in order to recommend if the vacancy shall be filled, and if so
  - (i) recommend to the Placements Committee which of the Specified Ministries is appropriate, which Council or body should issue the call and whether the placement will be a Congregation, Presbytery or other body placement;
  - (ii) prepare a profile for the placement according to the Assembly guidelines; and
  - (iii) recommend whether to seek Placements Committee approval to advertise for expressions of interest although such approval is not required for Youth Worker placements.
- (b) A placement profile shall be submitted for approval by the Church Council and by the Presbytery before submission to the Placements Committee.

### **2.6.6.2 Appointing a Joint Nominating Committee**

- (a) For a placement to be filled by call of the Congregation, a Joint Nominating Committee shall be constituted as follows:
  - (i) at least two persons appointed by the Presbytery, one of whom shall be appointed by the Presbytery as chairperson, and preferably at least one of whom shall be a member of the Pastoral Relations Committee;
  - (ii) two to six persons appointed by the Congregation;

- (iii) in circumstances where the Presbytery considers a larger Joint Nominating Committee advisable, up to four additional persons appointed by the Congregation.
- (b) Half the number of members of the Joint Nominating Committee shall constitute a quorum, of whom at least one shall be a Presbytery appointee and at least one shall be an appointee of the Congregation or other body.
- (c) For a placement to be filled by the call of the Presbytery, Presbytery shall appoint a Joint Nominating Committee with a maximum of eight members, the majority of whom are Presbytery members. Other persons with involvement or interest in the particular ministry may be included.
- (d) For placements known as Presbytery Minister/Officer, the Joint Nominating Committee will consist of those appointed by the Presbytery together with two persons appointed by the Placements Committee, at least one of whom is not a serving Presbytery Minister/Officer.

### **2.6.6.3 Recommendations from Placements Committee**

- (a) After considering the placement profile and the list of Ministers, Youth Workers and Lay Pastors eligible for a new placement, the Placements Committee shall recommend up to three Ministers, Youth Workers or Lay Pastors for consideration by the Joint Nominating Committee:
  - (i) the Placements Committee may choose to appoint one of its members together with a Placements Committee member from the Presbytery concerned, to meet with the Joint Nominating Committee prior to consideration of eligible Ministers;
  - (ii) the Joint Nominating Committee may itself suggest names of Ministers, Youth Workers or Lay Pastors for the

Placements Committee to consider;

- (iii) Ministers, Youth Workers or Lay Pastors may express interest in having their names considered for one or more placements;
  - (iv) the Placements Committee may recommend a Minister, Youth Worker or Lay Pastor for no more than two placements at any one time.
- (b) The profile of each recommended Minister, Youth Worker or Lay Pastor will be forwarded to the Joint Nominating Committee, and the reasons for the recommendation shall be communicated by the Placements Committee to the Joint Nominating Committee.
- (c) The profile of the Congregation or other body will be forwarded to the Ministers, Youth Workers or Lay Pastors concerned, and the reasons for the recommendation shall be communicated by the Placements Committee to the Ministers.
- (d) The Pastoral Relations Committee on behalf of the Presbytery may, if it wishes, comment to the Joint Nominating Committee on the appropriateness of one or more of the names of Ministers, Youth Workers or Lay Pastors recommended by the Placements Committee to fill the vacancy.

#### **2.6.6.4 Joint Nominating Committee Conversation**

- (a) The Joint Nominating Committee may approach for conversation only those Ministers, Youth Workers or Lay Pastors whose names have been recommended to it by the Placements Committee. Similarly, Ministers, Youth Workers or Lay Pastors may approach for conversation only those Joint Nominating Committees recommended to them by the Placements Committee:
- (i) conversation may include formal and informal discussions, mutual visits and informal gatherings;
  - (ii) while there is no obligation on either the Joint Nominating



Committee or a Minister, Youth Worker or Lay Pastor to proceed to call, they are to take into account that the recommendations emerge from the collective wisdom of the Church;

- (iii) the Joint Nominating Committee may have conversations with each recommended Minister, Youth Worker or Lay Pastor before making a decision on any; similarly, Ministers, Youth Workers or Lay Pastors may have conversations with each Joint Nominating Committee before making a decision on any;
  - (iv) at any time a Minister, Youth Worker or Lay Pastor or a Joint Nominating Committee may decline to proceed with a conversation and will advise the Placements Committee in writing of their reasons for doing so.
- (b) The Joint Nominating Committee shall make a decision about the recommended names of Ministers, Youth Workers or Lay Pastors provided by the Placements Committee within two months of receiving them. This decision will normally be conveyed to the Placements Committee through the Presbytery appointee/s on the Joint Nominating Committee.

#### **2.6.6.5 Issuing A Call**

- (a) When the Joint Nominating Committee wishes to recommend that a call be issued, it must obtain the approval of the Presbytery or, where authority has been delegated under Regulation 3.7.3(b)(vi), of the Pastoral Relations Committee. When approval has been granted, and the Minister, Youth Worker or Lay Pastor consents to the recommendation, the Joint Nominating Committee shall:
- (i) for placements in a Congregation, recommend to a meeting of each Congregation involved in the placement that a call be issued;

- (ii) for Presbytery placements, recommend to a meeting of the Presbytery that a call be issued; if the Presbytery placement is to provide the primary ministry in particular Congregations, those Congregations shall be given opportunity to express their mind on the recommendation prior to any Presbytery decision to issue a call.
- (b) If a Congregation or Presbytery resolves to issue a call, letters of call are to be sent within three days of the decision being made by the body issuing the call. The letter shall include the date on which the placement will commence. The Minister, Youth Worker or Lay Pastor shall respond within fourteen days of receiving the letter of call.

#### **2.6.7 PLACEMENTS OTHER THAN CONGREGATIONS AND PRESBYTERIES**

- (a) Where the body in which a Minister, Youth Worker or Lay Pastor is to be placed is neither a Congregation nor Presbytery, the principles set out in Regulation 2.6.6 shall be followed as closely as possible.
- (b) If the placement is a Chaplaincy position, the Joint Nominating Committee should include representatives of the Presbytery, the agency in which the placement is situated and at least one serving chaplain.
- (c) Joint Nominating Committees responsible for Synod or Assembly placements shall seek from Placement Committees the names of persons who could be considered suitable to fill a vacancy. These Joint Nominating Committees may also advertise for expressions of interest.

## **2.6.8 EXTENSION OF CONGREGATION PLACEMENTS BEYOND THE TENTH YEAR**

- (a)
  - (i) A placement in a Congregation may be extended by the Presbytery beyond the tenth year by agreement of the Minister, Youth Worker or Lay Pastor, Congregation and Presbytery.
  - (ii) Any extension shall require a two-thirds majority by secret ballot of those present in each of the meetings of the Church Council, the Congregation and the Presbytery.
- (b) Such extensions may be for periods of up to five years at a time.
- (c) A decision to extend a placement may be made at any time during the ninth and tenth year of a placement, or, in the case of any subsequent extension, at any time during the last two years of the current extension.
- (d) When considering requests for extension the Presbytery shall:
  - (i) consult with the Congregation, and give consideration to the continued growth in the mission and development of the Congregation;
  - (ii) consult with the Minister, Youth Worker or Lay Pastor, and give consideration to the welfare and vocational growth of the minister; and
  - (iii) seek advice from the Placements Committee.

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## **2.6.9 DESIGNATING AN APPOINTMENT AS APPROPRIATE FOR THE MINISTRY OF PASTOR**

- (a) A ministry location shall be designated as an appropriate appointment for the exercise of the ministry of Pastor for the

purposes of these Regulations when

- (i) the position description of the role the person undertakes includes one or more of the tasks named in Regulation 2.2.2; and the Presbytery, (or Synod in the case of a Synod appointment, or Assembly in the case of an Assembly appointment) designates that the position description and ministry location are suitable for the exercise of the ministry of Pastor; or a lay person is appointed to fill an approved placement.
- (b) When the Presbytery, (or Synod in the case of a Synod appointment, or Assembly in the case of an Assembly appointment), has resolved to recognise a ministry location as appropriate for the exercise of the ministry of Pastor, it shall advise the faith community, congregation(s) or other appropriate body and the Placements Committee.
- (c) Before making an appointment the appointing body should satisfy itself that the the applicant has been able to demonstrate the core competencies of the ministry of Pastor.
- (d) Where an applicant cannot demonstrate the core competencies the Presbytery (or the Synod in the case of a Synod appointment, or the Assembly in the case of an Assembly appointment), may grant permission to make the appointment subject to a three month probation period by the end of which time the person shall have demonstrated the core competencies.

## **2.7 STIPENDS AND CONDITIONS**

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### **2.7.1 STIPEND**

- (a) A Minister, Youth Worker or Lay Pastor called to serve in an approved placement under the jurisdiction of the Church shall be

paid a stipend:

- (i) if full-time, not less than the minimum rate determined by the Synod;
  - (ii) if part-time, calculated on a proportionate basis of the minimum rate determined by the Synod.
- (b) In exceptional circumstances a Minister, Youth Worker or Lay Pastor serving in a particular full-time or part-time approved placement may be paid a stipend on a different basis than provided for in (a) above or no stipend subject to:
  - (i) the approval of the Minister, Youth Worker or Lay Pastor;
  - (ii) the approval of the Presbytery or other appointing body and the Placements Committee, taking into account the fairness of the arrangements in the circumstances;
  - (iii) a review at any time at the request of the Minister, Youth Worker or Lay Pastor; and
  - (iv) no less frequently than every two years, after a review initiated by the Presbytery or other appointing body, a reassessment of the stipend approved by the Minister, Youth Worker or Lay Pastor, the Presbytery or other appointing body and the Placements Committee.

Any such arrangement shall not transfer to another Minister, Youth Worker or Lay Pastor called to serve in the placement.

- (c) Provision for the housing of Ministers in placement and for travelling allowances, leave entitlements, insurances and expenses of such Ministers shall be made in accordance with the determination of the Synod or other determining body.

### **2.7.2 CONDITIONS OF PLACEMENT**

- (a) A placement of a Minister, Youth Worker or Lay Pastor shall normally commence on the first day of the month and terminate on

the last day of the month.

- (b) A placement may commence and terminate at any time as agreed between the Presbytery and Congregation or other body which calls the Minister, Youth Worker or Lay Pastor, having regard to the needs of the Minister, Youth Worker or Lay Pastor and the Congregation or other body to which the Minister, Youth Worker or Lay Pastor is called and the normal expectation that not less than three months notice of termination of a placement will be given.
- (c) A Minister, Youth Worker or Lay Pastor entering a new placement may be permitted by the Congregation or other body to which the Minister, Youth Worker or Lay Pastor is called or, failing their agreement, by the Presbytery, to assume responsibilities on a designated date after the placement commencement date but normally no later than:
  - (i) the fifteenth day after the placement commencement date in respect of an intrasynod move;
  - (ii) the twenty-first day after the placement commencement date in respect of an intersynod move.

### **2.7.3 CONDITIONS OF PLACEMENT FOR MINISTERS**

- (a) The placement of a Minister in a pastoral charge shall normally be made for an undefined term but shall not continue beyond ten years except as provided in Regulation 2.6.8.
- (b) Placements other than in Congregations shall be of such duration as the body making the placement determines and shall normally be reviewed every fifth year in a manner to be determined by the body making the placement.
- (c) Placements current at the date of the first Assembly shall continue in the terms of the original terms of placement unless otherwise agreed between the parties.

#### **2.7.4 CONDITIONS OF APPOINTMENT FOR A PASTOR**

- (a) The Presbytery, (or the Synod in the case of a Synod appointment, or the Assembly in the case of an Assembly appointment), shall approve the terms and conditions of appointment.
- (b) The appointment shall be subject to regular evaluation by the Presbytery, (or the Synod in the case of a Synod appointment, or the Assembly in the case of an Assembly appointment), in consultation with the Pastor and the Congregation or other appropriate body.

#### **2.7.5 CONDITIONS OF PLACEMENT FOR YOUTH WORKERS AND LAY PASTORS**

- (a) The placement of a Youth Worker or Lay Pastor shall normally be made for a period of three years, with the possibility of extension of up to three years at a time to a total maximum of ten years. In the final year of the initial term or any subsequent extension, a decision shall be taken by the body making the placement as to whether or not the Youth Worker or Lay Pastor is invited to continue for a further term in the placement. In the case of a placement in a Congregation, the decision of the Presbytery shall be made on the advice of the Church Council. Extensions beyond the tenth year shall be determined in accordance with Regulation 2.6.7.

#### **2.7.6 CONDITIONS OF APPOINTMENT FOR COMMUNITY MINISTERS**

- (a) Prior to commissioning the Presbytery shall consult with the candidate and with the community, Congregation or other appropriate body, to consider the need for any revision to the

position description and conditions of appointment determined at the time the candidate commenced their ministry.

- (b) The Presbytery may review the terms and conditions of appointment as and when it sees fit and shall do so no less frequently than each two years.
- (c) The minimum term of appointment of a Community Minister is two years. The appointment may continue for an indefinite period subject to regular evaluation by the Presbytery in consultation with the Community Minister, the community, Congregation or other appropriate body.
- (d) The Presbytery shall evaluate the community ministry no less frequently than each two years, and may do so at any time at its own initiative or at the request of the Community Minister, the community, Congregation or other appropriate body.

## **2.8 INDUCTION, COMMISSIONING AND COMMENCEMENT SERVICES**

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### **2.8.1 INDUCTION**

- (a) The Presbytery (or the Synod in the case of a Synod placement, or the Assembly in the case of an Assembly placement), shall be responsible for inducing a Minister into a placement.
- (b) The Presbytery shall participate in any service of worship in which a Minister is induced or commissioned.
- (c) The induction shall be conducted in the manner prescribed by the Assembly.

### **2.8.2 COMMISSIONING OF A PASTOR**

- (a) The Presbytery, (or the Synod in the case of a Synod appointment, or the Assembly in the case of an Assembly appointment), shall be responsible for conducting a service of commissioning. The



commissioning service shall be conducted on the commencement of an appointment of a Pastor and in accordance with a form authorised by the Assembly.

### **2.8.3 SERVICE TO MARK THE COMMENCEMENT OF A PLACEMENT OF A YOUTH WORKER OR LAY PASTOR**

- (a) The Presbytery shall be responsible for conducting a service to mark the commencement of a placement of a Youth Worker or Lay Pastor in a placement within the bounds of the Presbytery.
- (b) The Synod or Assembly shall be responsible for conducting a service to mark the commencement of a placement of a Youth Worker in a placement in the Synod or Assembly or their agencies or any other body, and shall ensure that the appropriate Presbytery participates.

## **2.9 ACCOUNTABILITIES AND MEMBERSHIPS**

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### **2.9.1 ACCOUNTABILITY OF A MINISTER**

Each Minister shall be accountable and responsible in matters of faith and discipline to the Presbytery in which their name is listed on the Presbytery roll.

### **2.9.2 ACCOUNTABILITY OF A PASTOR**

- (a) A Pastor shall be accountable to the Presbytery which has oversight of the Pastor in matters of faith and discipline and to the appointing body for the exercise of their ministry.
- (b) Pastors are subject to the Code of Ethics and Part 5 of these Regulations.

### **2.9.3 MEMBERSHIP OF A MINISTER**

A Minister in a placement in a Congregation(s) shall be listed on the roll of confirmed members of one Congregation within the pastoral charge.

In all other cases, a Minister shall be listed on the roll of confirmed members of the Congregation with which the Minister chooses to be actively involved and the Minister shall advise the Presbytery of the Congregation chosen.

#### **2.9.4 MEMBERSHIP OF A PASTOR**

A Pastor shall be:

- (a) included on the roll of confirmed members, or members-in-association, of a Congregation in which the Pastor is serving, or, where the appointment is other than in a Congregation, included on the roll of confirmed members, or members-in-association, of the Congregation with which the Pastor chooses to be actively involved;
- (b) a member of the Church Council of the Congregation in which the Pastor is serving, if serving in a congregational context unless the Presbytery, after consultation with the Congregation, determines otherwise;
- (c) a member of the Presbytery (See Reg. 3.3.4(c)(i)), and eligible for election as a lay member of the Synod and the Assembly.

#### **2.9.5 MEMBERSHIP ENTITLEMENTS OF A MINISTER FROM ANOTHER DENOMINATION**

- (a) A person who is ordained or recognised as a minister in a church of another denomination recognised by the Church, and who
  - (i) has been seconded, commissioned, released or otherwise authorised by that other denomination to work in the Church, and
  - (ii) is serving in an approved placement to fulfil substantially the responsibilities of a Minister, shall be eligible to be elected or appointed to membership of any body or council of the Church (including but not limited to, a Church Council, a Synod or the Assembly).

- (b) If such body or council is so constituted that any member must be counted as either a lay or a ministerial member, then a person so appointed or elected shall be counted as a ministerial member.
- (c) A person who satisfies the provisions of Regulation 2.9.5(a) and who would if a Minister of the Church be, ex officio, a member of any council of the Church shall, while so serving, be a member ex officio of such council.
- (d) Except as may have been otherwise arranged by the Church with a person serving in accordance with this Regulation such a person shall (except in respect of any matter affecting the status of the person as a minister in a church of another denomination) as far as possible enjoy all the rights and privileges and be subject to the same responsibilities and obligations as would apply to a Minister of the Church.

### **2.9.6 ACCOUNTABILITY OF A YOUTH WORKER, LAY PASTOR OR COMMUNITY MINISTER**

A Youth Worker, Lay Pastor, Community Minister or candidate for Community Minister are:

- (a) under the pastoral care and oversight of the Presbytery of which they are a member
- (b) in matters of faith and discipline, accountable to the Presbytery, and are (with the exception of the candidate for Community Minister) subject to Part 5 of these Regulations;
- (c) in the exercise of their ministry, accountable to:
  - (i) the Presbytery, in the case of placements or appointments in a Congregation or a Presbytery;
  - (ii) the Synod or its delegated body, in the case of placements or appointments in a Synod or Synod agency;
  - (iii) the Assembly or its delegated body, in the case of placements or appointments in the Assembly or an

- Assembly agency;
- (iv) the body with whom they are placed or appointed, and the Synod or its delegated body, in the case of placements other than in a Congregation, Presbytery, Synod or the Assembly.

### **2.9.7 MEMBERSHIP OF A YOUTH WORKER, LAY PASTOR OR COMMUNITY MINISTER**

- (a) A Youth Worker, Lay Pastor or Community Minister shall be:
  - (i) included on the roll of confirmed members, or members in association, of a Congregation in which they are serving, or, where the placement is other than in a Congregation, included on the roll of confirmed members, or members in association, of the Congregation with which they choose to be actively involved;
  - (ii) a member of the Church Council of the Congregation in which they are serving, if serving in a congregational context.
  - (iii) a member of the Presbytery (See Reg. 3.3.4(c)(i)), and
  - (iv) eligible for election as a lay member of the Synod and the Assembly.
- (b) A candidate for Community Minister is a member of the appropriate Church Council and an associate member of Presbytery.

## **2.10 TERMINATION AND WITHDRAWAL OF RECOGNITION**

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### **TERMINATION OF PLACEMENT OF A MINISTER, YOUTH WORKER OR LAY PASTOR**

#### **2.10.1 Placement in a Congregation**

- (a) A placement in a Congregation within the bounds of a Presbytery

may be terminated at any time by the Presbytery according to the procedures in this Regulation.

- (b) Any decision by a Presbytery to terminate a placement in a Congregation shall normally be made as a result of a consultation on the life and witness of the Congregation. The Presbytery shall consider any request for the termination of a placement in a Congregation made by the Church Council pursuant to a resolution carried by a two thirds majority of members present at a special meeting.
- (c) The Presbytery shall give written notice of decision to terminate a placement to the Minister, Youth Worker, or Lay Pastor concerned within 14 days of a decision being made.
- (d) A placement in a pastoral charge shall not be terminated by the Presbytery within the first five years (or in the case of the first placement of a Minister following ordination, Youth Worker or Lay Pastor, three years) except in special circumstances, and either:
  - (i) at the request of the Minister, Youth Worker or Lay Pastor,  
or
  - (ii) at the request of the Church Council by a two thirds majority of members present at a special meeting, or
  - (iii) at the initiative of the Presbytery after consultation with the Placements Committee.
- (e) Where a Presbytery has delegated its authority to its Pastoral Relations Committee a Church Council may appeal to the Presbytery against any decision of the Committee.
- (f) Any decision of the Presbytery or its Pastoral Relations Committee to terminate a placement shall be by a two thirds majority of those present at the meeting.
- (g) A placement in a pastoral charge shall not be terminated by a Presbytery during the term of any extension beyond ten years

pursuant to Regulation 2.6.8 except on the same conditions as set out in (c) above.

### **Placements Other Than Congregations**

- (h) Placements other than in Congregations may be terminated at any time by the Presbytery, Synod or Assembly as the case may be, after consultation with the Minister, Youth Worker or Lay Pastor and other bodies concerned.

### **Placements Committee**

- (i) The Placements Committee:
  - (i) acting on its own initiative or on the request of a Presbytery, the Synod or the Assembly may terminate a placement at any time;
  - (ii) shall act on its own initiative only after consideration of the good of the whole Church and either in order to meet the particular needs of a Minister, Youth Worker or Lay Pastor or to provide ministry in a Priority placement;
  - (iii) shall terminate a placement only after consultation with the Minister, Youth Worker or Lay Pastor, the pastoral charge, other appropriate bodies and the relevant Presbytery.
- (j) Whenever a council or the Placements Committee is considering terminating a placement it shall appoint a person to provide pastoral care and support to the Minister, Youth Worker or Lay Pastor.

### **Appeal**

- (k) A Minister, Youth Worker or Lay Pastor whose placement has been terminated shall have a right of appeal which shall be dealt with in accordance with Part 6 of these Regulations.

## **2.10.2 TERMINATION OF RECOGNITION OF A PASTOR**

The recognition of a Pastor shall cease upon:

- (a) the acceptance by the appointing body of the Pastor's resignation

from a ministry location which has been designated as appropriate for the ministry of Pastor;

- (b) the determination by the Presbytery, (or the Synod in the case of a Synod appointment, or the Assembly in the case of an Assembly appointment), that the general competencies identified by the Assembly as appropriate for the particular ministry in which the Pastor is engaged have not been demonstrated within the period of time determined by the Presbytery, (or the Synod in the case of a Synod appointment, or the Assembly in the case of an Assembly appointment);
- (c) the termination of the appointment of the Pastor for whatever reason; or
- (d) the determination of the Committee for Discipline pursuant to Regulation 5.7.4(r)(vi), subject to the Regulations relating to appeal.

Where a Pastor is appointed to an approved placement the Regulations related to the termination of a placement shall not apply.

### **2.10.3 WITHDRAWAL OF RECOGNITION OF A MINISTER**

- (a) The recognition of a Minister may be withdrawn by the Synod by reason of:
  - (i) the acceptance by the Presbytery with which the Minister is enrolled of a resignation from the ministry;
  - (ii) continuing in the designation of awaiting placement, or not available for placement in each case for more than two years unless the Placements Committee and the Presbytery both agree, by a two-thirds majority of those present and voting, that there are circumstances which warrant the extension of the term by a further year; or
  - (iii) a determination of the Committee for Discipline pursuant to Regulation 5.7.4(r)(vi), subject to the Regulations relating

to appeal.

- (b) The recognition of a Minister shall be automatically withdrawn if the Minister is convicted of a criminal offence of a sexual nature in relation to a minor.

#### **2.10.4 WITHDRAWAL OF RECOGNITION OF A LAY PREACHER**

- (a) Recognition shall be withdrawn by the Presbytery if the Lay Preacher ceases to be a member of the Church.
- (b) The Presbytery may withdraw recognition by a two thirds majority of those present and voting if after receiving a report from the Church Council or arising from consultation on the life and witness of a Congregation in accordance with Regulation 3.1.4, it determines that the Lay Preacher has failed to maintain a satisfactory relationship with the life of the Church or is no longer conforming to standards of a member and Lay Preacher of the Church or complying with the discipline of the Church, including the Code of Ethics for Lay Preachers.
- (c) If a Lay Preacher whose recognition has been withdrawn in accordance with the provisions of this Regulation seeks to be reinstated, the Church Council shall consider and determine the matter, after consultation with the Presbytery by which recognition was withdrawn.
- (d) Any Lay Preacher whose recognition has been withdrawn by the Presbytery has the right of appeal which shall be dealt with in accordance with Part 6 of these Regulations.

#### **2.10.5 TERMINATION OF APPOINTMENT OF A COMMUNITY MINISTER**

- (a) The Presbytery may terminate the appointment of a Community Minister at any time when, after consultation with the Community



Minister and with the community, Congregation or other appropriate body, it is satisfied of any of these reasons:

- (i) the request of the Community Minister, the community, Congregation or other appropriate body;
  - (ii) the need for the community ministry has ceased;
  - (iii) the Community Minister is no longer a member of the community;
  - (iv) the Community Minister is no longer living within the faith and unity of the Church as expressed in the Basis of Union;
  - (v) the Community Minister refuses to undertake continuing education;
  - (vi) the Community Minister refuses to accept the oversight of the Presbytery;
  - (vii) the Community Minister is no longer able to fulfil the requirements of the ministry.
- (b) A decision to terminate the appointment requires a two thirds majority of those present and voting at a Presbytery meeting. Before a decision is taken, the Presbytery shall afford the Community Minister an opportunity to address the Presbytery, in person or through a representative.
- (c) The appointment shall terminate if the Committee for Discipline has so determined pursuant to Regulation 5.7.4(r)(vi).
- (d) In the event of termination of appointment, the Presbytery is responsible for the ongoing pastoral care of the person, the community, Congregation or other appropriate body.
- (e) When an appointment is terminated, the person ceases to be a Community Minister. Such a person is eligible to be invited to take up community ministry in another community, in which case the person's previous preparation, experience and record of ministry shall be taken into account by the Presbytery and the Ministerial

Education Board.

### **2.10.6 WITHDRAWAL OF ACCREDITATION OF A YOUTH WORKER**

- (a) The accreditation of a Youth Worker may be withdrawn by the Synod by reason of:
  - (i) the acceptance by a Presbytery of a resignation from the ministry of Youth Worker; or
  - (ii) continued failure to accept a placement without, in the opinion of the Synod, reasonable cause.
- (b) The accreditation of a Youth Worker shall, subject to the Regulations relating to appeal, be withdrawn by the Synod where the Committee for Discipline has so determined pursuant to Regulation 5.7.4(r)(vi).

### **2.10.7 WITHDRAWAL OF RECOGNITION OF A LAY PASTOR**

The recognition of a Lay Pastor shall cease upon:

- (a) the acceptance by the Synod of a resignation from the ministry of Lay Pastor;
- (b) the termination of the placement of, or expiry of a leave of absence granted to, a Lay Pastor where the Lay Pastor does not immediately commence a new placement or other ministry position recognised by a Presbytery; or
- (c) the determination of the Committee for Discipline pursuant to Regulation 5.7.4(r)(vi), subject to the Regulations relating to appeal.

## **2.11 COLLEGIATE AND TEAM MINISTRY RELATIONSHIPS**

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### **2.11.1 MINISTERS-IN-ASSOCIATION**

- (a) Any Minister who is not in an approved placement in a

Congregation(s) nor designated not available for placement may on the invitation of a Church Council and with the approval of the Presbytery become a Minister-in-Association to fulfil such pastoral, preaching or other responsibilities as may be agreed with the inducted Minister(s) prior to the approval by Presbytery.

- (b) The term of service of a Minister-in-Association shall be not more than two years. It may be renewed with the approval of the Presbytery.
- (c) The term of service of a Minister-in-Association shall cease whenever there is a change of or within any placement in the Congregation or pastoral charge. A new invitation may be issued after the change in accordance with Regulation 2.11.1(a).
- (d) The Church Council shall be responsible for determining any appropriate remuneration for a Minister-in-Association.

### **2.11.2 COLLEGIATE MINISTRY**

Where within any one pastoral charge more than one Minister is placed to share the ministerial responsibilities,

- (a) they shall be recognised as colleagues of equal standing;
- (b) for the better fulfilment of the mission of the Church, the better use of gifts and graces of the Ministers and the better ordering of the life of the pastoral charge, specified responsibilities may from time to time be allocated to a particular Minister, as determined either
  - (i) by the Ministers serving in the pastoral charge, with the approval of the Church Council; or
  - (ii) by the Church Council, with the approval of the Ministers serving in the pastoral charge.

In the event of disagreement, either the Church Council or any of the Ministers may refer the matter to the Presbytery which shall investigate and determine any or all of the matters in question. Any arrangements made at the time of the

commencement of the placement of the Ministers shall be taken into account in any determinations made under this Regulation.

[Korean]

### **2.11.3 MINISTRY TEAMS**

- (a) Church Councils and other appropriate bodies may determine that a ministry team is to function within a pastoral charge or part of a pastoral charge, for the purpose of better enabling Christ's mission within the pastoral charge, and shall designate the members of the ministry team. A ministry team may consist of Ministers serving in placements in the pastoral charge, those in specified ministries serving in the pastoral charge, and other lay and ordained leaders, whether stipended or non- stipended.
- (b) A Church Council or other appropriate body will designate the member of the ministry team who has responsibility for convening meetings and co-ordinating ministry functions.
- (c) In the event of disagreement on the composition of the ministry team or the designation of the person under (b), the Church Council or any of the Ministers, Lay Pastors or Youth Workers within the pastoral charge may refer the matter to the Presbytery, which shall investigate and determine the matter
- (d) The composition of the ministry team and the designation of the person under (b) may be reviewed by the Church Council or other appropriate body whenever deemed appropriate, and shall be reviewed when there is a change in a ministerial placement.

## **3 GOVERNMENT AND ADMINISTRATION**

### **3.1 RESPONSIBILITIES OF CONGREGATIONS AND COUNCILS**

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#### **3.1.1 PURPOSE AND RESPONSIBILITIES OF A CONGREGATION (See Para 23, Constitution)** **3.1.1**

- (a) A Congregation, as the embodiment in one place of the one holy catholic and apostolic church, shall be those members and adherents who worship, witness and serve as a fellowship of the Spirit in Christ, and who meet regularly to hear God's Word, to celebrate the sacraments, to build one another up in love, to share the wider responsibilities of the Church, and to serve the world, and who are recognised as a Congregation by the Presbytery.
- (b) In fulfilling its purpose a Congregation shall:
  - (i) bear witness to that unity that is both Christ's gift and his will;
  - (ii) build up the members and adherents in faith and love;
  - (iii) sustain the members and adherents in hope;
  - (iv) nurture the members and adherents in their growth in grace;
  - (v) equip the members and adherents for engagement in worship, witness and service in the world as they participate in the mission of Christ;
  - (vi) discipline its members in love;
  - (vii) maintain pastoral oversight;
  - (viii) encourage each member and adherent to participate in the life of the Congregation and endeavour to provide opportunity for that participation; and

- (ix) provide means whereby the members and adherents may be sustained in fellowship, in prayer and in confession, in baptism and in the Lord's Supper, in mutual reception of and mutual exertion in the Gospel proclamation and service.

(c) The responsibilities of a Congregation include:

- (i) participating in shared responsibilities with any related Congregations;
- (ii) fulfilling the ministry of the Church in and to the community;
- (iii) appointing Elders and other members of the Church Council, and members of other bodies, as required; (See Reg. 3.3.2)
- (iv) appointing member(s) to the Presbytery; (See Reg. 3.3.4)
- (v) making arrangements to call a Minister in accordance with the Regulations; (See Reg. 2.6.6)
- (vi) providing facilities and resources in support of the work of the Congregation, including stipends and allowances and other provisions for the support of the ministry, provided that stipends shall be the first charge on the funds of the Congregation;
- (vii) meeting as required to transact business that belongs to the Congregation;
- (viii) advising the Church Council on property matters affecting the Congregation;
- (ix) maintaining all necessary and appropriate relationships with the Presbytery and other councils and bodies;
- (x) such other things as are consistent with the purposes of the Church and not the specific responsibility of any other council or body within the Church.

### **3.1.2 RESPONSIBILITIES OF THE CHURCH COUNCIL (See Para 24, Constitution)**

- (a) The Church Council shall give priority in its life to building up the Congregation in faith and love, sustaining members in hope, and leading the Congregation to a fuller participation in Christ's mission in the world. This priority shall be reflected in the agenda of its ordinary meetings.
- (b) The responsibilities of the Church Council include:
  - (i) sharing with the Minister(s) in mission and in the pastoral care and spiritual oversight of the Congregation;
  - (ii) nurturing the members and adherents in their growth in grace;
  - (iii) making decisions in accordance with the Regulations concerning baptism, confirmation and membership, and the keeping and reviewing of the rolls of the Congregation; (See Part 1 of these Regulations)
  - (iv) assisting the Minister(s) in the conduct of worship and in the administration of the sacraments;
  - (v) determining the time and place of services of public worship;
  - (vi) carrying out its functions in accordance with the Regulations concerning applicants for the specified ministries;
  - (vii) managing the financial affairs and the general administration of the Congregation including the reception, preparation and presentation of all necessary budgets, statements and reports;
  - (viii) arranging for audit, presentation and examination of the accounts of all the funds of the Congregation; (See Reg. 3.8.7)

- (ix) managing and controlling property in accordance with the Regulations; (See Reg. 4.4.1)
- (x) preparing and presenting to a meeting of the Congregation an annual report concerning the life and work of the Congregation including its worship, mission and service, and making recommendations with regard to the program for the ensuing year;
- (xi) exercising oversight of the appointment of officers and leaders of Congregational organisations;
- (xii) referral of matters to Presbytery as prescribed;
- (xiii) discipline of members (See Reg. 5.1.2 – 5.2.5);
- (xiv) carrying out its functions in relation to Ministers-in-Association (See Reg. 2.11.1).

### **3.1.3 RESPONSIBILITIES OF THE PRESBYTERY (See Para 26, Constitution)**

Without limiting the generality of the responsibilities of a Presbytery as set out in Paragraph 26 of the Constitution, a Presbytery shall be responsible for:

#### **3.1.3.1 Oversight of Ministers**

- (a) pastoral and administrative oversight of all Ministers and pastoral charges within the bounds, including:
  - (i) counselling and disciplining of Ministers in accordance with Regulations 5.4.1 – 5.4.3
  - (ii) ensuring Ministers receive regular professional supervision;
  - (iii) providing opportunities for further training;
  - (iv) determining the intervals at which Ministers shall be counselled by its Pastoral Relations Committee in accordance with Regulations 3.7.3(b) and 5.4.3(a)
- (b) maintaining and reviewing annually the roll of Ministers;
- (c) including on its roll of Ministers:



- (i) Ministers in approved placements in the Assembly or a Synod who are placed on the roll of the Presbytery by designation of the Assembly or that Synod;
- (ii) Ministers in approved placements in the Presbytery;
- (iii) Ministers in approved placements in Congregations or other pastoral charges within the bounds of the Presbytery; and
- (iv) Ministers who are listed on the rolls of confirmed members of Congregations within the bounds of the Presbytery other than those who are on the rolls of other Presbyteries by reason of (c)(i), (ii) or (iii) above or by decision of the Synod.

### **3.1.3.2 Oversight of Congregations**

- (d) oversight of all Congregations within the bounds, including:
  - (i) the formation of, the alteration of the bounds of and the dissolution of Congregations and other pastoral charges within the bounds; (See Reg. 3.4.1 and 3.4.4)
  - (ii) conducting consultations on the life and witness of Congregations within the bounds in accordance with Regulation 3.1.4;
  - (iii) receiving and dealing with matters referred to it by Congregations and Church Councils as provided for in Regulation 3.3.3(d) and the transmission of those matters where appropriate;

### **3.1.3.3 Wider Work of the Church**

- (a) promoting the wider aspects of the work of the Church, including:
  - (i) setting up agencies as may be determined;
  - (ii) arranging for the contribution by Congregations of funds for the purposes of the Presbytery, the Synod and the

- Assembly and other approved purposes;
- (iii) the promotion and conduct throughout the Presbytery of such activities as will encourage and instruct the people generally toward a better understanding and a fuller participation in the whole range of Christian witness and service;

#### **3.1.3.4 Selection and Oversight of Candidates**

- (a) taking such part in the selection, pastoral care and oversight of candidates for the specified ministries of the Church as required by the Synod and/ or Assembly;
- (b) dealing with applications from Ministers of the Word or Deacons concerning change of ordained ministry in accordance with Regulation 2.3.2.6;

#### **3.1.3.5 Ordination, Accreditation or Recognition of Specified Ministries**

- (a) the ordination of candidates who have fulfilled the prescribed requirements for the office of Minister of the Word or Deacon;
- (b) recognising specified ministries;

#### **3.1.3.6 Oversight of Lay Preachers**

- (a) the exercise of oversight of Lay Preachers within its bounds;

#### **3.1.3.7 Placement and Appointment of Specified Ministries and Supervision of Vacancies**

- (a) the supervision of vacancies in pastoral charges and the filling thereof subject to any right of the bodies concerned to take part in the placement of Ministers;
- (b) the placement of Lay Pastors and Youth Workers as may be required;
- (c) designating appointments for the Ministry of Pastor and recognizing and commissioning Pastors;
- (d) in the exercise of its responsibility for the oversight of congregations

during periods when the Congregation does not have a Minister in placement:

- (i) appointing one or more Presbytery Liaison Persons who shall have the right to attend and speak at any meeting of the Congregation or its Church Council, and who shall liaise with the Congregation on behalf of the Presbytery. When a Congregation is seeking to fill a vacancy, this role will normally be given to one or more of the Presbytery-appointed members of the Joint Nominating Committee.
- (ii) assisting the nurture and care of the Congregation by the appointment, when considered appropriate by the Presbytery, of a Minister not classified under Regulation 2.6.1(e) to become an Associated Minister to fulfil such pastoral, preaching or other responsibilities as may be agreed with the Church Council and the Presbytery. The Church Council shall recommend to the Presbytery any appropriate remuneration for the person to be appointed and shall be responsible for the payment of the agreed sum. The appointment shall be reviewed annually by the Presbytery.

#### **3.1.3.8 Administration**

- (a) such administrative functions as may be necessary for the satisfactory working of the Presbytery, including:
  - (i) receiving and dealing with applications to acquire property or to sell, mortgage, exchange or lease the property of pastoral charges in accordance with the provisions of the relevant Acts and Regulations;
  - (ii) submitting Presbytery reports and records annually to the Synod;
  - (iii) appointing a qualified auditor who shall audit the books of

account and report to the Presbytery at least annually. (See Reg. 3.8.7)

#### **3.1.3.9 Other**

- (a) such other responsibilities as may be prescribed by the Assembly or Synod including the appointment of members of those councils;
- (b) providing for persons other than Ministers of the Word or Deacons to preside at the celebration of the sacraments where, in the opinion of the Presbytery, circumstances so require;
- (c) determining from time to time, and for good and sufficient reasons, the extent to which a Minister who is designated as on leave of absence, retired or not available for placement (See Reg. 2.6.1) shall be limited in the exercise of all or any of the functions of ministerial office. Any such determination shall be immediately reported to the Moderator and the Secretary of the Synod;
- (d) delegating the duties of an officer of the Presbytery to another officer as the Presbytery may determine.

### **3.1.4 CONSULTATIONS ON LIFE AND WITNESS OF A CONGREGATION**

- (a) Consultations on the life and witness of a Congregation shall be conducted by the Presbytery with the Congregation including any Ministers, Youth Workers, Pastors or Lay Pastors serving in placements in the Congregation and any Community Ministers serving in the Congregation.
- (b) The purpose of the consultation shall be to strengthen the life and witness of the Congregation, to assess future ministerial and lay leadership needs, and to review the records of the Congregation.
- (c) A consultation shall normally take place every five years at the discretion of the Presbytery regardless of the duration of any current placement.

- (d) The Presbytery may conduct a consultation at any time on its own initiative, or at the request of the Church Council or of a Minister serving in a placement in the Congregation.
- (e) The persons appointed by the Presbytery to undertake the consultation shall:
  - (i) consult with such bodies and persons within the Congregation as it determines;
  - (ii) report to the Presbytery and the Congregation; and
  - (iii) make such recommendations regarding the life and witness of the Congregation (including matters relating to placements and property) as they think fit.

### **3.1.5 RESPONSIBILITIES OF THE SYNOD (Para 32, Constitution)**

The Synod in respect of those matters committed to it by the Constitution or which may hereafter be assigned to it, possesses that inherent power by which it may deal with and dispose of any matter before it for which no precise or sufficient Regulation has been made and the use of such power shall be included in the minutes.

Without limiting the generality of the responsibilities of a Synod as set out in Paragraph 32 of the Constitution, a Synod shall be responsible for:

#### **3.1.5.1 Promotion and Encouragement of the Mission of the Church**

- (a) assisting Congregations and Presbyteries in their missionary responsibility through:
  - (i) producing and distributing resource materials;
  - (ii) providing training courses for Pastors, Lay Preachers, teachers, Elders and other workers and leaders;
  - (iii) providing re-training courses for Ministers;
  - (iv) recruiting and training Pastors, Lay Pastors, lay administrators and other workers;

- (v) providing for consultations, conferences and other procedures to share missionary insights and plan programmes of witness and service;
- (vi) undertaking such other things as, in the opinion of the Synod, will promote and encourage the mission of the Church;
- (vii) receiving from each Presbytery within the bounds regular reports concerning the membership and mission activities of the Congregations within that Presbytery and in the light thereof the Synod giving such counsel or take such action as it sees fit;
- (b) forming, naming, varying the bounds of and dissolving Presbyteries within the Synod in accordance with Regulations 3.4.6 - 3.4.7;
- (c) selecting those from the Synod to be members of the Assembly in accordance with Regulation 3.3.8;
- (d) co-operating in the:
  - (i) selection of candidates for ministry in the Church; (See Reg. 2.3.2.4) and
  - (ii) process of application for the ministry of Pastor; (See Reg. 2.3.3(c))
- (e) receiving Ministers from other denominations in accordance with Regulation 2.5.1;
- (f) overseeing the colleges and schools and other institutions within the bounds (See Reg 3.7.4.7);
- (g) determining the amount of money to be asked of other councils and bodies within the bounds for the purposes of the Synod including its responsibility to the Assembly;
- (h) establishing an Advisory Committee on Ministerial Placements (to be known as the Placements Committee) (Reg 3.7.4.2);

### **3.1.5.2 Theological and Ministerial Education**

- (i) providing for the effective supervision of theological and ministerial education within the bounds, in accordance with the Regulations, including:
  - (i) ensuring that appropriate training facilities are available, in accordance with standards prescribed by the Assembly;
  - (ii) overseeing any theological colleges within the bounds;
  - (iii) making provision for the cost of education and training of candidates for ministry, by such means as it shall determine or as directed by the Assembly;
  - (iv) appointing members to the council of any theological college for which the Synod has a responsibility and through such councillors giving oversight to the proper administration and operation of the college;
  - (v) determining the procedures for the nomination and/or appointment of staff of any recognised theological colleges within the bounds and the terms of appointment;
  - (vi) appointing a Ministerial Education Board or designating an appropriate body or bodies to exercise the responsibilities of the Ministerial Education Board;
  - (vii) reporting to the Assembly on ministerial education;
- (j) being generally responsible to see that the discipline of the Church is exercised in accordance with the Regulations and where necessary providing for the hearing of appeals. (See Part 5 and Part 6 of these Regulations)

### **3.1.5.3 Property**

- (k) providing for the effective supervision of property matters within the bounds, in accordance with the property Regulations, including:
  - (i) appointing the elected members of the corporate trust in accordance with the provisions of the Acts or Ordinances

- (as amended) as the case may be in the State or Territory concerned;
- (ii) appointing the members of the Property Board and making any other appointments required under the provisions of the property Regulations;
- (iii) appointing an officer to administer property affairs and related matters;
- (iv) the general oversight and management of Synod funds and of Synod policy and procedures relating to property;  
(See Part 4 of these Regulations)
- (l) making Synod by-laws pursuant to the Constitution and Regulations;
- (m) appointing a Standing Committee and determine the number of persons to comprise the Committee and how they are to be elected.

### **3.1.6 RESPONSIBILITIES OF THE ASSEMBLY (See Paras 38 and 39)**

The Assembly, in respect of those matters committed to it by the Constitution (Para 38) or which may hereafter be assigned to it, possesses that inherent power by which it may deal with and dispose of any matter before it for which no precise or sufficient Regulation has been made and the use of such power shall be included in the minutes.

Without limiting the generality of the responsibilities of the Assembly as set out in Paragraph 38 and 39 of the Constitution, the Assembly shall be responsible for:

- (a) approving confessional statements on behalf of the Church;
- (b) approving orders of service for general use within the Church and making prescriptions in particular cases; (See Reg. 2.4.5, 2.4.7, 2.8.1 – 2.8.3)
- (c) establishing such councils or other bodies as it sees fit for:
  - (i) the fulfilment of the mission of the Church;
  - (ii) the management and administration of the Church;
  - (iii) such other purposes as the Assembly may consider



appropriate;

- (d) establishing a fund, to be known as the Uniting Church in Australia Beneficiary Fund, providing benefits for Ministers, for the spouses and any other dependents of deceased Ministers and for such other purposes as may be approved by the Assembly;
- (e) making due provision for the raising of funds for the support of activities under the oversight of the Assembly, and prescribing the budgeting and reporting procedures required in relation to such funds;
- (f) appointing from among its members a Standing Committee to hold office from the conclusion of the meeting of the Assembly at which it is appointed until the conclusion of the ensuing ordinary meeting of the Assembly.
- (g) changing the number, distribution or designation of approved placements under the jurisdiction of the Assembly
- (h) approving a Codes of Ethics;
- (i) approving Policies for the Prevention of Sexual Misconduct;
- (j) for the oversight of standards of ministerial education and for establishing policies relating to standards of formation, education and training for the specified ministries, including continuing education, professional development and training. These responsibilities include, but are not limited to:
  - (i) recognition of colleges as approved centres for training for ministry;
  - (ii) determining the pre-requisites for admission to candidature and the standards of ministerial education to be required of a candidate to qualify for recognition as a Minister, including the requirements for completion of the period of discernment;
  - (iii) prescribing the areas of study and the minimum

requirements within each area which shall comprise an acceptable course of study for the various ministries of the Church, including the requirements for mentoring and support for newly ordained ministers during the first three years of their ministry;

- (iv) receive annually for review from each Ministerial Education Board a report on ways in which the prescriptions specified under (iii) are being met;
- (v) maintain a roll of candidates;
- (vi) setting standards for qualifying examinations where appropriate for applicants seeking acceptance as candidates for specified ministries and arranging for the administration of such examinations;
- (vii) prescribing the conditions under which a candidate qualifies for ordination and/or recognition;
- (viii) arranging regular consultations of staff of the several theological colleges as may be appropriate; and
- (ix) determining guidelines whereby Ministers and Youth Workers shall fulfil the requirement for three to five year continuing education agreements with their Presbytery or other appointing body;

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## **3.2 UNITING ABORIGINAL AND ISLANDER CHRISTIAN CONGRESS (See Division 4, Constitution)**

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### **3.2.1 MEMBERSHIP**

- (a) All Aboriginal and Islander members of the Church are members of the Uniting Aboriginal and Islander Christian Congress (“the Congress”);

- (b) The categories of membership of the Congress shall be as defined by the National Conference of the Congress.

### **3.2.2 RESPONSIBILITIES**

The Congress shall have responsibility for oversight of the Church's life and mission with and for the Aboriginal and Islander people of Australia. In fulfilling this responsibility, the Congress shall seek to work with the Assembly, Synods and Presbyteries. Its responsibilities include, but are not limited to:

- (a) supporting the proclamation of the gospel to Aboriginal and Islander people;
- (b) supporting the establishment of congregations of Aboriginal and Islander people;
- (c) taking action in the Church and in the Australian community in relation to the needs and aspirations of Aboriginal and Islander people;
- (d) encouraging the expression of Christian theology from the perspective of Aboriginal and Islander culture;
- (e) relating to Aboriginal and Islander bodies of other churches in Australia, whether directly or through ecumenical bodies;
- (f) overseeing the Church's relationship with Aboriginal and Islander organisations in Australia;
- (g) relating directly to the indigenous bodies of churches overseas and to international organisations of indigenous peoples;
- (h) appointing representatives of the Congress to the Assembly;
- (i) appointing the Ministerial Education Board of the Congress.

### **3.2.3 GOVERNING STRUCTURE**

- (a) The Congress shall be governed by its National Conference, which shall meet no less frequently than once every four years. The composition of the voting membership of the National Conference

shall be determined by the National Conference.

- (b) The National Conference shall determine other components of the government and administration of the Congress.

### **3.2.4 OFFICERS**

The National Conference of the Congress shall appoint a National Chairperson and a National Administrator, whose duties shall be determined by the National Conference. The Congress may appoint other officers as the National Conference sees fit.

### **3.2.5 REPORTS TO ASSEMBLY AND SYNODS**

- (a) The Congress shall report to each ordinary meeting of the Assembly and as requested to the Assembly Standing Committee.
- (b) The appropriate regional body of the Congress may report from time to time to the ordinary meeting of the Synod and to the Synod Standing Committee when requested.

### **3.2.6 TRANSFERS OF PROPERTY TO ABORIGINAL ORGANISATIONS**

On receipt of a request from a Synod Property Board for approval of the transfer of real estate from the Church to an Aboriginal and Islander organisation, the National Executive of the Uniting Aboriginal and Islander Christian Congress shall consult with the appropriate regional body or Presbytery of the Congress and with the Aboriginal and Islander organisation before making its decision. (See Reg. 4.2.1(g)).

## **3.3 MEMBERSHIP OF COUNCILS**

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### **3.3.1 MEMBERSHIP OF THE CHURCH COUNCIL**

- (a) The membership of the Church Council shall consist of:

- (i) the Ministers, Youth Workers and Lay Pastors who are serving in approved placements in the Congregation;
- (ii) subject to Regulation 2.9.4(b), Pastors serving within the Congregation;
- (iii) Community Ministers and candidates for Community Minister who are serving in community ministry in the Congregation;
- (iv) Ministers, being members of the Congregation, who are Ministers- in-Association in accordance with Regulation 2.11.1;
- (v) subject to paragraph (b), Elders;
- (vi) other confirmed members or members-in-association elected by the Congregation (See Reg. 3.9.1(b) and (c))

Subject to paragraph (b), the Church Council may co-opt not more than two other confirmed members or members-in-association of the Congregation to membership of the Church Council for such term not exceeding two years as the Church Council shall determine.

- (b) Unless the Presbytery authorises otherwise, Elders shall be members of the Church Council and shall comprise at least one half of the membership of the Church Council.

### **3.3.2 ELECTIONS OF ELDERS AND CHURCH COUNCILLORS**

- (a) In electing Elders and Church Councillors, the Congregation shall recognise and appoint confirmed members or members-in-association who are endowed with gifts fitting them for the responsibilities of the office.
- (b) Election shall be by written ballot in a meeting of the Congregation. Prior notice of intention to hold such a ballot must be given and the names of nominees shall be publicly announced at least two weeks prior to the ballot being held.

- (c) The meeting shall declare to be elected only such persons as receive the support of a majority of those participating in the ballot, or such higher percentage of those participating in the ballot as the Congregation may have determined prior to the call for nominations.
- (d) The maximum number of Elders and other Church Councillors to be elected, in addition to any Elders holding life tenure, shall be determined by the Congregation from time to time after advice from the Church Council.
- (e) Elders and other Church Councillors shall be set apart by prayer in a service of worship conducted by the Minister of the Congregation, or if unavailable, by another person appointed by the Presbytery to perform this duty.
- (f) The term of office of an Elder and an elected Church Councillor is for such period from one to five years as is stipulated by the nominee and for which period the person is then elected by the Congregation. At the expiry of the term the Elder or Church Councillor shall be eligible for re-election.

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### **3.3.3 TERMINATION OF OFFICE OF ELDER AND CHURCH COUNCILLOR**

- (a) An Elder and a Church Councillor respectively shall relinquish office in the Congregation and cease to be recognised if he or she:
  - (i) resigns from the particular office by notice in writing to the secretary of the Congregation;
  - (ii) declines to carry out the responsibilities of the particular office; or
  - (iii) transfers membership to another Congregation.
- (b) If in the opinion of the Church Council an Elder or Church Councillor is no longer:

- (i) conforming to the standards of a member of the Church;  
or
  - (ii) complying with its discipline (in circumstances other than in Regulation 3.3.3(d)); or
  - (iii) carrying out the responsibilities of the particular office, the Church Council may recommend to a meeting of the Congregation that the Elder or Church Councillor be removed from office and the Elder or Church Councillor shall be removed from office if the recommendation is supported by a determination of a meeting of the Congregation.
- (c) An Elder or Church Councillor who is removed from office by a decision of the congregation, shall have a right of appeal to the Presbytery. The decision of the Presbytery to confirm removal or re-instate the Elder or Church Councillor shall be final.
- (d) If in the opinion of the Church Council there are concerns about the behaviour of an Elder or Church Councillor whether in person or through cyber bullying (with reference to paragraph 1.6 of the Manual for Meetings) the Church Council may refer the matter to the Presbytery Pastoral Relations Committee to determine if the Elder or Church Councillor shall be removed from office. The decision of the Presbytery Pastoral Relations Committee shall be final.

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### **3.3.4 MEMBERSHIP OF THE PRESBYTERY**

The membership of the Presbytery shall consist of:

- (a) The chairperson and secretary of the Presbytery.
- (b) Ministers who are
  - (i) in active service;

- (ii) associate members appointed officers of the Presbytery, and co-opted by the Presbytery to full membership during all or part of their term of office;
- (c)
  - (i) Pastors in approved ministry locations within the bounds;
  - (ii) Lay Preachers classified as active who are elected by the Presbytery, of such number as the Presbytery shall determine;
  - (iii) Lay Pastors, Youth Workers and Community Ministers in accordance with Regulation 2.9.7;
- (d)
  - (i) One confirmed lay member elected by each Congregation. Where a Congregation includes more than 150 confirmed members and members-in-association in total, one additional confirmed lay member may be elected by the Congregation or where a Congregation includes more than 250 confirmed members and members-in-association in total, two additional confirmed lay members may be elected by the Congregation.
  - (ii) Such further confirmed lay members as may be determined by the Synod in consultation with the Presbytery and, as appropriate, to be appointed by the Congregations, the Presbytery or the Synod;
- (e) Two confirmed members representing each of such bodies as may be determined by the Presbytery, to be appointed by those bodies, and with at least one of such representatives being a lay person.
- (f)
  - (i) Confirmed lay members as co-opted persons, such co-options being made for such reasons as the Presbytery considers appropriate, including persons with special gifts



not otherwise available to the Presbytery, to ensure that the number of lay members is not less than the members who are Ministers and to establish a better balance in the proportion of younger and older persons who comprise the members of the Presbytery.

- (ii) Ministers who are not otherwise members of the Presbytery as co-opted persons, such co-options being made for such reasons as the Presbytery considers appropriate, including persons with special gifts not otherwise available to the Presbytery and engaged in a significant ministry within the bounds of the Presbytery.
  - (iii) The number of co-opted persons shall not exceed one for each five members of the Presbytery. Each co-option shall be for a period not exceeding one year. A co-opted member is eligible for further co-option. The number of co-opted members from one Congregation shall not exceed three lay members and three ministerial members.
- (g) In the event of any person who is a member of the Presbytery by virtue of paragraph (c)(i), (d)(i) and (e) hereof being unable to attend a meeting of the Presbytery, the place of such person may be taken by an alternate designated for that purpose by the appointing body.

### **3.3.5 ASSOCIATE MEMBERS OF THE PRESBYTERY**

- (a) Ministers who are on leave of absence, retired or awaiting placement and candidates for Community Minister shall be associate members of the Presbytery which has oversight of them, unless they are members of the Presbytery in accordance with Regulation 3.3.4.
- (b) Associate members of the Presbytery may participate in discussion but not in the deliberation or determination of any item of business of the Presbytery.

### **3.3.6 TERMS OF APPOINTMENT OF MEMBERS OF THE PRESBYTERY**

- (a) Lay persons who are members of Presbytery in accordance with Regulation 3.3.4(c)(ii) and (d) shall be elected or appointed for a period of one year and shall be eligible for re-election or re-appointment.
- (b) Should any casual vacancy occur among the lay membership of the Presbytery the vacancy may be filled by the appropriate electing body for the balance of the term of the person replaced.
- (c) No person may hold membership in more than one Presbytery at any one time.

### **3.3.7 MEMBERSHIP OF THE SYNOD**

- (a) The membership of the Synod shall consist of such number as the Synod shall determine up to a maximum of 500 persons, or such other maximum number as the Assembly may approve in respect of a particular Synod, and shall include
  - (i) the President and General Secretary of the Assembly;
  - (ii) the Moderator, ex-Moderator, Moderator-elect and Secretary of the Synod at the time of convening of the Synod, and such further ex-officio members as the Synod may determine;
  - (iii) Ministers of the Word, Deaconesses, Deacons, Community Ministers, Lay Pastors and Youth Workers who are members of a Presbytery within the bounds, appointed by each Presbytery, the number being such proportion as the Synod shall determine;
  - (iv) confirmed lay members appointed or elected by each Presbytery, being not fewer than the number of ministerial members, after the Presbytery has invited Congregations to

- submit nominations;
  - (v) such confirmed members representing bodies directly responsible to the Synod as the Synod shall determine;
  - (vi) two candidates for the ministries of Minister of the Word, Deacon or Youth Worker, elected by the candidates for these ministries within the bounds;
  - (vii) co-opted confirmed members appointed in accordance with the provisions of Regulation 3.3.7(d).
- (b) The total number of lay members shall be not fewer than the total number of ministerial members (Ministers of the Word, Deacons and Deaconesses).
- (c) A Synod through its Standing Committee shall provide for the co-option of such additional persons as may be necessary to
- (i) ensure that the number of lay members is not fewer than the number of ministerial members; and
  - (ii) make available to the Synod the participation of persons whose gifts and experience would be of special value and not otherwise available to the Synod; or
  - (iii) achieve a better proportion of age groups, gender balance and cross-cultural representation.
- (d) The total of co-opted persons must not exceed one tenth of those appointed or elected in accordance with Regulations 3.3.7(a)(iii) – (vi).

### **3.3.8 MEMBERSHIP OF THE ASSEMBLY**

- (a) The membership of the Assembly shall consist of:
- (i) ex-officio members:
    - the President of the Assembly;
    - the General Secretary of the Assembly;
    - the ex-President of the Assembly;

- the President-elect of the Assembly;
  - the Chairperson of the Uniting Aboriginal and Islander Christian Congress;
  - the Coordinator of the Uniting Aboriginal and Islander Christian Congress.
- (ii) sixteen members of the Uniting Aboriginal and Islander Christian Congress appointed by it, of whom no more than eight shall be Ministers;
- (iii) Ministers and confirmed lay members from within the bounds of each Synod appointed as follows:
- (1) number of members to be appointed from within the bounds of each Synod: and in each case the Moderator and the Secretary of the Synod shall be included ex-officio in the members appointed by the Synod when they are available to accept appointment;

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

- (2) equal numbers of Ministers and lay members shall be appointed;
- (3) not fewer than one in every ten of the members shall be of a youthful age as determined by the Assembly or its Standing Committee;
- (4) each Presbytery within the bounds of the Synod shall appoint one Minister and one lay member

- and may appoint such number of additional members as the Synod in session decides;
- (5) the Synod shall appoint the remaining members and shall be responsible for ensuring compliance with sub- paragraph (2) and (3) regarding the total number of members appointed from within the bounds of the Synod under this paragraph (iii);
  - (iv) Ministers and confirmed members appointed by bodies directly responsible to the Assembly after the Standing Committee specifies the bodies which may make appointments and the number of members who may be appointed by each of those bodies provided that the total number of members to be appointed pursuant to this paragraph shall not exceed 5% of the total number of members of the Assembly pursuant to Regulation 3.3.8 (i) - (iii);
  - (v) Ministers and confirmed members appointed by the outgoing Standing Committee having regard to the gifts, skills and experience needed by the Assembly provided that the total number of members appointed pursuant to this paragraph shall not exceed 8% of the total number of members appointed pursuant to Regulation 3.3.8 (i) – (iii).
- (b) The appointing council or body may make provision for an alternate to attend the Assembly in the place of any member unable to be present.
  - (c) A member having taken a place in the Assembly shall not thereafter be absent from the meetings of the Assembly or be replaced by an alternate without the leave of the Assembly in each case.
  - (d) The Assembly shall make provision in such manner as it shall determine to ensure that the total number of lay members is not

fewer than the number of ministerial members by reason of the number of ex-officio members and members appointed by the Assembly or Standing Committee who are Ministers.

### **3.3.9 MEMBERSHIP OF ASSEMBLY APPOINTED BY SYNODS**

- (a) Each Synod shall elect by written ballot such number of Ministers and lay persons as are necessary to comply with Regulation 3.3.8(a)(iii)(5).
- (b) Nominations of persons for election as members may be by:
  - (i) any Presbytery within the bounds;
  - (ii) any member of the Synod immediately preceding the Assembly.
- (c) Nominations must be in the form prescribed by the Secretary of the Synod.
- (d) In the event of any person elected in accordance with Regulation 3.3.9(a) being unable to attend the Assembly, the vacancy shall be filled by the person with the next highest number of votes to those elected in the ballot, or otherwise by a person selected by the Moderator.

## **3.4 FORMATION, ALTERATION OR DISSOLUTION OF CONGREGATIONS OR COUNCILS**

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### **3.4.1 FORMATION AND RECOGNITION OF A CONGREGATION**

- (a) A Congregation shall be recognised by resolution of a Presbytery.
- (b) A Presbytery may recognise a Congregation when:
  - (i) a group of people apply to be so recognised, and demonstrate that their life and mission is consistent with the purpose of a Congregation (See Reg. 3.1.1), and

- (ii) the group of people applying have amongst them persons who hold membership of the Church in another Congregation or recorded with the Presbytery, and who seek to transfer their membership upon recognition being given, and/or those who are seeking to be recognised as members;
- (iii) the Pastoral Relations Committee or another body authorised by the Presbytery recommends that the group applying be so recognised; and
- (iv) the group of people applying shall include sufficient members to constitute a quorum at a meeting of the Congregation (See Reg. 3.8.5(b)).

### **3.4.2 RELATIONSHIPS BETWEEN CONGREGATIONS**

A Congregation may relate to one or more other Congregations for the better exercise of their mission, at the initiative of a Congregation or of the Presbytery. Ongoing structured relationships between Congregations require Presbytery approval.

### **3.4.3 DISSOLUTION OF A CONGREGATION**

- (a) A Congregation shall be dissolved or cease to be recognised when, in the opinion of the Presbytery it is not capable of and / or unwilling to fulfill the purpose, functions and responsibilities specified in Regulation 3.1.1.
- (b) A Presbytery may dissolve and cease to recognise a Congregation for reasons which it considers are in the best interests of the mission, witness and service of the Church within the bounds of the Presbytery.
- (c) In the application of this Regulation:
  - (i) the Presbytery shall take proper account of the purpose,

- functions and responsibilities of the Congregation as the primary expression of the corporate life of the Church;
- (ii) the Presbytery shall consult adequately with the Congregation and with any other Congregation to which the Congregation is related by the Presbytery and shall provide the Congregation(s) with the reasons for any proposals and for any decision which it makes;
- (d) When a Congregation is no longer recognised the Presbytery shall ensure:
- (i) that each member of the Congregation is transferred to a roll of another Congregation;
  - (ii) that all rolls and other records of the Congregation are placed in the custody of an appropriate officer of the Church;
  - (iii) that proper arrangements are made for the pastoral care of the members and adherents, persons in placement and any property affected; and
  - (iv) that the matter is reported to the Synod.

### **3.4.4 AMALGAMATION OR DIVISION OF CONGREGATIONS**

- (a) Where a Presbytery, at its own initiative or at the initiative of one or more of its Congregations, considers that it is in the best interests of the mission, witness and service of the Church, it may:
- (i) amalgamate two or more Congregations; or
  - (ii) divide a Congregation into two or more portions, and each portion may then be recognised as a Congregation or become amalgamated with another Congregation or Congregations;
- (b) In the application of this Regulation:
- (i) the Presbytery shall take proper account of the purpose,



- functions, responsibilities and rights of the Congregation as the primary expression of the corporate life of the Church;
- (ii) the Presbytery shall ensure that any Congregation and any other Presbytery affected shall consult adequately, and shall provide any such Congregation and other Presbytery with the reasons for any proposals and for any decisions which it makes;
  - (iii) each Presbytery and Congregation affected has a responsibility to listen faithfully to one another;
- (c) The Presbytery shall ensure that:
- (i) that, in the amalgamation of Congregations pursuant to (a) above, all rolls and other records of the Congregations affected accompany those Congregations;
  - (ii) that in dividing a Congregation pursuant to (a) above, all rolls and other records of the Congregations being divided, are placed in the custody of the appropriate officer(s) of the Church;
  - (iii) that in each case proper arrangements are made to deal with any property affected;
  - (iv) that the matter is reported to the next meeting of the Synod.

### **3.4.5 FORMATION OF THE CHURCH COUNCIL OF A CONGREGATION**

- (a) The Congregation shall form a Church Council and make such other provisions as are appropriate for the fulfillment of its responsibilities.
- (b) In determining the composition of the Church Council or any committee or other body, the Congregation shall have regard to the principle that in accordance with the call and gifts of the Spirit each member shall have a part in the ministry of the Church, and that

government of the Church will be “entrusted to representatives, men and women, bearing gifts and graces with which God has endowed them for the building up of the Church” (Basis of Union Para. 15).

- (c) The Presbytery may authorise the appointment of one Church Council where Congregations are related to each other.
- (d) Church Councils of related Congregations may act conjointly in respect of all or some of the responsibilities described in Regulation 3.1.2.

### **3.4.6 FORMATION OF A PRESBYTERY**

- (a) A Presbytery shall be formed by the Synod, which shall determine the name of the Presbytery, fix its bounds and arrange for its first meeting, provided that:
  - (i) where any such proposal is initiated in the Synod, each Presbytery affected shall be given opportunity to consider the proposal and to make a submission thereon to the Synod before the matter is determined;
  - (ii) where any proposal is initiated in a Presbytery, notice of the proposal shall be furnished to any other Presbytery affected, such Presbytery to have opportunity to make a submission thereon to the Synod before the matter is determined;
- (b) The Synod shall determine the basic requirements that must be met for the establishment or continuance of a Presbytery;
- (c) The minute of the Synod constituting the Presbytery shall be inserted in the first minutes of the Presbytery.
- (d) The time and place for the first meeting of a Presbytery shall be determined by the Synod, which shall appoint a member of the Church to convene, constitute and preside over the meeting till such

time as the Presbytery elects a chairperson.

### **3.4.7 DISSOLUTION OR ALTERATION OF THE BOUNDS OF A PRESBYTERY**

The Synod may dissolve or alter the bounds of a Presbytery on its own initiative or at the request of the Presbytery, provided that:

- (a) where any such proposal is initiated in the Synod, each Presbytery affected shall be given opportunity to consider the proposal and to make a submission thereon to the Synod before the matter is determined;
- (b) where any proposal is initiated in a Presbytery, notice of the proposal shall be furnished to any other Presbytery affected, such Presbytery to have opportunity to submit its comment to the meeting of the Synod which shall determine the matter;
- (c) the Synod shall determine the basic requirements that must be met for the establishment or continuance of a Presbytery.

### **3.4.8 FORMATION OF A SYNOD**

A Synod shall be a council of the Church formed by the Assembly, and shall have such name and such bounds, responsibilities and relationships with other councils of the Church as the Assembly shall prescribe. In cases where the proposal to form a new Synod affects the bounds of an existing Synod the Assembly shall advise such existing Synod(s) of the proposal and shall consider any submissions from the such Synod(s) in regard thereto.

### **3.4.9 DISSOLUTION OR ALTERATION OF THE BOUNDS OF A SYNOD**

The Assembly may dissolve or alter the bounds of any Synod provided that:

- (a) the Synod may request the Assembly so to do;
- (b) a Synod requesting the Assembly to alter the bounds of the Synod shall, either before or at the time of presenting the request, notify

- any other Synod affected by the proposal;
- (c) the Assembly shall advise Synods that may be affected, of any proposal and any Synod concerned shall have the right to make a submission concerning any proposed dissolution or alteration which originates otherwise than by its own request;
- (d) any Presbytery or other body affected may make a submission concerning such proposal.

## **3.5 MEETINGS OF CONGREGATIONS AND COUNCILS**

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### **3.5.1 MEETINGS OF THE CONGREGATION**

#### **3.5.1.1 Participation in the meeting of the Congregation**

- (a) The following persons shall be entitled to participate in the decision phase at meetings of the Congregation, (referred to in this Regulation as voting members):
  - (i) all Ministers, Pastors, Youth Workers and Lay Pastors who hold membership in the Congregation;
  - (ii) all other confirmed members of the Congregation;
  - (iii) all members-in-association with the Congregation;
  - (iv) all Ministers, Pastors, Youth Workers and Lay Pastors serving in approved placements in the Congregation.

Adherents and members not yet confirmed may participate in discussion but not in the determination of any item of business at the meetings.

#### **3.5.1.2 Chairperson and Secretary**

- (b) The meeting of a Congregation shall appoint a chairperson and a secretary. They shall hold office for periods determined by the Congregation. If the elected chairperson or secretary is not present at a meeting, the Congregation may appoint another of its members

to act as chairperson or secretary.

#### **3.5.1.3 General meetings**

(c)

- (i) General meetings of the Congregation shall be held at least twice in each year and shall be convened by the chairperson and secretary or, if there is a vacancy in one of those positions, by the remaining officer;
- (ii) At least once each year at a meeting of the Congregation financial reports shall be presented and policies, plans, budgets, appointments and other matters within the responsibility of the Congregation shall be determined.

#### **3.5.1.4 Special Meetings**

(d)

- (i) The chairperson and secretary of the Congregation may convene a special meeting, due notice being given, and shall do so if requested in writing by at least seven members eligible to vote or a number representing at least 10% of the members eligible to vote, whichever is the greater, of the Congregation. A special meeting shall deal only with matters specified in the notice of meeting.
- (ii) If, in the opinion of the Pastoral Relations Committee of the Presbytery, circumstances warrant, the chairperson of the Presbytery or the chairperson's nominee may convene a general or special meeting of the Congregation.

#### **3.5.1.5 Notice of Meetings**

- (e) Due notice of all meetings shall be given at least one week prior to the date of the meeting, either by public announcement at a time of public worship or by such other means as the Congregation may determine.

#### **3.5.1.6 Joint Meetings**

- (f) Related Congregations may hold a joint meeting of the Congregations, on the initiative of any of the related Congregations or of the Presbytery. (See Reg. 3.4.2)

### **3.5.2 MEETINGS OF THE CHURCH COUNCIL**

The Church Council shall meet at least quarterly on dates to be determined by the Council to deal with all matters relating to the responsibilities of the Council having particular regard to any matters referred to the Council by the Congregation. Additional meetings shall be held when convened by the chairperson or at the direction of a Congregational meeting, Presbytery, Synod or Assembly.

### **3.5.3 SPECIAL MEETINGS OF THE CHURCH COUNCIL**

The chairperson shall convene a special meeting of the Church Council within fourteen days of being so requested by five or more members of the Council or by no fewer than half in number of the membership of the Council, whichever is the less. The business of the special meeting shall be restricted to the matters listed in the notice convening the meeting.

### **3.5.4 MEETINGS OF THE PRESBYTERY**

- (a) Unless otherwise determined by the Synod, a Presbytery shall meet at least twice a year and at such other times as the Presbytery may determine.
- (b) A Presbytery shall not meet while the relevant Synod or the Assembly is in session.
- (c) The Presbytery shall fix the date, time and place of its regular meetings.
- (d) When, in the opinion of the chairperson and secretary, a change of date, time or place of meeting is warranted they may appoint

another date, time or place provided that each member of the Presbytery is given at least fourteen days notice in writing.

### **3.5.5 SPECIAL MEETINGS OF THE PRESBYTERY**

- (a) The chairperson shall convene a special meeting:
  - (i) if in the opinion of the chairperson, urgent business warrants the holding of a special meeting; or
  - (ii) on written request from at least seven members of the Presbytery or a number representing at least 10% of the members of the Presbytery, whichever is the greater.
- (b) At least fourteen days' notice of a special meeting of the Presbytery shall be given to each member in writing. The notice shall state the nature of the business to be considered.
- (c) The business of a special meeting shall be restricted to the matters listed in the notice convening the meeting.

### **3.5.6 MEETINGS OF THE SYNOD**

- (a) Each Synod shall hold an ordinary meeting at a frequency determined by the Synod and at least once every three years between ordinary meetings of the Assembly.
- (b) The first session of each ordinary meeting of the Synod shall consist of a public act of worship and whenever applicable an incoming Moderator shall be installed in conjunction with that act of worship.
- (c) The Synod or its Standing Committee shall fix the time and place for the commencement of the next ordinary meeting of the Synod.

### **3.5.7 SPECIAL MEETINGS OF THE SYNOD**

- (a) A Synod may hold special meetings at such other times and for such purposes as the Synod determines.
- (b) A special meeting of the Synod may be convened by the Moderator

- or the Synod Standing Committee for special and urgent reasons.
- (c) For the purposes of (a) and (b) the members of the Synod shall be those listed on the roll of members of the last ordinary meeting of the Synod who are still eligible to be appointed as Synod members, provided that where a member is unable to attend a special meeting or has become ineligible to be appointed as a Synod member, the appointing body may appoint a replacement member.

### **3.5.8 MEETINGS OF THE ASSEMBLY**

- (a) The Assembly shall meet as required by the provisions of paragraphs 41, 42 and 43 of the Constitution.
- (b) The date and place of an ordinary meeting of the Assembly shall be determined at the preceding ordinary meetings of the Assembly,
- (c) The Standing Committee may vary the date and place for urgent or special reasons, provided that the variation does not exceed ninety days unless a majority of the Synods or their Standing Committees concur. The Standing Committee shall determine what notice of the amended date shall be given.
- (d) Each meeting of the Assembly shall be presided over by the President or, in the temporary absence of the President, by the ex-President. If the ex-President be not available the Assembly shall elect one of its members to preside during the absence of the President.
- (e) Each Assembly shall fix its hours of session and shall determine the order in which the business shall be taken, having regard to the advice of the General Secretary.

## **3.6 OFFICERS OF COUNCILS**

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### **3.6.1 OFFICERS OF THE CHURCH COUNCIL**

#### **3.6.1.1 Chairperson**

- (a) The Church Council shall elect annually one of its members as chairperson.
- (b) If the elected Chairperson is not present at a meeting, the Church Council may appoint another of its members to act as Chairperson of that meeting.

#### **3.6.1.2 Secretary**

- (c) The Church Council shall appoint annually from among its members a secretary who shall:
  - (i) keep minutes of meetings of the Church Council,
  - (ii) take care of all records and papers of the Congregation, except such as are within the specific responsibility of any other body or officer, and
  - (iii) carry out other duties as the Church Council may require.

#### **3.6.1.3 Treasurer**

- (d) The Church Council shall appoint annually from among its members a treasurer;
- (e) The treasurer shall receive all moneys on behalf of the Church Council and pay them into a bank account of an approved financial institution (See Reg. 3.8.7), keep proper books of account and furnish financial statements to the Church Council and Congregation at the end of each year and at such other times as the Church Council or Congregation may require.

### **3.6.2 OFFICERS OF THE PRESBYTERY**

Officers of the Presbytery may be appointed on an honorary basis or, subject to the approval of the Synod, on a full or part-time stipendiary basis.

### **3.6.2.1 Chairperson**

A chairperson of the Presbytery shall be elected at a meeting of the Presbytery by a vote taken in such manner as the Presbytery may determine. The chairperson shall be a confirmed member of the Church.

- (a) The chairperson shall be elected for such term up to five years as the Presbytery may determine.
- (b) The duties of the chairperson shall be to constitute, preside over and generally direct the business of the meetings of the Presbytery, to exercise pastoral oversight and to perform such other duties as may be prescribed.
- (c) If the position of chairperson falls vacant, the duties of chairperson shall devolve upon the most recent former chairperson of the Presbytery and, if no such person be available, the Moderator of the Synod shall appoint a chairperson. In either case such person shall serve until the Presbytery is able to meet and elect a chairperson.
- (d) Should the chairperson be temporarily unavailable to perform the duties of the office, the Presbytery may appoint an acting chairperson who shall exercise all the duties of the office until such time as they are resumed by the chairperson.

### **3.6.2.2 Secretary**

- (e) The Presbytery shall elect a secretary for such period up to five years as the Presbytery may determine. The secretary shall be a confirmed member of the Church.
- (f) The duties of the secretary shall include:
  - (i) convening meetings, preparing the agenda and keeping a record of all proceedings of the Presbytery;
  - (ii) attending to all other correspondence on behalf of the Presbytery, including advising all affected parties of the decisions of the Presbytery;
  - (iii) maintaining and having custody of the books and records

- of the Presbytery, including the roll of the Presbytery, except such as may be assigned to other officers;
- (iv) furnishing information and reports to the Synod and Assembly and to other bodies as required;
  - (v) dealing with property, disciplinary and other matters in accordance with Regulations;
  - (vi) performing such other duties as may be assigned by the Presbytery.
- (g) Should the secretary be temporarily unable to perform the duties of the office or should the office of secretary fall vacant, the Presbytery may appoint an acting secretary who shall have full authority and responsibility to perform all the duties of the office until such time as the secretary is available to resume those duties or another secretary is elected.

#### **3.6.2.3 Treasurer**

- (h) The Presbytery shall appoint a treasurer for such period up to five years as the Presbytery shall determine.
- (i) The treasurer shall receive all moneys on behalf of the Presbytery and pay them into a bank account of an approved financial institution (See Reg. 3.8.7), keep proper books of account and furnish financial statements to the Presbytery at the end of each year and at such other times as the Presbytery may require.

#### **3.6.2.4 Maximum Term of Officers**

- (j) The retiring chairperson, secretary and treasurer shall be eligible for re-election for a further term or terms of office up to a maximum of ten consecutive years.

### **3.6.3 OFFICERS OF THE SYNOD**

#### **3.6.3.1 Election of the Moderator**

- (a) The Moderator shall be elected by the Synod in accordance with such rules and procedures and for such term as the Synod may determine.
- (b) The Synod may elect a Moderator, and designate that person as Moderator-elect, at a meeting of the Synod prior to the one at which the person will take office.
- (c) When, by reason of death, illness, absence or other cause, the Moderator is unable to fulfil the duties of the office, the ex-Moderator or a person appointed by the Standing Committee shall act and shall have all the powers and authorities of a Moderator until such time as the Moderator resumes responsibilities or a new Moderator is elected.

#### **3.6.3.2 DUTIES OF THE MODERATOR**

The duties of the Moderator shall include:

- (a) giving general and pastoral leadership to the Ministers and people within the bounds;
- (b) assisting and encouraging the expression and fulfilment of the mission and witness of the Church;
- (c) counselling and advising, as may be necessary and helpful, to ensure that the life of the Church expresses the faith, policies, standards and procedures to which it is committed;
- (d) presiding over the meetings of the Synod, its Standing Committee and such other of its boards and committees as may be required by the by-laws of the Synod;
- (e) filling, in respect of appointments normally made by the Synod and, in consultation with the Standing Committee and other bodies concerned, such vacancies as may arise between meetings of the Synod and for the filling of which other provision has not been

made;

- (f) giving an interpretation where necessary of any doubtful or disputed decision of the Synod, such interpretation to be authoritative until confirmed or varied by the next meeting of the Synod or of the Standing Committee;
- (g) speaking on public issues on behalf of the Synod;
- (h) representing the Church as may be desirable on public occasions and in inter-church councils;
- (i) administering the discipline of the Church as may be required by any Regulation, by-law or rule;
- (j) enquiring, when the Moderator considers it expedient so to do, into any grievance, complaint or other circumstance which, in the opinion of the Moderator, adversely affects the good name of the Church or the order and peace of its Congregations or the progress of the work of God and seeking a remedy for such situations; in so doing the Moderator shall consult with one or more past Moderators and the chairperson of any Presbytery concerned.

### **3.6.3.3 Appointment of the Secretary of Synod**

- (a) The Synod shall appoint a Secretary of the Synod.
- (b) The initial term of office shall normally be five years. The appointment shall be reviewed during the initial appointment and during any extension of appointment. Any extension may be for a period of up to five years.
- (c) Should a vacancy occur in the office of Secretary between ordinary meetings of the Synod, the Standing Committee of the Synod shall make an appointment to fill the vacancy until the next ordinary meeting of the Synod.

### **3.6.3.4 Duties of Secretary**

- (a) The Secretary of the Synod shall be the executive officer of the

Synod; with executive leadership, pastoral and advisory roles; and be responsible for:

- (i) ensuring execution of Synod policy;
  - (ii) coordinating Synod activities;
  - (iii) overseeing the management of Synod staff;
  - (iv) acting as liaison officer of the Synod with the Presbyteries and other bodies within the bounds;
  - (v) providing all necessary reports and information as may be required by the Assembly; and
  - (vi) such other things as the Synod may require;
- (b) the Secretary of the Synod is a member ex-officio of all Synod bodies.

### **3.6.4 OFFICERS OF THE ASSEMBLY**

#### **3.6.4.1 ELECTION OF THE PRESIDENT**

- (a) A President shall be elected at each ordinary meeting of the Assembly to preside over that Assembly, and to hold office until the next succeeding President is installed.
- (b) During the ordinary meetings the Assembly shall by ballot designate a person as President-elect to assume office at the next ordinary meeting of the Assembly.
- (c) Nominations for inclusion in the ballot for the President-elect may be made either by a Synod, a Presbytery, or a regional or national committee of the Uniting Church Aboriginal and Islander Christian Congress or by two persons who have been appointed to be members of the Assembly at which the election is to be held, it being necessary in each case that the nomination be submitted in writing on a form containing the consent of the nominee.
- (d) Nominations will close ninety days prior to the date of the commencement of the meeting of the Assembly at which an

election is to be held.

- (e) The method of voting shall be as the Assembly determines, provided that no person shall be declared elected until that person has obtained an absolute majority of the votes cast;
- (f) It shall be the responsibility of the Assembly as soon as may be practicable after the constituting of the Assembly to install the President, such installation to be in conjunction with an act of worship.
- (g) Should a President-elect for any reason be unable to take up the office of President, the Assembly when constituted shall, as its first business, elect a President to take office immediately, and shall as soon as convenient thereafter elect a President-elect in the normal way.
- (h) If the President is unable to fulfil the responsibilities of the Presidency then, either at the request of the President or of the General Secretary, the ex-President shall become the Acting-President and shall have all the responsibilities of the President until such time as the President resumes those responsibilities or a new President takes office.
  - (i) If the ex-President also be unavailable, the General Secretary shall be the Acting-President for a period not exceeding three months during which time the Assembly or the Standing Committee shall elect an Acting- President.

#### **3.6.4.2 Duties of the President**

The duties of the President shall be to give spiritual leadership and encouragement to the Church generally, to represent the Church as appropriate, to give counsel as occasion requires and to do such other things as may be requested or advised by the Assembly.

### 3.6.4.3 **PRESIDENTIAL RULINGS**

- (a) The President shall give a ruling on request from any member of the Assembly or from the Moderator of any Synod on behalf of any member within the bounds of the Synod, subject to the following provisions:
  - (i) that any such request must be presented in writing and be accompanied by a statement of the relevant facts;
  - (ii) that the request is related to an interpretation of the intention of a resolution of the Assembly or interpretation of the Constitution or Regulations or a decision as to whether the action of any body within the Church conforms to the Constitution, the relevant Regulations, by-laws or rules;
  - (iii) that the President shall invite any person or body who in the opinion of the President is directly affected to submit a statement;
  - (iv) that a ruling shall be given after the President has taken such advice as the President considers appropriate;
  - (v) that a ruling when given shall be conveyed in writing to the applicant, to any person or body directly affected, to the General Secretary of the Assembly and to the Moderator of each Synod who shall arrange for it to be published or circulated;
  - (vi) that each ruling shall be binding until confirmed, varied, modified, rescinded or over-ruled by the Assembly or by the Standing Committee on its behalf.
- (b) Notwithstanding (a) the President shall not be obliged to give a ruling if:
  - (i) the President considers that it would not be in the interests of the Church to do so; or



- (ii) the ruling is sought in respect of hypothetical circumstances; or
- (iii) there is a genuine dispute as to the material facts in respect of which the ruling is sought.

#### **3.6.4.4 Appointment and Duties of the General Secretary**

- (a) The Assembly shall appoint a General Secretary to hold office for such term, to receive such stipend and allowances and to be installed in such manner as the Assembly shall determine.
- (b) The duties of the General Secretary, as executive officer of the Assembly, shall be to give general leadership to the Church, to ensure execution of Assembly policy, to coordinate Assembly activities, to oversee the management of Assembly staff, and to do such other things as the Assembly may require. The General Secretary shall be a member ex- officio of all Assembly bodies.

Should the position of General Secretary become vacant between ordinary meetings of the Assembly, the President, on advice from the Standing Committee, shall make a temporary appointment or otherwise arrange for the responsibilities of the General Secretary to be carried out pending the making of a new appointment by the Assembly.

### **3.7 COMMITTEES, BOARDS AND OTHER BODIES OF COUNCILS OF THE CHURCH**

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#### **3.7.1 CHURCH COUNCIL COMMITTEES**

- (a) The Church Council may appoint an Executive and other committees or task groups to assist the Church Council in any of its responsibilities.
- (b) Membership of the committees and task groups of the Church Council shall not be restricted to members of the Church Council but at least one member of each of such committees and/or task

groups shall be appointed from among the members of the Church Council.

- (c) Any Executive, committee or task group shall have only an advisory role, unless it has been given a specific power to act, and shall report to the Church Council on a regular basis.

### **3.7.2 PRESBYTERY COMMITTEES**

- (a) The Presbytery shall establish:
  - (i) a Standing Committee;
  - (ii) a Pastoral Relations Committee;
  - (iii) a Property Committee; (See Reg. 4.3.1) and
  - (iv) such other committees or task groups as may be prescribed or as it deems necessary or desirable.
- (b) The Presbytery shall appoint the membership of all committees or task groups and may disband any committees or task groups formed under (a)(iv).
- (c) Any committees established pursuant to Regulation 3.7.2(a)(iv) shall have such powers and responsibilities as may be prescribed or as the Presbytery may determine, including the powers and responsibilities of the Presbytery as it may delegate.
- (d) A majority of the membership of the committees shall be members of the Presbytery.
- (e) The Presbytery may appoint any person it considers appropriate to a task group established under Regulation 3.7.2(a)(iv); however, no task group may have a delegation of the powers and responsibilities of the Presbytery unless a majority of the members of the committee are members of the Presbytery.

### **3.7.3 PASTORAL RELATIONS COMMITTEE**

#### **3.7.3.1 Membership**

- (a) The Pastoral Relations Committee shall consist of the Presbytery's representatives to the Placements Committee together with at least three other persons appointed by the Presbytery, provided that the membership shall include at least two Ministers and two lay persons.

#### **3.7.3.2 Responsibilities**

- (b) The responsibilities of the Pastoral Relations Committee shall include:
  - (i) overseeing on behalf of the Presbytery the pastoral relations between the Ministers, Lay Pastors, Youth Workers, Community Ministers and Pastors and Congregations within the Presbytery;
  - (ii) being accessible to Ministers, Lay Pastors, Youth Workers, Community Ministers and Pastors and Congregational representatives for the purpose of giving counsel on matters relating to pastoral relationships and responsibilities;
  - (iii) counselling Ministers, Lay Pastors, Youth Workers, Community Ministers and Pastors for their encouragement and enrichment in the fulfillment of their ministries, including reference to the Code of Ethics;
  - (iv) providing such reports as may be required by the Presbytery, with due regard to the confidentiality of information given to the Committee;
  - (v) conferring with Ministers, Lay Pastors, Youth Workers, Community Ministers, Pastors and Congregations to ascertain relevant information in all cases where changes in placement or appointment are involved and advising the

- Presbytery regarding those matters;
- (vi) dealing with matters relating to the placement or appointment of Ministers, Lay Pastors, Youth Workers, Community Minister and Pastors as may be delegated to it;
  - (vii) dealing with complaints as set out in the Regulations on Church Discipline;
  - (viii) making provision for the appropriate pastoral support and accountability of Ministers, Lay Pastors, Youth Workers, Community Ministers and Pastors in active service who are not in approved placements;
  - (ix) reviewing the list of Ministers, Lay Pastors or Youth Workers under its care who are awaiting placement with a view to assisting them either to return to active service or to make other appropriate vocational decisions or suggesting to a Church Council that an invitation be extended to the Minister to become a Minister-in-Association;
  - (x) determining the manner of appointment of persons to preside at worship and preach in a Congregation during times when there is no Minister in placement.

### **3.7.3.3 Chairperson**

- (c) The Presbytery shall appoint one of its members to chair the Pastoral Relations Committee.

## **3.7.4 SYNOD COMMITTEES, BOARDS AND OTHER BODIES**

### **3.7.4.1 Synod Standing Committee (See Para 36, Constitution)**

#### **Membership**

- (a) The membership of the Synod Standing Committee shall consist of:
  - (i) the Moderator, the ex-Moderator, the Moderator-Elect and the Secretary of the Synod as ex-officio members;

- (ii) such other ex-officio members as the Synod may determine;
- (iii) other members of the Synod elected by it to serve until the next ordinary meeting of the Synod;
- (iv) any co-opted members appointed in accordance with this Regulation.

The Standing Committee may co-opt to membership not more than 2 persons or the number of persons which is closest to 10% of the total number of members under subparagraphs (i), (ii) and (iii) of paragraph (a), whichever shall be the greater.

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

- (b) The lay members shall be not fewer in number than the Ministerial members.

### **Meetings**

- (c) The Standing Committee shall:
  - (i) meet at such times and places as are determined by the Committee or as called by the Moderator; and
  - (ii) appoint a chairperson of the meeting if neither the Moderator nor the ex-Moderator is available.

### **Responsibilities**

- (d) The Standing Committee is empowered to act on behalf of the Synod between meetings of the Synod in respect of any of the responsibilities of the Synod except such as the Synod may determine.
- (e) The Standing Committee shall deal with matters referred to it by the Synod.
- (f) In dealing with matters which have not been referred, unless otherwise prescribed by the Synod:
  - (i) the quorum shall be two-thirds the number of members of the Standing Committee; and

- (ii) if a decision on a matter cannot be made by the consensus procedures and in order to carry the relevant motion, a majority of three-fourths of those present shall be required.
- (g) The Standing Committee shall report its decisions to the next ordinary meeting of the Synod, which shall give directions as to the publishing thereof and as to any further action that may be required.

#### **3.7.4.2 Advisory Committee on Ministerial Placements (See Reg. 3.1.5 (h))**

##### **Membership**

- (a) The Placements Committee shall consist of:
  - (i) a chairperson, elected by each ordinary meeting of the Synod;
  - (ii) the Secretary of Synod (or nominee);
  - (iii) one or two persons, as determined by the Synod, appointed by each Presbytery;
  - (iv) up to six persons elected by the Synod Standing Committee, after advice from the Placements Committee taking account of factors such as gender, age, ethnicity, rural/urban, specialist knowledge/experience and the need for Deacons and Youth Workers to be represented.

##### **Responsibilities**

- (b) The Placements Committee shall:
  - (i) determine, after consultation with the Presbyteries and the relevant bodies of the Synod, the full list of placements;
  - (ii) change the number, distribution or designation of approved placements within the bounds of the Synod on the following basis:
    - (1) within a Congregation: on the recommendations of the Presbytery and a meeting of the Congregation;
    - (2) within a Presbytery: on the recommendation of

- the Presbytery;
- (3) within the Synod: on the recommendation of the relevant Synod body.
- (iii) exercise an overview of placements having regard to the interests of the whole Church;
- (iv) take initiatives towards:
  - (1) the deployment of available ministry in such a way that approved placements with imperative needs are not left vacant;
  - (2) ensuring that Ministers with particular needs are suitably placed;
- (v) at any time initiate (after consultation with the Ministers, Congregations, Presbyteries and other bodies concerned) action (including the disturbance of existing placements) to provide a Minister for a Priority placement;
- (vi) supply relevant information to persons or bodies concerned with calling a Minister.
- (vii) negotiate with other Synods and bodies concerned regarding the transfer of Ministers between Synods;
- (viii) recommend to Joint Nominating Committees the names of Ministers, ordinands, Lay Pastors and Youth Workers considered to be suitable for a placement (See Reg. 2.6.1 – 2.6.6);
- (ix) recommend to Joint Nominating Committees the names of Pastors considered suitable for placement under Regulation 2.6.6.

### **3.7.4.3 Ministerial Education Board**

#### **Membership**

- (a) Ministerial Education Boards shall include both lay and ministerial members and, in those Synods in which there is a theological

college constituted by the Synod, the Ministerial Education Board shall also include representatives of the faculty of the theological college, representatives of its student body and such heads of university colleges with which the theological college is associated, as may be determined by the Synod.

- (b) The Uniting Aboriginal and Islander Christian Congress shall appoint a Ministerial Education Board with responsibilities as provided in Regulations 3.7.4.3(c) in relation to Aboriginal and Islander candidates.

### **Responsibilities**

- (c) The responsibilities of the Ministerial Educational Board shall include the following:

- (i) in relation to theological colleges constituted by the Synod:

- (1) providing for adequate academic and administrative staffing, accommodation and facilities for the work of the theological college and determining the terms and conditions of appointment for staff other than those specified in clause (2);
- (2) reporting for the decision of the Synod upon all matters relating to the appointment and termination of appointment of the principal, professors and teachers in the theological college except as hereinafter provided;
- (3) determining the conditions under which study leave shall be granted to members of the staff of the theological college and making adequate provision;
- (4) being responsible for the income and expenditure of the theological college and preparing an annual



budget for the Synod; and

- (5) ensuring that the courses and training that the theological college offers for the formation and education of Ministers in accordance with

1. prescriptions set by the Ministerial Education Board or the body authorised by it to set prescriptions; and
2. standards set by the Assembly.

(ii) in relation to candidates:

- (1) determining, or ensuring that a body authorised by it, determines, the appropriate courses of study for ministerial education and formation and, where the candidate is not training within the same Synod, and entering into negotiations through the Ministerial Education Board of the Synod concerned for the receiving of the candidate and the costs;
- (2) making provision for scholarship aid, living allowances and accommodation for candidates;
- (3) co-operating and consulting with and reporting to Presbytery in regard to matters relating to candidates;
- (4) receiving from the faculty or theological college council and forwarding to Presbytery any recommendations concerning termination of candidature on academic or other grounds;
- (5) determining requests for leave of absence or deferral of studies (see Regulation 2.4.1(b)).

(iii) either separately or in co-operation with the Synod or agency of the Church:

- (1) making provision for the continuing education of Ministers and Youth Workers, post-graduate and other forms of advanced ministerial education, and other theological education and for relating ministerial and lay education to the overall life and mission of the Church;
  - (2) making, on the advice of the faculty or theological college council, by-laws to govern admission to courses, suspension from courses, fees, discipline and other matters relating to students who are not candidates;
  - (3) appointing members of selection panels other than the Presbytery representatives and making facilities available for the proper and professional appraisal of applicants for the ministries of the Church;
  - (4) reporting as may be requested on the qualifications of any Minister applying for recognition and acceptance on transfer from another church;
  - (5) reporting annually to the Synod and to the Assembly;
  - (6) appointing such committees as may be appropriate for the effective fulfillment of the responsibilities of the Board;
  - (7) ensuring resources are available to assist members and the Church in the period of discernment (see Regulation 2.3.1).
- (iv) appoint a community ministry committee, which shall advise the Board on the educational requirements for each

candidate.

- (d) In a Synod where a theological college is recognised by the Synod as a teaching institution for training students for ministry but is not constituted by the Synod, the Ministerial Education Board shall undertake all responsibilities in Regulation 3.7.4.3(c) not otherwise legislated for in the constitution and by-laws of the theological college concerned and shall make recommendations to the Synod concerning any financial support of such theological college.

#### **3.7.4.4 Theological Colleges**

Theological colleges established by Synods shall be subject to the Regulations and decisions of the Assembly in relation to the responsibilities of a college or colleges

#### **3.7.4.5 The Faculty**

- (a) Within each theological college established by a Synod and recognised by the Assembly, there shall be a faculty responsible to the Synod through the Ministerial Education Board.
- (b) The faculty shall comprise the principal where such a position exists, all full-time teaching members of the staff of the theological college who have been appointed to their office by the Synod, or who are recognised by the Synod as constituting the faculty, together with any others appointed on the nomination of the faculty by the Synod or the Ministerial Education Board.
- (c) The faculty shall share with Presbyteries the responsibility for the pastoral care and oversight of candidates for the ministry. (See Reg. 2.4.2)
- (d) A Synod may approve the council of the theological college or other appropriate body exercising some or all of the responsibilities of the faculty.

#### **3.7.4.6 Financial Transactions and Investments Body**

- (a) A Synod may establish a body or bodies authorised to:

- (i) invest and manage funds on behalf of the Synod or on behalf of any Presbytery, Congregation or other body within the bounds of the Synod;
- (ii) accept money on deposit;
- (iii) borrow, raise, secure the payment of money or otherwise obtain financial accommodation including by the issue of debentures, bonds or other securities;
- (iv) advance or lend money or otherwise make financial accommodation available or enter into financial transactions with or without security, at such rate of interest (if any) or for such other consideration (if any) and on such terms as to repayment and otherwise as the Synod may authorise;
- (v) issue, draw, accept, endorse or discount bills of exchange, promissory notes, payment orders or other negotiable instruments;
- (vi) enter into any transaction for the purpose of reducing the risk of loss or increasing the prospect of gain arising from changes in interest, discount or currency exchange rates or other rates or factors affecting financial markets;
- (vii) guarantee, indemnify or be surety for the payment of money or performance of contracts or obligations by any person with or without securing the liabilities so incurred.

Subject to Regulation 3.7.4.6(b), all investments borrowings and other transactions authorised by this Regulation are to be made in the name of the Property Trust and within such guidelines as the Synod shall determine.

- (b) The body responsible for the management and administration of any fund may invest in its own name monies not immediately required for the purposes of that fund, provided that the amount and the period do not exceed the limits prescribed by the Synod and that

the investment is of a nature approved by the Synod. Where the amount or period of a proposed investment exceeds the limits set down by the Synod the specific approval of the Synod shall be obtained for the investment made by the Synod investment agency on behalf of the fund concerned.

#### 3.7.4.7 Institutions

- (a) For the purposes of this Regulation, unless the context or subject matter otherwise indicates:
  - (i) **institution** means any body whether incorporated or unincorporated established by or on behalf of the Church or any of the uniting churches or in which the Church participates for a religious, educational, charitable, commercial or other purpose;
  - (ii) person includes a church, a body corporate and an unincorporated body;
  - (iii) **the Church** includes any body of the Church.
- (b) Subject to any directions by the Assembly on matters of policy, the Synod, paying due regard to the responsibilities of any other body:
  - (i) shall determine what institutions shall be continued, established, conducted or discontinued by or on behalf of the Church;
  - (ii) may authorise the establishment or continuation of any institution by the Church conjointly with another person, or require the withdrawal of the Church from any institution which has been or may hereafter be established by the Church conjointly with another person;
  - (iii) may approve or authorise the participation of the Church in, or the association of the Church with, any institution, or may terminate or cause to be terminated any such participation or association;

- (iv) may authorise affiliation of the Church with, or membership of the Church in, such bodies (being bodies conducting or connected or associated with an institution or with which an institution is associated) as shall seem appropriate to the Synod and may terminate or cause to be terminated any such affiliation or membership;
  - (v) may make any such determination, authorisation, approval, termination or requirement subject to conditions and from time to time vary the conditions.
- (c) The Synod may authorise the separate incorporation of any institution or the participation of the Church in, or its association with, an incorporated institution.
- (d)
- (i) The property of any institution referred to in paragraph (b)(i) shall, subject to any special trusts which may be applicable, be vested in the appropriate Synod Property Trust unless the Synod determines otherwise;
  - (ii) In the case of each other institution referred to in paragraph (b) the Synod may concur in the property of that institution being vested in the Synod Property Trust or in such other person and subject to such terms and conditions as to the Synod shall seem proper.
- (e) In respect of institutions established or conducted by or on behalf of the Church and the Church's participation in or association with other institutions and its membership of or affiliation with bodies pursuant to paragraph (b)(iv) the Synod may:
- (i) oversee and from time to time review the same;
  - (ii) appoint an official visitor thereto for the purpose of exercising oversight;
  - (iii) intervene in such manner as it is able and as it considers

necessary or proper in the interests of the Church.

(f) Subject to any by-laws and any conditions applicable pursuant to paragraph (b)(v), an institution which is established or conducted by or on behalf of the Church or the council or other authority administering the institution:

- (i) shall be responsible and accountable for its proper management to the Synod or such body as it designates;
- (ii) may exercise all the powers and functions delegated to it by the Synod or such body as it designates; and
- (iii) shall report and present audited financial statements to the Synod or such body as it designates at least annually and at other times as the Synod requires.

(g) Where an institution is established and conducted by the Church conjointly with any other person, the provisions of paragraph (f) shall apply, subject to any relevant provisions contained in any constitution or any other instrument relating to the joint establishment and conduct of the institution.

(h) Where an institution is primarily responsible to a body of the Church within the bounds of a particular Synod, that Synod shall have the powers and responsibilities given to the Synod under this Regulation.

(i) In relation to an institution, and to the extent to which the Church is concerned:

- (i) The constitution or other instrument whereby an institution is established, continued or conducted by or on behalf of the Church shall:
  - (1) specify the name, purpose and management procedures of the institution;
  - (2) provide for effective representation of the Synod, the Presbytery, the Church Council or other body

as the case may be on the managing or controlling authority of the institution;

- (3) provide for the furnishing of regular reports and financial statements to the Synod or such body as it designates.

(ii)

- (1) The Synod shall be responsible for granting or approving the constitution or other instrument whereby the institution is established, conducted or continued and shall have authority to amend, revoke or suspend the operation of such constitution or instrument, notwithstanding any provisions within the constitution or other instrument.
- (2) No alteration of such constitution or other instrument shall be operative unless and until it is approved by the Synod.

### **3.7.5 ASSEMBLY COMMITTEES, BOARDS AND OTHER BODIES**

#### **3.7.5.1 Assembly Standing Committee (See Para 47, Constitution)**

##### **Membership**

- (a) The Assembly Standing Committee shall consist of
  - (i) the President, President-elect, ex-President and General Secretary of the Assembly;
  - (ii) the President of the Uniting Aboriginal and Islander Christian Congress and a member of the National Executive appointed by the Executive;
  - (iii) 18 members of the Assembly elected by the Assembly; and
  - (iv) no more than four persons co-opted by the Standing Committee.



- (b) The elected membership shall include at least one person from each Synod.
- (c) The number of lay members of the Standing Committee shall be not fewer than the number of members who are Ministers.
- (d) In the election of members, paragraphs (b) and (c) shall be applied in that sequence in determining the persons elected.
- (e) The elected membership shall include no more than five persons from any Synod.
- (f) The Standing Committee may act notwithstanding any vacancy in its membership. Any vacancy may be filled by the Standing Committee appointing a member of the same status, whether Minister or lay person, as the person who caused the vacancy. If the person whose place has become vacant was the only elected member of the Standing Committee from a Synod, the new member shall be from the same Synod.
- (g) Only members of the Assembly are eligible for membership of the Standing Committee.

### **Meetings**

- (h) Meetings of the Standing Committee shall be held as required to transact the business and shall be called by the General Secretary:
  - (i) as may be directed by a previous meeting of the Committee;
  - (ii) as requested by the President;
  - (iii) as approved by the President on advice from the General Secretary as to business to be done;
  - (iv) as requested in writing by not fewer than half the members of the Committee, the request to state the purposes of the proposed meeting.
- (i) The following persons may attend the meetings of the Standing Committee as observers with the right to speak but not to vote:

- (i) Secretaries of Synods, National Coordinator of the Uniting Aboriginal and Islander Christian Congress, the Associate General Secretary and the Assembly Theologian in Residence;
- (ii) such Assembly staff members as the President and General Secretary, after consultation, may invite, having regard to the agenda.
- (j) At least thirty days' notice in writing shall be given convening meetings of the Standing Committee, provided that such time may be reduced if, in the opinion of the President, an earlier meeting is required for urgent reasons; and

### **Responsibilities**

- (k) The Standing Committee shall:
  - (i) transact such business as may be referred to it by the Assembly and such other business as may be required or be desirable to be done on behalf of the Assembly between meetings of the Assembly, except such as may be precluded by the Assembly;
  - (ii) in order to assist the Assembly in its discernment, at least ten months prior to an Assembly meeting, advise the Church on the challenges and issues which may be faced by the President and the Assembly in the seven subsequent years;
  - (iii) offer guidance to the President on priorities to be pursued, and the way in which the responsibilities named in Regulation 3.6.4.2 may be exercised, taking into account the particular gifts and graces of the President;
  - (iv) report its decisions to Synods, Presbyteries and the next meeting of the Assembly.

### **3.7.5.2 Audit, Finance and Risk Committee**

#### **Membership**

- (a) The Assembly shall establish an Audit, Finance and Risk Committee which shall consist of:
  - (i) a Chairperson appointed by the Standing Committee;
  - (ii) four other persons at least two of whom are not employees of the Church or Ministers; and
  - (iii) the General Secretary and the senior financial officer of the Assembly who shall be ex officio non-voting members.
- (b) The members shall be appointed by the Standing Committee at its first meeting after each ordinary meeting of the Assembly.
- (c) All members shall hold office until a new committee is appointed according to Regulation 3.7.5.2(b).
- (d) Casual vacancies may be filled by appointment by the Standing Committee.

#### **Responsibilities**

- (e) The Committee shall:
  - (i) be accountable to the Assembly and its Standing Committee;
  - (ii) make to the Assembly such reports and recommendations on financial matters and policies as the Assembly may require or the Audit, Finance and Risk Committee considers appropriate.
  - (iii) assist the Standing Committee to discharge its responsibility to exercise due care, diligence and skill in relation to:
    - (1) selection and application of accounting policies;
    - (2) financial budgeting, recording, monitoring and reporting;
    - (3) management and internal controls;
    - (4) business policies and practices;
    - (5) compliance with applicable laws, regulations,

- standards and best practice;
- (iv) review and if necessary initiate improvements in the quality of internal and external financial reporting to the Assembly and its agencies;
  - (v) review and if necessary initiate improvements in the effectiveness of internal and external audit functions and advise regarding auditors;
  - (vi) provide a formal forum for communication between the Standing Committee, senior financial management and the external auditor;
  - (vii) monitor audit and risk management systems put in place by Assembly agencies;
  - (viii) initiate action to investigate or intervene in any agency/activity of the Assembly where such action is warranted by an audit finding or risk situation.

## **3.8 REGULATIONS THAT APPLY TO ALL COUNCILS AND CONGREGATIONS**

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### **3.8.1 PRINCIPLE FOR APPOINTMENTS**

In determining the composition of the council the appointing body shall have regard to the principle that in accordance with the call and gifts of the Spirit each member shall have a part in the ministry of the Church, and that government of the Church will be “entrusted to representatives, men and women, bearing gifts and graces with which God has endowed them for the building up of the Church” (Basis of Union Para. 15).

### **3.8.2 APPOINTMENT OF COMMITTEES**

A Congregation or council may appoint and disband committees for such periods, on such terms and with such responsibilities as it deems appropriate.

### **3.8.3 OTHER OFFICERS**

A Congregation or council may appoint other officers upon such conditions and to have such responsibilities as the council shall determine.

### **3.8.4 CONDUCT OF MEETINGS**

- (a) Meetings of a congregation, council or a standing committee shall be conducted in accordance with “A Manual for Meetings in the Uniting Church” unless the congregation, council or standing committee has adopted other standing orders or meeting procedures.
- (b) Decisions made by a council or standing committee other than in a meeting, by electronic means, shall be conducted in accordance with the procedures outlined in 5.18 of “A Manual for Meetings in the Uniting Church” unless the council or standing committee has adopted other standing orders or meeting procedures.
- (c) If the presiding officer of a meeting of a congregation or council (or its standing committee) is unavailable then the meeting shall elect a chairperson for that meeting.

### **3.8.5 QUORUMS FOR MEETINGS**

- (a) If a quorum is not present the meeting shall be reconvened by the chairperson and if the chairperson be unavailable by the secretary. If a quorum be not present at the reconvened meeting the business of the meeting may be conducted by those present.

#### **Congregation**

- (b) A quorum for a meeting of the Congregation shall consist of eight voting members or one-tenth of the voting members of the Congregation whichever number is the greater, unless otherwise determined by the Presbytery in respect of a particular Congregation.

#### **Church Council**

- (c) A quorum for a meeting of the Church Council shall consist of one half of the total membership of the Church Council.

### **Presbytery**

- (d) A quorum for a meeting of the Presbytery shall consist of one-third of the voting members representing at least half the number of the Congregations of the Presbytery. If a Minister, Youth Worker, Pastor or Lay Pastor is serving in an approved placement in more than one Congregation, that person shall be deemed to represent all those Congregations for the purpose of determining whether at least half the number of Congregations are represented at the meeting.

### **Synod**

- (e) A quorum for a meeting of the Synod shall consist of half the number of members of the Synod within which number at least two-thirds of the Presbyteries shall be represented.
- (f) Except as provided in Regulation 3.7.4.1(f)(i), a quorum for a meetings of the Synod Standing Committee shall consist of half the number of members on the Committee

### **Assembly**

- (g) A quorum for a meeting of the Assembly shall consist of half of the number of members of the Assembly representing at least half the number of the Synods.
- (h) A quorum for a meeting of the Assembly Standing Committee shall be half the number of members of the Committee.

## **3.8.6 FUNDS OF CONGREGATIONS, COUNCILS OR OTHER BODIES**

Congregations, Church Councils, Presbyteries, Synods, the Assembly or other bodies may establish funds to provide for the proper discharge of their purposes, responsibilities and objects, and they shall respectively be managed and administered by such persons or bodies and in such manner as the Church Council (or Church Councils working collaboratively), Presbytery, Synod or Assembly may

determine.

### **3.8.7 ACCOUNTING AND AUDIT**

#### **Books of Account**

- (a) All funds of the Church shall be accounted for using proper, approved methods of accounting. The body responsible for funds shall keep proper books of account. The books of account shall include all receipts and disbursements received or made, all credits and debts owing or due and all other relevant matters necessary including a full explanation of the accounts. The body responsible shall, upon the request of the chairperson of the Church Council or other appointing body or the Synod Property Officer or any person authorised by any one of them, produce the books of account together with all supporting or relevant accounts, receipts, and documents for inspection, and shall permit extracts to be taken and copies to be made by any such authorised officer.

#### **Monies to be banked**

- (b) All monies received from time to time shall be placed to the credit of an account in the name of the body responsible in any one or more of the financial institutions approved by the Synod. The body responsible shall appoint two or more persons to operate on such account

#### **Audit**

- (c) The books of account, when the gross receipts are above \$100,000, shall be audited and certified by the auditors at least once in every year and at such other times as may be required by the chairperson of the Church Council or other body responsible as the case may require.

#### **Appointment of Auditors**

- (d) The auditor or auditors shall be appointed annually. Subject to the variation in (e) below, the auditor(s) shall be a qualified accountant or, if more than one, shall include at least one qualified accountant.

For the purpose of this Regulation a qualified accountant means:

- (i) a person who is a member of the Institute of Chartered Accountants in Australia or the Australian Society of Certified Practising Accountants, or
- (ii) any other person who has qualifications and experience requisite for registration as a company auditor under the Corporations Act 2000 as amended or replaced from time to time and who in the opinion of the appointing body is a fit and proper person to undertake the responsibility.

### **Variations to Qualifications**

- (e) Where the gross receipts of a Congregation or body or fund in the year is below a figure that equates to the Australian Charities and Non-for-profits Commission (ACNC) financial reporting revenue threshold for small charities, the books of account may be audited and certified by two person who are not qualified in terms of (d) above, but who are, in the opinion of the body responsible, fit and proper persons to undertake the responsibility. Notional stipend for the purpose of this Regulation means the amount determined for the year by the Board of Directors of Benefund Limited.

### **Eligibility as Auditor**

- (f) The auditor appointed shall not be a member of the board, council or committee whose accounts are being audited unless a Presbytery with respect to accounts of Congregations or Congregational organisations within its bounds, or the Synod Property Board with respect to accounts of other councils or organisations, determines, at the request of the appointing body, that special circumstances exist. In such case a member of the board, council or committee may be appointed to be auditor.

### **Presentation of Accounts**

- (g) Audited financial statements bearing an audit or independent reviewer's report in such form as the Synod may prescribe shall be



submitted to the Church Council or other appointing body or the body responsible for their administration and control, as may be appropriate, at least once in every year, and to the Synod and the Presbytery Property Committee (in respect of Congregations and their organisations) whenever required.

### **Budgets**

- (h) Comprehensive and detailed budgets should be prepared for every Congregation, Presbytery, Synod, the Assembly and other body with an established fund during the current year for the next succeeding year in the manner directed and approved by the relevant council responsible for the fund.

## **3.9 ALTERNATIVE LOCAL CHURCH STRUCTURES**

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### **3.9.1 PARISH MISSIONS**

- (a) A Synod, after consultation with the Presbytery, may designate a Congregation or related Congregations within its bounds as a Parish Mission if, in the opinion of the Synod, such Congregation is responsible for approved ministries of such special character and extent that the Congregation should be allowed to do one or more of the following:
  - (i) to look beyond its own membership and bounds for additional persons to assist in the general oversight and management of the responsibilities of the Congregation;
  - (ii) to seek additional financial support by appeal beyond the bounds of the Congregation, provided that such appeals shall not be addressed to Congregations without prior consent of the appropriate body appointed or designated by the Synod;
  - (iii) to make a case for the extension of ministerial placements

beyond the normal maximum term when the proper exercise of the special ministries so requires.

- (b) Except as may be determined in accordance with (c), the Presbytery may, in respect of each Parish Mission, appoint any number from one to ten persons to be members of the Church Council in addition to those listed in Regulation 3.3.1. The Church Council may nominate to the Presbytery names of persons to be considered when such appointments are being made.
- (c) Synod may, at its discretion, determine that in regard to any particular Parish Mission the Synod or a Synod body determined by it shall make the additional appointments to Church Council set out in (b).
- (d) A Parish Mission, in addition to such reports as would normally be made by a Congregation to the Presbytery, shall report annually to the Synod or a body determined by the Synod regarding the special ministries and shall present financial statements as the Synod shall determine.
- (e) If, in the opinion of the Synod, after consultation with the Presbytery, the special ministries no longer justify the designation of Parish Mission, the designation and the provisions pertaining thereto shall be withdrawn following reasonable notice to the Congregation concerned.

### **3.9.2 FAITH COMMUNITIES**

- (a) A Presbytery may recognise as a Faith Community a grouping of people who;
  - (i) are seeking to explore the implications of faith in God, gathering in order to serve the community and/or nurturing one another in faith; or
  - (ii) are worshiping together and seeking to relate to the Church for nurture and support, and

- (iii) apply to the Presbytery to be recognised as a Faith Community.
- (b) A Faith Community may include confirmed members of the Church who hold their membership in a Congregation or who have their membership recorded with the Presbytery.
- (c) A Faith Community will order its life, under the oversight of the Presbytery, so as to encourage its participants, develop its mission, and be accountable for its resources, and may seek the guidance of a Presbytery about possible ways to do so.
- (d) A Faith Community may appoint leaders from its participants and may designate a participant to attend meetings of the Presbytery.
- (e) A Faith Community may apply to Presbytery to be recognised as a Congregation. A Presbytery may request a Faith Community to make such an application.
- (f) A Presbytery may cease to recognise a Faith Community.

### **3.9.3 CHURCH COUNCILS IN SMALL CONGREGATIONS**

- (a) Where a Congregation has no more than 30 confirmed members and members-in-association (as listed in Regulation 1.6.1), the Presbytery may, at the request of the Congregation, authorise the Congregation to determine that all those who are members of the Congregation shall comprise the Church Council.
- (b) The authorisation shall continue until:
  - (i) the Congregation decides that it will cease to operate under these Regulations and forms a Church Council under Regulation 3.3.1;
  - (ii) or it is withdrawn by Presbytery after consultation with the Congregation (which shall be carried out by the Presbytery at least every five 5 years); or
  - (iii) the expiry of the period of 12 months mentioned in (c) or

the longer period authorized under (c) of this Regulation ,  
as the case may be.

- (c) This Regulation shall cease to apply to the Congregation and the Congregation shall form a Church Council in accordance with the Regulation 3.3.1 at the expiry of a period of 12 months after the number of confirmed members and members-in-association of the Congregation grows to more than 40 or at the expiry of such longer period as the Presbytery may authorise where it considers it is in the best interest of the Church to do so.
- (i) A meeting of a Congregation in which all confirmed members and members-in-association of the Congregation comprise the Church Council shall also be a meeting of the Church Council and vice versa unless the meeting is convened only as a meeting of the Church Council.
- (ii) The quorum for a meeting of the Congregation which is also a meeting of the Church Council and the quorum for a meeting which is convened only as a meeting of the Church Council shall be one quarter of the confirmed members and members-in- association. (See Reg. 3.8.5).
- (d) Regulation 3.3.1(b) does not apply to Congregations in which the confirmed members and members-in-association comprise the Church Council.

[Korean]

## **3.10 EXEMPTIONS, ALTERNATIVES AND ALTERATIONS**

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### **3.10.1 EXEMPTIONS AND ALTERNATIVE REGULATIONS**

The Assembly in plenary session, or its 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; 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.

The granting of an exemption from compliance with a Regulation or Regulations does not have the effect of exempting any person, congregation, council or other body from complying with the Constitution and other Regulations.

### **3.10.2 ALTERATIONS TO REGULATIONS**

- (a) These and any other Regulations may be amended by addition, deletion or alteration by a decision of the
  - (i) Assembly; or
  - (ii) Assembly Standing Committee as the case may be where the Assembly in session has resolved to delegate the authority to amend to the Standing Committee;
  - (iii) provided that details of any proposed amendment have been published in the agenda of the Assembly or the Standing Committee or stated in a notice of proposal which has been duly given in accordance with standing orders and which specifically states or necessarily implies that any such proposal involves an amendment to the Regulations.
- (b) Amendments to the Regulations shall have effect from the time of passing of the relevant resolution or at such other time as the Assembly or the Standing Committee, as the case may be may specify.

- (c) Any act or decisions made under Regulations prior to the amendment thereof shall not be rendered invalid by reason of such amendment but shall subsequently be varied to comply with the amended Regulations if so directed by the Assembly or other body concerned.
- (d) Anybody within the Church affected by Regulations may request the Assembly to amend the Regulations.

(e)

## 4 PROPERTY

### 4.1 DEFINITIONS

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In Part 4 unless the context or subject matter otherwise indicates:

**Agency** includes any body not separately incorporated or any person acting in the name or on behalf of the Church;

**Building** includes any building used solely or in part for educational, charitable, social, residential, business, commercial or professional purposes;

**Chairperson** includes the deputy chairperson and other person acting as chairperson;

**Church building** means any building ordinarily used for the holding of services for the worship of God;

**Lease** includes:

- (a) any lease, sub-lease, or licence of land or premises granted or taken on behalf of or for the benefit of the Church or any body of the Church,
- (b) any surrender or variation of lease, sub-lease, or licence, or consent to either transfer or sub-lease, underlease or sub-license any lease, sub-lease or licence of land or premises.

**Proceeding** means any action, suit, application or proceeding in any court or other tribunal, a reference to arbitration, or other proceeding of conciliation, mediation or adjudication whether judicial or arbitral or not;

**Property** means property of whatsoever nature whether real or personal, and includes money, investments, and rights relating to property;

**Property Trust** means a Property Trust constituted under the Uniting Church in Australia Act or Ordinance of the State or Territory concerned;

Responsible body means a body that is responsible for the management and administration of property, and which either itself carries out those responsibilities or appoints another body to undertake them either in whole or in part;

Standing Committee means the Standing Committee of Synod by whatever name known or the executive committee or other body having authority to act on its behalf;

Trust property means property vested in or acquired by a Property Trust.

## **4.2 SYNOD PROPERTY BOARD**

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### **4.2.1 FUNCTIONS OF PROPERTY BOARD**

Each Synod shall appoint a Property Board which shall:

- (a) advise the Synod with respect to policies relating to property within the bounds of the Synod;
- (b) supervise the implementation of the Synod's policies in regard to property within the bounds of the Synod;
- (c) consult where appropriate and advise Presbyteries, Church Councils, institutions and other agencies of the Church with respect to property matters within their bounds;
- (d) receive proposals with respect to property matters submitted to it by the Presbyteries, Church Councils, institutions or agencies, ensure that each proposal is in accordance with the policies of the Synod with respect to property matters, development and mission and give the final decision with respect to such proposals;
- (e) initiate proposals with respect to property matters;
- (f) carry out functions (b) to (e) above in respect of departmental, institutional and other property outside the jurisdiction of Presbyteries and Church Councils;
- (g) only approve the transfer of any real estate vested in a Uniting Church Property Trust to any Aboriginal and Islander organisation



- with the prior approval of the National Executive of the Uniting Aboriginal and Islander Christian Congress; (See Reg. 3.2.6) and
- (h) perform such other duties and functions with respect to property matters as may be referred or delegated to it by the Synod from time to time.

#### **4.2.2 DELEGATION TO PRESBYTERY**

- (a) A Synod Property Board may delegate to:
- (i) the Property Committee of any Presbytery, or
  - (ii) another body within the Synod, or
  - (iii) a Church Council of a Congregation which is designated as a Parish Mission or a committee of that Church Council, or
  - (iv) the Property Officer, and / or specified positions

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

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

#### **4.2.3 MEMBERSHIP**

The Synod shall determine the membership and terms of appointment of members of the Synod Property Board provided that the membership shall include

- (a) the Synod Property Officer ex officio; and
- (b) at least two other members of the Property Trust.

### **4.3 PRESBYTERY PROPERTY COMMITTEE**

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#### **4.3.1 PRESBYTERY PROPERTY COMMITTEE**

- (a) Each Presbytery shall appoint a Presbytery Property Committee and shall determine the membership and term of appointment of members of the Committee.
- (b) A Presbytery Property Committee, subject to any relevant by-laws and directions of the Presbytery, shall:
- (i) advise Church Councils and other bodies within the bounds of the Presbytery with respect to property matters for which they are responsible;
  - (ii) receive and consider applications from Church Councils and other bodies within the bounds of the Presbytery with respect to property matters as provided by these Regulations having regard to:
    - the mission of the Church within the bounds of the Presbytery,
    - the policies of the Synod and Presbytery,
    - financial feasibility,
    - design and location,
    - any other relevant matter;
  - (iii) submit proposals from any Church Council or other body within the bounds of the Presbytery to the Synod Property Board with recommendations for final decision;
  - (iv) initiate proposals with respect to property matters within the bounds of the Presbytery; and
  - (v) regularly inspect or arrange for the regular inspection of properties for which the Presbytery and Church Councils and other bodies within the bounds of the Presbytery are responsible and propose and report to Presbytery such action as may seem desirable to ensure that the properties

are maintained in good and safe condition.

- (c) A Presbytery may authorise the Presbytery Property Committee or another committee or committees to take responsibilities in respect of such one or more of the properties for which the Presbytery is itself responsible, including:
- (i) the supervision and use of the property;
  - (ii) maintaining the property in good repair;
  - (iii) reporting in respect of such matters as the Presbytery may require; and
  - (iv) such other matters as the Presbytery may determine.
- (d) In a matter of extreme urgency the Presbytery Property Committee may remit any application received by it to the Synod Property Board which shall be entitled to deal with such application without any recommendation thereon having been made by the Presbytery Property Committee, and in cases where the Moderator certifies that circumstances of extreme urgency exist, the Moderator may authorise the Synod Property Officer and the Synod Secretary to make a decision and take action in the name of the Synod Property Board, such action to be subsequently reported to the Board and to the Presbytery Property Committee.

## **4.4 THE CHURCH COUNCIL**

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### **4.4.1 RESPONSIBILITY FOR PROPERTY**

Subject to the Regulations, the by-laws of the Synod and the rules of Presbytery, the Church Council shall be responsible for the management and administration of all property of the Church acquired or held for the use of the Congregation, and without limiting the generality of the foregoing shall:

- (a) be responsible for the care and maintenance of property;
- (b) subject to clause (c) of this Regulation, determine the use of land and

- buildings;
- (c) deal with proposals for the acquisition or disposal of any property or the creation or extinguishment of any rights or interests in property by whatever means;
  - (d) consider and if thought fit make recommendations concerning erection, demolition, alteration or enlargement of church buildings and other buildings;
  - (e) consult with a Congregation regarding any proposal concerning property that would have a substantial effect on the life, witness and service of the Congregation;
  - (f) be responsible for the financial affairs and the management and investment of all funds related to property;
  - (g) do such other things as are necessary or appropriate for the use and management of all property acquired or held for the Congregation.

#### **4.4.2 NOTICE OF BUSINESS**

- (a) Unless at least seven days' notice convening the meeting and specifying the business that shall be dealt with at the meeting has been given it shall not be competent to pass any resolution recommending or resolving to:
  - (i) erect, enlarge, demolish, remove or substantially alter any building;
  - (ii) incur any expense for repairs exceeding such sum as may be determined by the Synod from time to time;
  - (iii) sell, mortgage, exchange, lease, grant or extinguish any estate, right or interest in any land, or surrender or accept the surrender of any lease;
  - (iv) acquire any land or interest in land;
  - (v) alter the general purposes for which any land or building is or may be used;

- (vi) invest any funds other than on short-term deposit with any of the financial institutions approved by the Synod in accordance with Regulation 3.8.7(b);
  - (vii) appropriate any funds except for current expenses.
- (b) It shall be competent for the Church Council to deal with and resolve any of the matters referred to in Regulation 4.4.2(a), notwithstanding that the prescribed notice has not been given, if a majority of those present at the meeting of the Church Council resolve to waive such notice, provided that the majority of votes cast in favour of such waiver shall be not less than three-fifths of the total membership of the Church Council.

#### **4.4.3 ANNUAL PROPERTY REVIEW**

- (a) At least once in every year the Church Council shall receive the audited accounts and review the following matters in respect of each property for which it is responsible:
  - (i) the state of repair;
  - (ii) the adequacy of the insurance cover;
  - (iii) arrangements made in respect of public risk insurances and personal accident insurances for voluntary workers;
  - (iv) the financial position in respect of each property.
- (b) In exercising the responsibilities set out in Regulation 4.4.1 the Church Council may itself carry out all these responsibilities or may appoint one or more committees to be responsible to the Church Council in respect of such one or more properties as the Church Council may specify for:
  - (i) the supervision and use of the property;
  - (ii) maintaining the property in good repair;
  - (iii) such other responsibilities as the Church Council may determine;

- (iv) reporting in respect of such matters as the Church Council may require.

## **4.5 PROPERTY OTHER THAN CONGREGATIONAL PROPERTY**

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### **4.5.1 PROPERTY OTHER THAN CONGREGATIONAL PROPERTY**

- (a) Assembly property shall be dealt with in accordance with the provisions of Regulation 4.10.1.
- (b) In the case of property (other than property for which a Church Council is the responsible body), acquired or held for the use of a Synod, a Presbytery, or any body within the bounds thereof, the responsible body shall be that council or body.
- (c) The responsible body shall determine the manner in which such property is managed and controlled.

## **4.6 PROPERTY DEALINGS**

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### **4.6.1 PROPERTY PROPOSALS**

- (a) A proposal for the purchase, sale, mortgage, lease or the granting or acquiring or disposing of or surrender of any estate or interest in any real property or the erection, demolition or enlargement of a church or other building, or any borrowing of money, may originate in a Church Council or other responsible body or a committee thereof, or in a Congregation.
- (b) In the event of any such proposal originating in a Congregation or a committee and being accepted for examination and decision, immediate written notice of such proposal shall be given to the Church Council or other responsible body, and when appropriate the originating body shall give advice of its recommendations in

respect of such proposal.

- (c) No such proposal may be put into effect before approval is given in accordance with the Regulations.

#### **4.6.2 LEASES**

- (a) Subject to paragraph (b) of this Regulation, a lease shall not be granted without the prior approval of the Synod Property Board.
- (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.
- (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.

#### **4.6.3 PROPERTY TRANSACTIONS**

- (a) Subject to paragraph (c) no transactions of the kind specified in paragraph (b) of this Regulation may be entered into without the prior approval in the required manner of:
  - (i) the Church Council or other responsible body; and
  - (ii) the Presbytery; and

- (iii) the Synod.
- (b) The transactions are:
  - (i) the acquisition, sale, mortgage or (subject to Regulation 4.6.2) lease of real estate;
  - (ii) the grant, creation, assignment, or surrender, of rights, easements or other interests in real estate;
  - (iii) a contract in relation to a transaction of the kind in (i) or (ii);
  - (iv) a contract for the erection, enlargement, structural alteration, improvement, or demolition, of a substantial building;
  - (v) borrowing money.
- (c) The Synod or its Standing Committee may authorise one or more transactions mentioned in paragraph (b) by making a declaration that special circumstances exist.
- (d) When making a declaration that special circumstances exist, the Synod or its Standing Committee must:
  - (i) give reasons for making the declaration;
  - (ii) explain other options it has explored and abandoned to meet the circumstances;
  - (iii) give instructions about how and to what extent the transactions may take place.
- (e) Before a transaction authorised by a declaration may take place, the Synod or its Standing Committee must:
  - (i) consult fully with all bodies that may be affected by the declaration, taking into account the purpose, functions, responsibilities and rights of those bodies as described in the Regulations; and
  - (ii) give all affected Church Councils or other responsible bodies the opportunity to make written submissions about



- the declaration within a specified timeframe; and
- (iii) give serious consideration to those submissions.
- (f) The Synod or its Standing Committee may withdraw a declaration at any time before the transaction authorised by it takes place.

#### **4.6.4 APPLICATIONS FOR APPROVAL**

Application to the Presbytery or the Synod for approval of any proposed property transaction shall be made in such form and accompanied by such information as the Synod Property Board may require.

### **4.7 EXECUTION OF DOCUMENTS AND MAKING OF AGREEMENTS**

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#### **4.7.1 CERTIFICATION OF DOCUMENTS AND AGREEMENTS**

All documents, agreements in writing and proposals for agreements, to be executed or made by or on behalf of a Property Trust and to which Regulation 4.6.3 applies, shall be submitted to the Property Officer of the Synod accompanied by a certificate in the form required by the Property Trust certifying that the document agreement or proposal has been approved in accordance with Regulation 4.6.3.

#### **4.7.2 EXECUTION OF DEEDS**

Any deed, instrument, contract or agreement relating to any property or matter to which the Regulations apply which, if made or executed by an individual could be, or would (under common or statute law) be required to be, in writing and under seal, may be made or executed under the seal of the Property Trust.

#### **4.7.3 MAKING OF AGREEMENTS AND EXECUTION OF DOCUMENTS NOT UNDER SEAL**

- (a) Any instrument, contract or agreement relating to any property or

matter intended to be evidenced in writing but not under seal (whether or not required by law to be in writing) shall be made in writing under the authority and on behalf of the Property Trust in the circumstances and manner, and by the person or persons, authorised by the Property Trust.

- (b) Any contract relating to any property or matter which if made between individuals would by law be valid although made by parol only (and not reduced to writing) may be made under the authority and on behalf of the Property Trust, in the circumstances and manner, and by the person or persons, authorised by the Property Trust.

#### **4.7.4 DOCUMENTS CONSEQUENTIAL ON AN AGREEMENT**

In the event of a document to be executed by or on behalf of the Property Trust being consequential upon an agreement entered into by the Property Trust such document may be executed, provided the solicitor or other person properly submitting the same certifies the document to be consequential and in order for execution.

#### **4.7.5 AGREEMENT TO BE BINDING**

Any deed, instrument, contract or agreement made in accordance with the foregoing provisions shall be effectual in law and shall bind the Property Trust or any responsible body and all other parties thereto and may be varied or discharged in the manner in which it is authorised to be made.

### **4.8 APPLICATION OF PROCEEDS OF SALE**

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The proceeds of any sale of real estate shall, subject to any special trusts upon which it is held, be applied so far as the proceeds will extend in the following order:

- (a) in the discharge of any encumbrances and liabilities whether personal or otherwise lawfully created or contracted or such of them or such part thereof respectively as it may be found necessary or expedient so to discharge;
- (b) in the fulfillment of the conditions (if any) imposed by the Synod when consenting to such sale;
- (c) towards any one or more of the objects hereinafter mentioned:
  - (i) promoting the mission of the Church;
  - (ii) assisting or increasing the funds of any body of the Church;
  - (iii) erecting a new Church building, Church hall, residence or other building on any site vested in the Church;
  - (iv) carrying out improvements and enlargements to any such existing buildings;
  - (v) purchasing land as a site for a Church building, Church hall, residence or other building to be under the control of the Church Council concerned or any other body of the Church;
  - (vi) contributing to the funds, objects or charities under the control or direction of the Presbytery, Synod or the Assembly;
  - (vii) such other purposes as the Synod may approve.

## **4.9 LEGAL ACTIONS AND ARBITRATIONS**

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- (a) The Property Trust in the State or Territory where proceedings are being taken may sue or be sued in its name on behalf of the Church or any agency of the Church or in relation to trust property.
- (b) Proceedings shall not be instituted or defended by or in the name of a Property Trust, the Church, or any agency of the Church, without the prior approval of:

- (i) the Standing Committee of the Synod in the State or Territory in which the proceedings are being taken or of the Moderator of that Synod, or
  - (ii) in cases of urgency, the Property Officer of that Synod or the chairperson of the Presbytery within the bounds of which the action arose or the property affected by the proceedings is located.
- (c) All persons shall be entitled to rely upon a statement that the required consent has been given, if signed by an officer of the body by which or by the person by whom, the consent was given, without proof of the signature of that person.

#### **4.10 ASSEMBLY PROPERTY**

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- (a) All real property acquired or held for or on behalf of the Assembly or any agency of the Assembly (hereinafter called Assembly property) shall be managed and administered by
  - (i) the governing body of the agency concerned; or
  - (ii) such officer or body as the Assembly or its Standing Committee designates.
- (b) Proper books of account shall be kept in respect of all Assembly property and shall be audited annually and at such other times as the President or the General Secretary may require.
- (c) A copy of the audited accounts shall be given to the General Secretary forthwith after the completion of the audit.
- (d) Assembly property shall not be purchased, sold, mortgaged, encumbered or leased; and
  - (i) no legal or equitable estate or interest in Assembly property shall be granted, transferred, assigned or surrendered; and
  - (ii) no building on Assembly property shall be erected,

demolished, enlarged or substantially altered, without the consent of the Assembly or its Standing Committee or such other committee as the Assembly or its Standing Committee may designate.

- (e) The legal title to Assembly property shall be vested in the Property Trust of the Church in the State or Territory in which the property is situated, except as may otherwise be approved by the Assembly Standing Committee.
- (f) All documents necessary to be executed by a Property Trust in respect of Assembly property shall be executed by it upon being furnished with a certificate signed by the President or General Secretary or such other person as the Standing Committee of the Assembly shall appoint, evidencing that the document is in order for execution.
- (g) The Assembly or its Standing Committee may give directions in respect of Assembly property.

## **4.11 MISCELLANEOUS**

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### **4.11.1 UNSAFE BUILDINGS**

- (a) Notwithstanding any Regulation or by-law, a Synod Property Officer or Synod Secretary shall have the power, in respect of any property within the bounds of a Synod, owned by the Property Trust of that Synod or any body of the Church, which does not comply with any governmental regulation or requirement or is reported to the Synod Property Officer as being in an unsafe or dangerous condition, to do any or all of the following:
  - (i) temporarily or permanently close any building;
  - (ii) obtain a professional audit or report in relation to the state of the property or any activity conducted thereon;

- (iii) ensure that work is undertaken to make safe or obtain compliance;
- (iv) require repayment by the body having oversight of the property of any amount expended by the Synod pursuant to this Regulation;
- (v) after consultation with the body having the oversight of the property recommend to the Standing Committee of the Synod:
  - (1) disposal of the property where it is impossible or impracticable to make the property safe or to rectify the non-compliance;
  - (2) demolition of any building, or;
  - (3) future use of the property.
- (b) The Standing Committee of the Synod shall have power to determine, or to delegate to its Property Board the right to determine, matters relating to the use or disposal of property or demolition of any building when a recommendation is made pursuant to Regulation 4.11.1(a).

#### **4.11.2 INDEMNITY**

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

misconduct.

#### **4.11.3 CUSTODY OF DEEDS**

All deeds and documents of title relating to trust property shall, unless lodged with some person or corporation as security for a loan, be placed in the custody of such person or persons as may be prescribed by the Synod or the Assembly as may be appropriate.

#### **4.11.4 UNITED WORK**

A responsible body may make property available for the purposes of united work with any other denomination or denominations upon such terms and conditions as may be approved from time to time by the Synod or the committee of the Synod appointed by it for that purpose.

#### **4.11.5 TO FURNISH INFORMATION**

A responsible body shall furnish such information regarding property affairs, including audited accounts, as the Presbytery or the Synod or any body so authorised by either of them requires from time to time.

#### **4.11.6 REGISTER OF PROPERTIES**

A Synod register of properties shall be kept in such form and by such person as shall be prescribed by the Synod.

#### **4.11.7 INSPECTION OF REGISTER**

The register shall be kept properly posted up and shall be made available for inspection by any member of a responsible body, or the chairperson or secretary of a Presbytery, the Moderator or Property Officer of the Synod, or any person authorised by any of them.

#### **4.11.8 RETURNS**

Each responsible body shall furnish such returns to the Presbytery and Synod as shall be prescribed by the Presbytery and the Synod respectively.

#### **4.11.9 NATIONAL PROPERTY POLICY**

- (a) Where two or more Congregations or faith communities share, or will share, the use of a Church property that is under the management and administration of a Church Council of (one of) the Congregation(s), they will enter into a culturally sensitive memorandum of understanding (not a tenancy agreement) that shall
  - (i) specify usage rights of each Congregation or faith community;
  - (ii) provide for an appropriate sharing of costs; and
  - (iii) specify the manner in which the responsibilities listed in Regulation 4.4.1 and other relevant Regulations of the Church will be jointly undertaken in respect of the shared property.
- (b) The memorandum of understanding will be negotiated in consultations between the participating Congregation(s) (through their Church Council(s)) and faith community/ies and their Presbytery or Presbyteries, taking into account the ministry and mission needs of each participating Congregation and faith community and any relevant policies of the Assembly and the Synod.
- (c) Where there is shared use as mentioned in 4.11.9(a) or where another Congregation or faith community requests that it be permitted to share the use of a Church property that is under the management and administration of a Church Council
  - (i) if there is disagreement or a failure to resolve issues between the participating Congregation(s) and faith



community/ies after the consultations referred to in 4.11.9(b), the Presbytery may decide the matters in issue and will promptly notify them of its decision in writing; and

- (ii) if one or more of the Church Council(s) or faith communities that has participated in the consultations, is dissatisfied with the decision of a Presbytery made under sub-paragraph (i), it may appeal. The appeal shall be dealt with under Part 6 of these Regulations

(d) The Presbytery

- (i) may dispense with the requirement that the responsibilities mentioned in Regulation 4.11.9(a)(iii) be jointly undertaken if it considers that it is appropriate to do so and the dispensation may be granted for a specified time and subject to conditions; and
- (ii) shall have authority to implement any changes to use, management or administration of a Church property, that it considers are necessary or desirable to implement a memorandum of understanding made pursuant to Regulation 4.11.9(a) or a decision made in accordance with Regulation 4.11.9(c).

- (e) A Synod may determine policies and processes to assist Presbyteries, Church Councils and faith communities in the implementation of this Regulation.

Where there is more than one Presbytery, they shall determine the manner in which the responsibilities of the Presbytery under this Regulation will be exercised by one or both of them.

#### **4.11.10 CLASSIFYING PROPERTY FOR ALTERNATIVE MISSIONAL USE**

- (a) In this Regulation:

- (i) “Alternative Missional Use” means use of property or the

income from or proceeds of sale of property by or for

- new Congregations, faith communities or new worship gatherings within existing church buildings;
- future new Congregations or faith communities, as stipulated by Synod upon recommendation from the Presbytery;
- Congregations with inadequate property resources;
- any Congregation which in the opinion of the Presbytery has significant engagement in mission;
- Synod or Presbytery approved strategic mission initiatives; or
- such other missional priorities as the Synod determines;

(ii) “property” means real property and includes any building and fixed improvement and may also include any non-fixed property used in conjunction with the building if the non-fixed property is specifically included in property that is available for “Alternative Missional Use”;

(iii) “Congregational Property” means property acquired or held for the use or benefit of the Congregation and for which the Church Council is responsible for management and administration.

(b) Congregational Property will be classified as available for “Alternative Missional Use” where

(i) the Congregation and Church Council resolve to make the property available for “Alternative Missional Use”; or

(ii)

(1) the Presbytery convenes a consultation with the Congregation and its Church Council, and the

- purposes of the consultation specifically include consideration of whether a recommendation should be made by the Presbytery that any of the Congregational Property should be classified as available for ‘Alternative Missional Use’;
- (2) the Presbytery in session, after appropriate consultation with the Congregation, recommends that the Synod classify all or part of a property held for the use of that Congregation as “available for Alternative Missional Use”; and
  - (3) the Synod or Synod Standing Committee in session resolves to make the classification.
- (c) In any consultation between Presbytery and a Congregation as referred to in Regulation 4.11.9 (b)
- (i) the Presbytery shall take proper account of the purpose, functions, responsibilities and rights of the Congregation as described in the Regulations;
  - (ii) the Presbytery and the Congregation have a responsibility to listen faithfully to one another; and
  - (iii) the Presbytery shall take into account any effect on an existing placement.
- (d)
- (i) Where the Presbytery recommends to the Synod that the Synod classify a property as available for “Alternative Missional Use” the Presbytery shall provide to the Synod (and at the same time to the Congregation) written reasons for the recommendation.
  - (ii) Before resolving to classify a property as available for “Alternative Missional Use” the Synod must give the Congregation and its Church Council an opportunity to

make written submissions to the Synod regarding the proposed classification ; and

- (iii) The Synod shall give written notice of a resolution to classify Congregational property as available for “Alternative Missional Use” to the Congregation within 14 days of the decision being made.

(e)

- (i) When a property or income from or proceeds of sale of property is classified as available for “Alternative Missional Use” a Presbytery may transfer responsibility for the management and control of the property or the benefit of use or income from the property or proceeds of sale of the property to another body (which may be the Presbytery itself);
- (ii) Prior to transferring the responsibility or benefit, the Presbytery shall ensure that appropriate arrangements are made for the care of the affected Congregation and its mission, and shall ensure that appropriate opportunities are made for the affected Congregation through its Church Council to make a contribution in the process that identifies the “Alternative Missional Use” to which the resources for which its Church Council was previously responsible, are put.

- (f) If, notwithstanding a resolution of the Synod referred to in Regulation 4.11.10 (b)(ii), responsibility for the management, control or benefit or use (as the case may be) has not been transferred to another body within three (3) years of the Synod or the Synod Standing Committee resolution:

- (i) the classification shall cease to operate; and
- (ii) responsibility for the management and control or the

benefit of use of the property shall remain with the existing Congregation and its Church Council.

(g)

- (i) A Church Council may appeal against a decision pursuant to Regulation 4.11.10 (b)(ii) to classify property as available for “Alternative Missional Use” on the ground that the process was not in accordance with Regulations 4.11.10(a),(b), (c) and (d);
- (ii) The appeal shall be heard by an appeal panel constituted under Part 6 of these Regulations; and

The Assembly determines that the body corporate allowed for in paragraph 56 of the Constitution shall be UCA Assembly Ltd.

## 5 CHURCH DISCIPLINE

Examples and notes are inserted in Part 5 for illustrative purposes only. They do not affect the meaning of the Regulations. If there is an inconsistency between a Regulation and an example or note, the Regulation prevails.

### 5.1 DEFINITIONS

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In this Part 5 of the Regulations unless the context or subject matter otherwise indicates:

**Adherent** has the meaning defined in clause 3 of The Uniting Church in Australia Constitution.

**Alternative dispute** resolution includes mediation, conciliation, collaborative resolution or other restorative justice processes conducted by an independent, professional facilitator.

**Appointment**, when used in reference to a person being appointed to an office, includes electing a person to an office.

**Code of Ethics** has the meaning defined at the commencement of the Regulations of the Church – DEFINITIONS (Part 1).

**Complainant** means a member, adherent or Minister who is making a complaint.

**Complaint** means a written complaint made by a Complainant:

- (a) against a member or adherent;
- (b) against an office holder; or
- (c) against a Minister

describing, in each case, the conduct complained of.

**CFD complaint** is a complaint against a Minister

- (a) that is being dealt with under Part 5.3, 5.4, 5.5 or 5.6 and that alleges conduct as referred to in Regulation 5.7.2(a) to (e); and
- (b) in respect of which a responsible entity at any time while dealing with the complaint under this Part 5 forms an opinion that the allegations, if they were to be substantiated in any future

proceedings of the Committee for Discipline under Part 5.7, may warrant the Committee for Discipline determining that the Minister's recognition as a Minister of the Church be withdrawn.

Note: CFD refers to "Committee for Discipline".

**Entity** includes an individual, Church Council, Task Group, Congregation, Presbytery, Synod, Assembly or other body.

**Focused supervision** means a particular process of supervision arising out of a disciplinary process of the church, which may include any of the following as appropriate — mandating a particular form of supervision; naming particular issues to be addressed in the supervision; requiring the use of a specified supervisor, or a supervisor with particular expertise; or requiring a report from the supervisor to the entity requiring the supervision.

**Member** means a baptised member, confirmed member, and a member-in-association.

**Minister** means a Minister as referred to in the Code of Ethics, and includes a Synod Secretary, Moderator, Assembly General Secretary, President, and Presbytery Minister.

**Office holder**, for the purposes of Part 5.3, means:

- (a) an Elder who is not a member of the Church Council;
- (b) a member of Presbytery who holds the office of Chairperson, Secretary or Treasurer (Regulation 3.6.2);
- (c) the Moderator (Regulation 3.6.3.1);
- (d) the Secretary of the Synod (Regulation 3.6.3.3);
- (e) the President of the Assembly (Regulation 3.6.4.1);
- (f) the General Secretary of the Assembly (Regulation 3.6.4.4); and
- (g) any person appointed to any other body as referred to in Part 3.7;

but does not include a member of a Church Council.

**Pastoral Relations Committee** means the Pastoral Relations Committee of the Presbytery.

**Procedural Fairness** includes ensuring:

- (a) the Respondent is given sufficient information regarding the complaint to know what is being alleged;
- (b) the Respondent is given the opportunity and sufficient time to prepare and present a response;
- (c) no person who is closely associated with the Complainant or Respondent deals with the complaint; and
- (d) the entity that deals with the complaint remains impartial.

**Respondent** means the member, adherent, office holder or Minister against whom a complaint has been made.

**Standing Committee** means the Standing Committee of the Synod.

**Support person** means a person not otherwise involved in the complaint process who only provides emotional support to a Complainant, Respondent, or a witness.

Note: A support person does not have a right to be heard in the complaint and disciplinary process, and is not permitted to represent a party.

### **5.1.1 DISCIPLINE IN THE CHURCH**

Discipline in the Church is the exercise of spiritual authority with a view to honouring Christ the Head of the Church, expressing God's gracious love for all people while achieving justice and ensuring the spiritual well-being of its members, adherents and Ministers.

### **5.1.2 ENTITY RESPONSIBLE FOR DISCIPLINE**

Generally, discipline is to be exercised by:

- (a) the Church Council on behalf of the Congregation—in the case of members or adherents, except in the case of:
  - (i) allegations of sexual misconduct; or
  - (ii) a complaint against, or that includes, a Church Council member.
- (b) a Presbytery, where—
  - (i) the Presbytery determines that a Church Council has not



adequately dealt with a complaint in relation to a member or adherent; or

*Example: The complaint is against members who have a close friendship with members of the Church Council such as to give rise to an actual, apparent or perceived conflict of interest or an actual or reasonably apprehended bias on the part of the Church Council. The Church Council determines to proceed to deal with the complaint despite these issues which impinge on the impartiality of the process. Presbytery may determine that complaint is to be dealt with by the Chairperson of the Presbytery.*

- (ii) the complaint is against, or includes, a member of a Church Council within its bounds;

*Example: The complaint may involve allegations against a member of the Church Council, a member-in-association and an adherent, the latter two not being members of the Church Council. The complaint is generally to be dealt with by the Presbytery.*

- (c) a Presbytery on a request of a Church Council within its bounds—where the Church Council considers it is not able to deal with a complaint due to a member's or adherent's involvement in the Congregation or for any other reason considered sufficient by the Church Council;

*Example: The complaint may involve allegations raising systemic or process issues (e.g. the process of recommending the sale of property) which the Church Council considers would be better dealt with by Presbytery.*

- (d) the Presbytery and Synod—in the case of Ministers, as the Presbytery and the Synod consider appropriate in the particular circumstances;
- (e) the entity responsible for appointing an office holder—in the case of office holders;
- (f) the Chairperson of Presbytery and the Moderator—according to their specific responsibilities under Part 5.

### **5.1.3 WHAT COMPLAINTS WILL BE DEALT WITH UNDER PARTS 5.2, 5.3, 5.4, 5.5, AND 5.6?**

#### **5.1.3.1**

A complaint:

- (a) can only be made against an individual and cannot be made against a body; and
- (b) need not identify any Regulation, by-law, rule, Code of Conduct for Lay Leaders or Code of Ethics provision, allegedly breached by the conduct complained about.

*Example: A member feels aggrieved by the decision of a Church Council to remove their name from the roll of members and is of the belief the Council members acted in breach of the Code of Conduct for Lay Leaders. Part 5 does not permit a complaint to be lodged against the group of individuals who make up the Church Council. A complaint can only be made against a specific individual(s). In this case, a complaint could be made against each individual Council member.*

#### **5.1.3.2**

The following complaints are dealt with under Parts 5.2, 5.3, 5.4, 5.5 and 5.6:

- (a) A complaint against a member or adherent—where the responsible entity is of the opinion that the Respondent may have disregarded or be disregarding the privileges and obligations of a member or adherent, or the discipline of the Church.
- (b) A complaint against an office holder—where the responsible entity is of the opinion that the Respondent may not have fulfilled or be fulfilling the responsibilities of their office.
- (c) A complaint against a Minister—where the responsible entity is of the opinion that the Respondent may have engaged in sexual misconduct or breached the Regulations, by-laws, or rules, or the Code of Ethics.

### 5.1.3.3

If a responsible entity does not form, or ceases at any time to hold, the opinion referred to in Regulation 5.1.3.2 (a), (b) or (c), it must notify the Complainant, Respondent and the persons specified in Regulation 5.1.8, and the complaint must cease to be dealt with under this Part 5.

### 5.1.3.4

The responsible entity need not explain or give reasons for forming, or not forming, or ceasing to hold, an opinion referred to in Regulation 5.1.3.2.

## GENERAL PROVISIONS

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### 5.1.4 GENERAL PROCESSES

The entity responsible for dealing with a complaint:

- (a) must deal with the complaint in accordance with the principles of procedural fairness, and with reasonable expedition in any case where there is not a specific provision relating to timeliness; and

Note: The disciplinary processes under Part 5 are not akin to a civil court action and a Complainant is not regarded as ‘party’ to any disciplinary process.

- (b) must, on receiving a complaint, assess its substance (including making enquiries to ascertain the facts, if necessary) and determine, as is applicable:
  - (i) how the complaint will be dealt with, including having regard to the operation of other policies, procedures and process regulating the affairs of the Church (see Regulation 5.8.1);

*Example: The Church is obliged to comply with laws relating to many matters, such as employment; work, health & safety; & privacy. It has in place policies, procedures and processes to deal with those matters. The substance of a particular complaint may also enliven an obligation to deal with that matter under one of those laws. Where that occurs, then as far as is possible, a complaint under this*

*Part should be dealt with in a manner that avoids duplicating the efforts undertaken as part of that other process and may be deferred pending the outcome of that other process.*

- (ii) the issues, if any, to be sent to the Respondent;
- (iii) whether the complaint, as received, will or will not be sent to the Respondent;

*Example 1: A Presbytery receives a written complaint against a Minister that contains allegations of spiritual abuse and use of obscene and offensive language. The written complaint also contains numerous inflammatory comments which do not allege any form of misconduct or wrongdoing. The Presbytery can determine to only send the allegations to the Minister and refuse to send the entire complaint as received, because sending the entire complaint may be considered counterproductive.*

*Example 2: A Presbytery receives a second written complaint against a Minister that contains the same allegations made by the same Complainant after that Complainant's first complaint was finalised, but not to the Complainant's satisfaction. The Presbytery can determine to dismiss the complaint and take no further action, including not even advising the Minister that it has received the second complaint.*

- (c) may determine whether it will seek the assistance of a subject-matter expert to help it understand a matter relevant to the complaint.

### **5.1.5 SYNOD PROCESSES**

The Synod determines the complaint-making process, including the form of the complaint. However, all complaints must be in writing.

### **5.1.6 SUPPORT**

The entity responsible for dealing with a complaint must consider making whatever arrangements it considers reasonably necessary and that are within its available resources, for the pastoral, spiritual and financial support of those directly

involved with the complaint. The arrangements can include referring the affected party to another service provider that may be able to provide the support.

This provision does not impose any duty on the entity to make such arrangements.

*Example 1: A Church Council receives a complaint against a member of its Congregation. The Congregation lacks the financial resources to financially assist a party directly involved in the complaint. The Church Council may determine to refer the affected party to the Synod's employee assistance program for relevant professional assistance or an external agency which may be able to provide support, while the Minister provides pastoral and spiritual support.*

*Example 2: A Church Council receives a report from a complainant that they have been the subject of conduct they consider to be a reprisal for making the original complaint. The Church Council should make whatever arrangements are reasonably necessary to protect the complainant from further reprisals and to deal with the original alleged reprisal.*

### **5.1.7 REASONS FOR DECISIONS AND REPORTING OBLIGATIONS**

- (a) When an entity makes a decision under these Regulations, it has a discretion whether or not to provide reasons for its decision in the interests of transparency and accountability.
- (b) Without detracting from the other provisions in Part 5 dealing with reporting obligations, the entity responsible for dealing with a complaint must notify all complaints against:
  - (i) members (other than Church Councillors) and adherents—to the relevant Presbytery and Synod;
  - (ii) Church Councillors, Ministers and office holders—to the Synod; and
  - (iii) a Minister—to the Placements Committee. The notice must advise of the fact of the complaint and the Minister's identity (but not the substance of the complaint, the Complainant's identity, the progress of the complaint, or

the final disposition of the complaint).

The notifications referred to in 5.1.8(b) should not disclose the substance of the complaint, the Complainant's identity, the progress of the complaint or the final disposition of the complaint.

### **5.1.8 MODERATOR'S DUTY AND POWERS**

The provisions of Part 5 are subject to and do not derogate from the duty and power of the Moderator set out in Regulation 3.6.3.2(j).

## **5.2 THE DISCIPLINE OF MEMBERS AND ADHERENTS**

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### **5.2.1 PASTORAL CARE AND DISCIPLINE**

#### **5.2.1.1 Complaint Against Member or Adherent**

A complaint about a member or adherent, other than a complaint against, or which includes, a member who is on the Church Council, must be made to the Church Council.

The complaint can be made to any member of the Church Council, who must then refer the complaint to the Church Council.

#### **5.2.1.2 Complaint Against Member of Church Council**

A complaint against, or which includes, a member who is on the Church Council, must be made to the Presbytery. The Presbytery must provide a copy of the complaint to the Church Council to enable the Church Council to decide whether to take any action under Regulation 5.2.1.5(a) or (b).

*Example: A complaint is made against a member who has been elected by the Congregation to the Church Council, an Elder who is on the Church Council, 2 ordinary members and an adherent. The complaint must be made to the relevant Presbytery, despite the fact the complaint includes 2 ordinary members and an adherent of the Congregation. If the complaint was made to the Church Council,*

*the Church Council must refer that complaint to the Presbytery under Regulation 5.2.1.5(b).*

### **5.2.1.3 Church Council to deal with Conduct of, or Complaint against Member or Adherent**

In cases where:

- (a) in the opinion of the Church Council, any member or adherent of the congregation, other than a member who is on the Church Council, appears to disregard the privileges and obligations of members or adherents or to disregard the discipline of the Church; or
- (b) a member of the Church Council has received a complaint about a member or adherent, other than a complaint against, or which includes, a member who is on the Church Council;

the Church Council must deal with the matter or complaint and, where relevant, endeavour by visitation, pastoral care or guidance to restore the relationship of the member or adherent to the life of the Church.

The Church Council must advise a member or adherent who declines to renew a satisfactory relationship with the life of the Church of the possibility that their name may be removed from the relevant roll and must give the member or adherent the opportunity to make a submission on the matter to the Church Council. The submission may be either in person or in writing, at the discretion of the Church Council.

### **5.2.1.4 Termination or Suspension of Member or Adherent by Church Council**

Where the Church Council determines that the member or adherent has failed to respond to the visitation, pastoral care or guidance and invitation to renew a satisfactory relationship with the life of the Church, the Church Council may:

- (a) suspend the rights and privileges of the member or adherent on whatever terms and conditions and for whatever time it sees fit; or
- (b) remove the name of the member or adherent from the relevant roll.

The Church Council must notify the member or adherent in writing of any its action and must provide a copy of the notification to the Presbytery and Synod.

#### **5.2.1.5 Presbytery to deal with Complaint against member of Church Council – Role of Church Council**

Where the Church Council receives a complaint against, or which includes, a member who is on the Church Council, the Church Council must refer the complaint to the Presbytery. Pending a Presbytery determination that finally disposes of the complaint, the Church Council may do either or both of the following as it considers appropriate in the circumstances:

- (a) suspend that member's membership on whatever terms and conditions and for whatever time the Council sees fit; or
- (b) suspend that member from their office as a Councillor.

The Church Council must notify the Complainant, member, and Chairperson of the Presbytery in writing of any action it has taken under (a) or (b).

#### **5.2.1.6 Termination or Suspension of Church Councillor or Member or Adherent by Presbytery**

The Presbytery must deal with a complaint made to it under Regulation 5.2.1.2 or referred to it under Regulation 5.2.1.5. If the Presbytery is of the opinion that the member or adherent or Church Council member has declined to renew a satisfactory relationship with the life of the Church subsequent to visitation, pastoral care or guidance by the Presbytery, the Presbytery may, after affording that person the opportunity to make a submission on the matter (either in person or in writing, at the Presbytery's discretion), determine to do all or any of the following, as it considers appropriate in the circumstances:

- (a) remove the member from the Church Council;
- (b) suspend the member's recognition as a member, or the adherent's recognition as an adherent, on whatever terms and conditions and for whatever time the Presbytery sees fit;
- (c) require the member or adherent to cease all responsibilities



- associated with that position; and
- (d) direct the Church Council to remove the member's or adherent's name from the relevant roll.

The Presbytery must notify the Church Council, the Complainant, and the member or adherent in writing of any its action. The Church Council must give effect to Presbytery's determinations.

## **5.2.2 RIGHTS OF APPEAL**

### **5.2.2.1 Decision of Church Council to remove from roll– Appeal to Presbytery**

- (a) A person whose name has been removed from a roll under Regulation 5.2.1.4(b), may within one month after receiving the notification in writing, appeal to the Presbytery by notice in writing. The Presbytery, or an appeal committee appointed by the Presbytery for the purpose, must determine the matter afresh, based on the documents before it. The person concerned may make a submission (either in person or in writing, at the discretion of the Chairperson of Presbytery or the appeal committee).

*Note: There is no right of appeal against a determination by a Church Council to suspend the rights and privileges of membership or the adherent under Regulations 5.2.1.4(a) or 5.2.1(c) or suspend that member from their office of Councillor under Regulation 5.2.1.5(d).*

- (b) There is no right of further appeal.
- (c) The Presbytery must give written notice of the outcome of the appeal to the Complainant, the member, and Synod.
- (d) If an appeal of a member or adherent is sustained, the person's name must be returned to the relevant roll in accordance with the terms of the Presbytery's decision.

### **5.2.2.2 Decision of Presbytery to Terminate or Suspend – Appeal to Moderator (Appeal Committee)**

- (a) A member or adherent against whom a determination has been made

as set out in Regulation 5.2.1.6(a), (c) or (d), may, within one month after receiving the notification in writing, appeal to the Moderator by notice in writing. The Moderator must then appoint an appeal committee of three persons to consider the appeal. The appeal committee must determine the matter afresh, based on the documents before it. The Appellant may make a submission to the appeal committee (either in person or in writing, at the Committee's discretion).

*Note: There is no right of appeal against a determination under Regulation 5.2.1.6(b) by a Presbytery to suspend the rights and privileges of a member or adherent.*

- (b) There is no right of further appeal.
- (c) The “notice in writing” referred to in (a) must succinctly set out:
  - (i) the decision to be appealed;
  - (ii) the grounds of the appeal; and
  - (iii) brief reasons in support of each ground of appeal.
- (d) The appeal committee must give written notice of the outcome of the appeal to the Presbytery, the Complainant, the appellant, and Synod.

### **5.2.3 RESTORATION OF MEMBERSHIP**

- (a) A person whose name has been removed from the roll of a Congregation under these Regulations may request the Church Council, Presbytery, or appeal committee which determined to remove that person's name from the roll, to authorise its reinstatement.
- (b) A person whose name has been removed from a membership or adherent's roll of a Congregation (the original Congregation) under Part 5.2 must not be enrolled as a member or adherent of any other Congregation (the new Congregation) without the prior knowledge

of and advice from the council which is responsible for maintaining the roll of the original Congregation. If the person applies to be enrolled with the new Congregation, they must disclose to the new Congregation that their name has been removed from the roll of the original Congregation.

- (c) The advice referred to in (b) may disclose whatever information that council considers relevant to the other council's decision whether to admit that person to its membership or adherents roll.

#### **5.2.4 ALLEGATIONS OF SEXUAL MISCONDUCT AGAINST MEMBERS OR ADHERENTS**

- (a) Where a complaint of sexual misconduct is made against a member or adherent, the Assembly's *Member or Adherent Sexual Abuse and Sexual Misconduct Complaints Policy*, for the time being, applies to the exclusion of the process outlined in Regulation 5.2.1.
- (b) The Assembly's *Member or Adherent Sexual Abuse and Sexual Misconduct Complaints Policy*, is a binding document of the Church and requires that allegations of sexual misconduct against members and adherents of the Church be dealt with as sensitively and expeditiously as possible. When an allegation is made in the manner prescribed in the relevant Policy, the Chairperson of the Presbytery and the Church Council must ensure adherence to the relevant policy.
- (c) **Sexual Misconduct** has the meaning as set out in the Assembly's Member or Adherent Sexual Abuse and Sexual Misconduct Complaints Policy.

#### **5.2.5 Relationship between Part 5.2 and Regulation 3.3.3**

- (a) The processes set out in Regulation 3.3.3 concerning the termination of office of Elder and Church Councillor are separate to and

operate independently from the processes set out in Part 5.2.

- (b) The provisions set out in Part 5.2 relating to the removal of a member of a Church Council do not derogate from the operation of Regulation 3.3.3.

## **5.3 THE DISCIPLINE OF OFFICE HOLDERS**

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### **5.3.1 GENERAL ACCOUNTABILITY PROVISION**

Any person appointed to hold office (an office holder) within the Church is generally accountable to the body making the appointment (the ‘appointing body’) for their conduct as the office holder.

### **5.3.2 TO WHOM COMPLAINT IS TO BE MADE**

- (a) A complaint against an office holder must generally be made to the appointing body, depending on the circumstances of the particular case (see paragraphs (b) and (c) below).

*Example 1: A complaint is made against certain members of a task group established by a Church Council under Regulation 3.7.1, but that complaint is not against a member of the Church Council. As the Church Council is the appointing body, the complaint is generally to be dealt with by the Church Council.*

*Example 2: A complaint is made against certain members of a Presbytery’s Property Committee. As Presbytery is the appointing body (Regulation 4.3.1(a)), the complaint is generally to be dealt with by the Presbytery.*

*Example 3: A complaint is made against certain members of a Pastoral Relations Committee. As Presbytery is the appointing body (Regulations 3.7.3(a) & 3.7.4.2(a)(iii)), the complaint is generally to be dealt with by the Presbytery.*

- (b) A complaint against a number of officer holders (for whom there is more than one appointing body) is to be made to the entity best

placed to deal with the complaint.

*Example 4: A complaint is made against certain members of the Synod Standing Committee, namely, the Moderator, the Secretary, Synod elected members and co-opted members appointed by the Standing Committee. The complaint relates to those persons' conduct in their capacity as members of the Synod Standing Committee. The Moderator and Secretary are, by force of Regulation 3.7.4.1(a)(i), ex-officio members of the SSC. The co-opted members are appointed by the SSC. As Synod elects the Moderator (Regulation 3.6.3.1), appoints the Secretary (Regulation 3.6.3.3(a)), and elects the members to the Standing Committee (Regulation 3.7.4.1(a)(iii)), then, even though the Synod Standing Committee appointed the co-opted members, the complaint should be dealt with by the Synod.*

- (c) The Moderator, ex-Moderator, Moderator-Elect or Secretary may, for the purpose of paragraph (b), receive the complaint at first instance and determine which entity is best placed to deal with the complaint and refer that complaint to that entity. That entity has jurisdiction to deal with the complaint in accordance with these Regulations.
- (d) As soon as is practicable after receiving a complaint, the appointing body must advise the Synod of the complaint.

### **5.3.3 JURISDICTION TO DEAL WITH COMPLAINT**

- (a) The appointing body has jurisdiction to deal with the complaint in accordance with these Regulations, regardless of whether the person complained about:
  - (i) is a Minister or lay person; or
  - (ii) still holds the office.

*Example: The appointing body may determine, under Regulation 5.1.5, to seek the assistance of a subject-matter expert to help it understand a particular subject-matter relevant to the complaint.*

(b) Where the complaint is against a Minister and is not in the opinion of the appointing body a CFD complaint as defined in Regulation 5.1, the appointing body:

- (i) must refer the complaint to the Synod Committee for Counselling when requested by the Respondent or Complainant; and
- (ii) may, if it considers it appropriate, refer the complaint to the Respondent's Presbytery, addressed to the Chairperson, or the Committee for Counselling.

(c) Where the complaint is against a Minister and is in the opinion of the appointing body a CFD complaint as defined in Regulation 5.1, the appointing body must refer the complaint to the Moderator.

*Example: A member makes a complaint about the conduct of a Minister that is allegedly in breach of a process set out in the Manual of Meetings. The alleged conduct does not breach the Regulations, Synod by-laws, Presbytery rules or Code of Ethics. The complaint would not meet the criteria of a "complaint" for the purposes of Part 5 of the Regulations. It would need to be addressed through informal means.*

(d) Where the complaint alleges sexual misconduct:

- (i) against an office holder who is not a Minister—the complaint is to be dealt with by the appointing body in accordance with the Assembly's *Member or Adherent – Sexual Abuse and Sexual Misconduct Complaints Policy*;
- (ii) against a Minister—the complaint is to be dealt by the Synod Sexual Misconduct Complaints Committee under Part 5.6.

(e) Where the appointing body refers a complaint to the Respondent's Presbytery under Regulation 5.3.3(b)(ii), the Presbytery has jurisdiction to deal with the complaint under Regulations 5.1.5 and 5.4.2.

- (f) Where the appointing body refers a complaint to the Committee for Counselling under Regulation 5.3.3(b)(i) or (ii), the Committee for Counselling has jurisdiction to deal with the complaint under Parts 5.1 and 5.5.
- (g) The appointing body may continue, at its discretion, to deal with a complaint that is not in its opinion a CFD complaint as defined in Regulation 5.1 despite the conclusion or termination of the placement, the Respondent's resignation from the ministry or membership, the Respondent's retirement, or the Respondent's grant of leave of absence.

#### **5.3.4 HOW COMPLAINTS SHOULD BE DEALT WITH**

- (a) A complaint should primarily be dealt with by visitation, pastoral counselling or guidance by the appointing body with a view to restoring the affected relationships and amicably resolving the complaint.
- (b) Subject to these Regulations, all parties involved in the process of dealing with a complaint under Part 5.3 must observe confidentiality.

#### **5.3.5 DETERMINATION OF COMPLAINTS**

Without limiting the objective of restoring the affected relationships and amicably resolving the complaint referred to in Regulation 5.3.4(a), the appointing body may do any one or more of the following in resolving the complaint:

- (a) help the Respondent to discern and fulfil their office;
- (b) help the Respondent to nurture their gifts;
- (c) provide encouragement and guidance to enrich their office;
- (d) refer the matter to alternative dispute resolution;
- (e) advise, guide, and support the Respondent where they appear to require advice, guidance, and support;

- (f) encourage observance of any applicable Code of Ethics;
- (g) remove or suspend the office holder from office on whatever terms and conditions and for whatever time the appointing body considers appropriate;
- (h) impose whatever terms and conditions on the performance of the office by the Respondent, and for whatever time, the appointing body considers appropriate;
- (i) make a written comment on any aspect of the matter in a report to, in the case of a Minister, the relevant Presbytery, or, in the case of a lay person, the relevant Church Council.

### **5.3.6 NOTIFICATION OF ACTION**

The appointing body must notify the following in writing of any action taken: the Complainant, the Respondent, any relevant Presbytery, Church Council, the Placements Committee in the case of Ministers, and Synod.

### **5.3.7 DEFINITIONS**

*Appointing body* includes the entity referred to in Regulation 5.3.2(b) and (c).

### **5.3.8 APPEAL**

- (a) The Complainant or the Respondent may lodge an appeal by notice in writing against a determination by the appointing body made pursuant to 5.3.5 only on the grounds that the appointing body has acted contrary to procedural fairness.
- (b) The appeal must be lodged no later than 14 days after receiving notification of the appointing body's decision under Regulation 5.3.6, and the "notice in writing" referred to in (a) must succinctly set out:
  - (i) the decision to be appealed;
  - (ii) the grounds of the appeal; and
  - (iii) brief reasons in support of each ground of appeal.



- (c) The appeal is made to the Moderator, who must appoint an appeal committee of three persons to consider it.
- (d) The appeal committee must either dismiss the appeal or, if it upholds the appeal, remit the complaint to the appointing body for its reconsideration
- (e) On receiving an appeal, the Moderator must inform the Complainant, the Respondent, and the appointing body of the pending appeal, each of whom becomes a party to the appeal.
- (f) The parties to the appeal must deal with the appeal expeditiously. Where a party does not deal with the appeal expeditiously, the appeal committee may:
  - (i) in case of an Appellant—strike out the appeal; or
  - (ii) in the case of one of the other parties—proceed to determine the appeal on the material before it.
- (g) Legal representation before the appeal committee is permitted only by leave of the appeal committee.
- (h) There is no right to appeal against the appeal committee's determination to dismiss the appeal.

## **5.4 THE COUNSELLING AND DISCIPLINING OF MINISTERS**

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### **5.4.1 COMPLAINTS**

- (a) A complaint against a Minister may be made to the Minister's Presbytery, addressed to the Presbytery Chairperson, by:
  - (i) a member, adherent or Minister ; or
  - (ii) by the secretary of a Presbytery when so directed by the Presbytery.
- (b) A complaint against a Minister is dealt with by the Presbytery or its Pastoral Relations Committee unless paragraph (c) or (g) of this

Regulation is applicable.

- (c) Where the Presbytery Chairperson is of the opinion that the complaint is a CFD complaint as defined in Regulation 5.1, the Presbytery Chairperson must refer the complaint to the Moderator.

*Note: A complaint about a Minister who holds the office of Chairperson, Secretary or Treasurer of a Presbytery is to be dealt with under Part 5.3 if the complaint relates to the conduct of the Minister in their capacity as the office holder.*

- (d) A complaint against a Minister may be made to the Synod Committee for Counselling by:

- (i) the Secretary of the Synod—if so directed by the Moderator, the Synod, or its Standing Committee; or
- (ii) the Chairperson of the Presbytery—if requested by the Respondent, or by the Complainant, or if the Presbytery considers it appropriate, provided that it is not a CFD complaint (as defined in Regulation 5.1).

- (e) Where a complaint against a Minister is to the effect mentioned in Regulation 5.7.2, it may be made to the Synod Committee for Discipline by the Secretary of the Synod if so directed by the Moderator, or by the Synod, or by its Standing Committee.

*Note: The Moderator, the Synod or its Standing Committee may decide that a complaint about a Minister that alleges wilful or grave conduct unworthy of a Minister should be dealt with by the Committee for Discipline.*

- (f) A complaint against a Minister may be referred to the Presbytery by an appointing body under Regulation 5.3.3(b).
- (g) Where the complaint is against the Chairperson of the Presbytery who is a Minister, but not in their capacity as the Chairperson, the complaint is to be made to the secretary of the Presbytery, who must refer the complaint to the Synod Committee for Counselling and report the referral to the Pastoral Relations Committee and

Synod.

*Note: A complaint against a Presbytery Chairperson for conduct as the Presbytery Chairperson is to be made and dealt with under Part 5.3.*

(h) For the purposes of (c), (d) and (e), none of the:

- (i) Chairperson of the Presbytery;
- (ii) the Moderator;
- (iii) the Synod or its Standing Committee; and
- (iv) the Committee for Counselling;

is required to enquire into the alleged conduct. The initial assessment is to be undertaken upon the conduct as alleged in the complaint.

- (i) Subject to these Regulations, all parties involved in the process of dealing with a complaint under Part 5.4. must observe confidentiality.

## **5.4.2 RESPONSIBILITIES OF THE PRESBYTERY**

### **5.4.2.1 Responsibility for Oversight, Counselling and Discipline**

Subject to these Regulations, the Presbytery is primarily responsible for the pastoral oversight, counselling and discipline of Ministers. In exercising its responsibility, Presbytery may:

- (a) help them to discern and fulfil their vocations;
- (b) help them nurture their gifts;
- (c) provide encouragement and guidance to enrich their ministry;
- (d) advise, guide, and support them where they appear to require advice, guidance, and support;
- (e) encourage observance of the Code of Ethics;
- (f) discipline a Minister in relation to any matter reported to it under Regulation 5.4.4.1(b) or any breach of the Regulations, by-laws, rules, or Code of Conduct, that it considers warrants discipline; and
- (g) deal with complaints made against Ministers as provided in this Part 5 and report any action it takes to the Pastoral Relations Committee.

### **5.4.2.2 Dealing with Complaints and Disciplinary Matters**

Complaints and disciplinary matters should be primarily dealt with by visitation, pastoral care or guidance with a view to restoring the affected relationships and amicably resolving the complaint. In the exercise of that responsibility, the Presbytery may do any one or more of the actions listed in Regulation 5.4.2.1, as well as any of the following actions:

- (a) refer the complaint or matter to alternative dispute resolution;
- (b) make a written comment on any aspect of the matter in a report to the Synod;
- (c) discipline a Minister in relation to any breaches of a Regulation, by-law, rule, or Code of Ethics, including by:
  - (i) admonishing or correcting the Minister; or
  - (ii) requiring the Minister to undergo therapeutic or pastoral care; or
  - (iii) requiring the Minister to undergo focused supervision (as defined in Regulation 5.1); or
  - (iv) requiring the Minister to participate in courses of training;
- (d) enquire into the complaint or seek assistance from subject-matter experts and finalise the complaint in the way the Presbytery determines; or
- (e) continue, at the Presbytery's discretion, to deal with a complaint that has not been referred to the Moderator or is not being dealt with by the Committee for Discipline despite the conclusion or termination of the placement, the Respondent's resignation from the ministry, the Respondent's retirement, or the Respondent's grant of leave of absence.

### **5.4.3 NOTIFICATION**

The Presbytery must give written notification of any action it takes under Regulation 5.4.2 to the Complainant, the Respondent, the Placements Committee,

and the Synod.

#### **5.4.4 RESPONSIBILITIES OF PASTORAL RELATIONS COMMITTEE**

##### **5.4.4.1 General Responsibility**

- (a) The Pastoral Relations Committee must, at whatever intervals the Presbytery may determine, counsel each Minister under its oversight. The power to counsel does not depend on the existence of any complaint.
- (b) If the Pastoral Relations Committee is concerned that a Minister does not continue to hold to the affirmations and undertakings made at ordination or setting apart, the Committee may report its concerns to the Presbytery, which may take, or request the Pastoral Relations Committee to take, whatever further action by way of discipline, counselling or otherwise it thinks fit.

##### **5.4.4.2 Referral of Complaints and Disciplinary Matters to the Pastoral Relations Committee**

- (a) The Pastoral Relations Committee is to deal with any complaint or complaints that the Presbytery refers to it.
- (b) Complaints should be primarily dealt with by visitation, pastoral care or guidance, with a view to restoring the affected relationships and amicably resolving the complaint. In exercising this responsibility, the Pastoral Relations Committee may take any one or more of the following actions:
  - (i) confer with the Respondent and with the Complainant with a view to resolving the matter amicably;
  - (ii) if it thinks fit, enquire into the complaint;
  - (iii) refer the matter for alternative dispute resolution;
  - (iv) make written comment on any aspect of the matter in a report to the Presbytery.

The Pastoral Relations Committee must give written notice of the action it takes to the Complainant, the Respondent, the Presbytery, the Placements Committee, and the Synod.

- (c) At any stage after a complaint is referred to it, the Pastoral Relations Committee may determine that the complaint warrants no further action. If it so determines, the Committee must give written notice to the Complainant, the Respondent, the Presbytery, the Placement Committee, and the Synod.
- (d) Where the complaint is not a CFD complaint as defined in Regulation 5.1, the Pastoral Relations Committee:
  - (i) if requested by the Respondent or by the Complainant—must refer the complaint to the Synod Committee for Counselling; or
  - (ii) where it considers it is necessary to do so for any reason at any stage after a complaint is referred to it—may refer the complaint to the Synod Committee for Counselling.

*Example: The Pastoral Relations Committee simply may not have the capacity to deal with a particular complaint in a timely manner and, for that reason, may consider it is necessary to refer that complaint to the Synod Committee for Counselling.*

- (e) Where the complaint is a CFD complaint as defined in Regulation 5.1, the Pastoral Relations Committee must refer the complaint to the Moderator.
- (f) The Pastoral Relations Committee may continue, at its discretion, to deal with the complaint that is not a CFD complaint as defined in Regulation 5.1, despite the conclusion or termination of the placement, the Respondent's resignation from the ministry, the Respondent's retirement, or the Respondent's grant of leave of absence.

### 5.4.5 APPEALS

- (a) The Complainant or the Respondent may lodge an appeal by notice in writing against a determination by the Presbytery under Regulation 5.4.4.2 (c) on the grounds the Presbytery acted contrary to procedural fairness.
- (b) The appeal must be lodged no later than 14 days after receiving notice of a decision of the Presbytery under Regulation 5.4.3; and the “notice in writing” referred to in (a) must succinctly set out:
  - (i) the decision to be appealed;
  - (ii) the grounds of the appeal; and
  - (iii) brief reasons in support of each ground of appeal.
- (c) The appeal is made to the Moderator, who must appoint an appeal committee of three persons to consider it.
- (d) The appeal committee has jurisdiction to deal with the appeal and may determine its procedures for dealing with the appeal.
- (e) The appeal committee must either dismiss or uphold the appeal. If it upholds the appeal, it must remit the complaint to the Presbytery for its reconsideration.
- (f) On receiving an appeal the Moderator must inform the Complainant, the Respondent, and the Presbytery, of the pending appeal, each of whom becomes a party to the appeal.
- (g) The parties to the appeal must deal with it expeditiously. If a party does not deal with the appeal expeditiously, the appeal committee may:
  - (i) in case of an Appellant—strike out the appeal; or
  - (ii) in the case of one or more of the other parties—proceed to determine the matter on the material before it.
- (h) Legal representation before the appeal committee is permitted only by leave of the appeal committee.
- (i) There is no right to appeal against the appeal committee’s

determination to dismiss the appeal.

## **5.5 SYNOD COMMITTEE FOR COUNSELLING**

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### **5.5.1 THE COMMITTEE FOR COUNSELLING**

#### **5.5.1.1 Establishment, Composition & Term**

- (a) The Synod must establish a Committee for Counselling and appoint the members of this Committee and its chairperson.

The persons appointed to the Committee must possess the appropriate skills and knowledge, as determined by Synod, to fulfill the Committee's functions.

Without derogating from the foregoing, the Synod may appoint one or more persons temporarily to the Committee if considered necessary or desirable.

The Moderator and the Secretary of the Synod are ineligible for membership.

- (b) Each Committee member holds office for a term of three years unless:

- (i) the member is appointed for a shorter term;
- (ii) the member resigns; or
- (iii) if the chairperson makes a declaration that in the chairperson's opinion the member is no longer able or willing to fulfil the responsibilities of membership—in which case, the person's membership thereupon ceases.

A member whose term of appointment expires is eligible for reappointment.

- (c) A Synod may appoint, as members of the Committee, members of the Church who are members of a Congregation beyond the bounds of the Synod.
- (d) The chairperson or the chairperson's nominee must chair the



Committee, convene its meetings and appoint a panel of members of the Committee to act as and for the Committee in dealing with any complaint referred to the Committee. When a panel is dealing with a complaint, references to the Committee for Counselling in these Regulations includes references to the panel in respect of that complaint.

#### **5.5.1.2 Quorum**

- (a) A quorum for a panel is three members.
- (b)
  - (i) Despite (a), if a member withdraws from the panel dealing with a complaint, the remaining members may continue to act, so long as at least two members are present and participating.
  - (ii) The chairperson may declare that a panel member is taken to have withdrawn if, in the chairperson's opinion, the member is unwilling or unable to continue to participate.
  - (iii) A panel member whose term of office has expired and is not renewed may continue to act as a panel member dealing with a particular complaint.

#### **5.5.1.3 Jurisdiction**

The Committee for Counselling's jurisdiction does not extend to dealing with complaints alleging:

- (a) sexual misconduct; or
- (b) a CFD complaint (as defined in Regulation 5.1), unless the complaint has been referred to the Committee for Counselling by the Moderator under Regulation 5.12.1(c).

#### **5.5.1.4 Dealing with Complaints**

- (a) Complaints should be primarily dealt with by visitation, pastoral care or guidance with a view to restoring the affected relationships and

amicably resolving the complaint. In exercising this responsibility, the Committee for Counselling may take any one or more of the following actions:

- (i) confer with the Respondent and with the Complainant with a view to resolving the matter;
- (ii) if it thinks fit, enquire into the complaint
- (iii) refer the matter for alternative dispute resolution;
- (iv) make written comment on any aspect of the matter in a report to the Presbytery.

The Committee must give written notice of the action it takes to the Presbytery, the Complainant, the Respondent, the Placements Committee, and the Synod.

*Note: This Regulation does not derogate from the provisions in Part 5.1.*

- (b) At any stage after a complaint is referred to it, the Committee may determine that the complaint warrants no further action. The Committee must give written notice of the determination to the Complainant, the Respondent, the Presbytery, the Placements Committee, and the Synod.

*Example: The Committee may form the view no further action is warranted on the grounds the complaint is frivolous, vexatious, misconceived, unable to be substantiated or resolved by counselling.*

- (c) If, at any stage after a complaint is referred to it, the Committee is satisfied that the matter cannot be dealt with adequately and that the complaint warrants further action because it raises any of the matters referred to in Regulation 5.7.2(a) to (e), it must refer the matter to the Committee for Discipline. The referral must set out:
  - (i) the complaint;
  - (ii) the steps taken by the Committee to deal with the complaint;
  - (iii) the reasons why the Committee is of the view it cannot

- adequately deal with the complaint;
- (iv) a copy of the information that was before the Committee and, where information was given verbally, a summary of the verbal information; and
- (v) the names and contact details of all persons who provided information to that Committee.

The Committee must notify the Complainant, the Respondent, the Presbytery, the Placement Committee, and the Synod of the referral. The notification need not set out the material set out in (i)-(v) above.

- (d) The Committee may determine to make written comment on any aspect of the matter in a report to the Standing Committee and/or the Presbytery exercising oversight of the Respondent. If so, the Committee must give written notice of its action to the Complainant, the Respondent, the Presbytery, the Placements Committee, and the Synod.
- (e) The Committee may continue, at its discretion, to deal with a complaint that is not a CFD complaint (as defined in Regulation 5.1), despite the conclusion or termination of the placement, the Respondent's resignation from the ministry, the Respondent's retirement, or the Respondent's grant of leave of absence.

## **5.5.2 TRAINING AND PROFESSIONAL DEVELOPMENT**

Synod must ensure that members of the Committee for Counselling undertake annual professional development of 10 hours, relevant to the discharge of the Committee's functions. Members who undertake professional development outside of the Church that is relevant to the discharge of the Committee's functions may credit it towards these 10 hours.

## **5.5.3 APPEALS**

- (a) The Complainant or the Respondent may lodge an appeal by notice

in writing against a determination by the Committee for Counselling under Regulation 5.5.1.4(b) on the grounds the Committee acted contrary to the principles of procedural fairness.

*Note: No appeal may be made in relation to determinations under Regulations 5.5.1.4(a)(i)-(iv), 5.5.1.4(c) or 5.5.1.4(d).*

- (b) The appeal must be lodged no later than 14 days after the party receives notice of the decision. The “notice in writing” referred to in (a) must succinctly set out:
  - (i) the decision to be appealed;
  - (ii) the grounds of the appeal; and
  - (iii) brief reasons in support of each ground of appeal.
- (c) The appeal is made to the Moderator, who must appoint an appeal committee of three persons to consider it.
- (d) The appeal committee has jurisdiction to deal with the appeal and may determine its procedures for dealing with the appeal.
- (e) The appeal committee must either dismiss or uphold the appeal. If it upholds the appeal, it must remit the complaint to the Committee for Counselling for its reconsideration.
- (f) On receiving an appeal, the Moderator must inform the Complainant, the Respondent and the Chairperson, Committee for Counselling of the pending appeal, each of whom becomes a party to the appeal.
- (g) The parties to the appeal must deal with it expeditiously. If a party does not deal with the appeal expeditiously, the appeal committee may:
  - (i) in case of an Appellant—strike out the appeal; or
  - (ii) in the case of one or more of the other parties—proceed to determine the matter on the material before it.
- (h) Legal representation before the appeal committee is permitted only by leave of the Committee.

- (i) There is no right to appeal against the determination of the appeal committee to dismiss the appeal.

## 5.6 SYNOD SEXUAL MISCONDUCT COMPLAINTS COMMITTEE

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### 5.6.1 INTRODUCTION

- (a) The Church addresses allegations of sexual misconduct through two distinct processes.
- (b) The first process is undertaken by Sexual Misconduct Complaints Committee (SSMCC). It engages with the Complainant, the Minister against whom the complaint is made (the Respondent) and, where necessary, affected persons and Church officers, by investigating the complaint (where considered necessary) and seeking an agreed outcome that encourages healing and maintains the integrity of ministry within the Church. Where possible, the SSMCC acts pastorally. The SSMCC is able to form opinions on issues of fact for the purpose of deciding on action which the Regulations authorise it to take. Its tools include conversation, inquiry, and appropriate, non-adversarial, dispute resolution processes.
- (c) Legal representation is not permitted before the SSMCC.
- (d) The second process is undertaken by the Committee for Discipline. The SSMCC may refer a complaint to the Committee for Discipline. The process undertaken by the Committee for Discipline is set out in Regulation 5.7.4.

### 5.6.2 DEFINITIONS

In Regulations 5.6.1 to 5.6.18, unless the context or subject matter otherwise indicates or requires:

**Adviser** means the person designated by the Convenor, to assist the Complainant in processing a complaint or the Respondent in facing a complaint through Church

procedures.

**Agreed Outcome** is the document signed by the chairperson of the panel selected to deal with the complaint, the Complainant, the Respondent, and any other affected person who joins in the agreement at the Committee's invitation, and which includes the actions undertaken or agreed to be undertaken by the parties to the document.

**Chairperson** means the chairperson of the Committee and whenever the Chairperson is unavailable, includes the Deputy Chairperson or other Committee member acting as Chairperson.

**Committee** means the Synod Sexual Misconduct Complaints Committee appointed by the Synod under Regulation 5.6.4.

**Complaint** means a written complaint of sexual misconduct against a Minister. The complaint may be of a single incident or a series of incidents.

**Convenor** means the person appointed to be the Synod Convenor of Advisers.

**Minister** means a Minister (as that term is defined in Regulation 5.1.1), or a Candidate (as that term is defined in Regulation 2.1.1) involved in field education.

**Panel** means the group of Committee members selected by the Chairperson to deal with a particular complaint under Regulation 5.6.3(b).

**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 looks to, or 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.

**Pastoral Strategy** means the plan for managing the effect of the complaint and discipline process upon the Complainant and Respondent, any affected Congregation or faith community, and any other affected person who is acknowledged to be within a Congregation's pastoral responsibility, and how

matters of confidentiality are to be addressed.

**Presbytery Minister** means the Presbytery Minister in placement and includes any other person appointed to act in that capacity by whatever name known.

**Sexual misconduct** means one or more of the following:

- (a) sexual harassment: any unwelcome sexual advance, or unwelcome request for sexual favours to a person, or engagement in other unwelcome conduct of a sexual nature in relation to that person, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the person complaining would be offended, humiliated or intimidated;
- (b) sexual assault: any unwelcome sexual behaviour that may occur along a continuum from verbal insult to sexual intercourse, that would make a reasonable person feel threatened or afraid;
- (c) sexual conduct prohibited by criminal law;
- (d) sexualisation of a pastoral relationship: any interaction, consensual or otherwise, in which the Minister engages in sexualised behaviour with or towards a person with whom he or she is in a pastoral relationship, and which is in breach of the Code of Ethics.

**Support person** means a person not otherwise involved in the complaint process who provides emotional support for either the Complainant or the Respondent.

**Synod** means the Synod of the Church, within the bounds of which falls the Presbytery in which the Minister is enrolled.

### **5.6.3 COMPLAINTS OF SEXUAL MISCONDUCT**

- (a) Where a complaint of sexual misconduct is made against a Minister, the procedures in Regulations 5.6.3 to 5.6.18 inclusive apply to the exclusion of the procedures contained elsewhere in Part 5 of the Regulations.
- (b) The Chairperson should endeavour to appoint a panel within 7 days of receiving a complaint.

*Note: see para (e) also.*

- (c) The panel must deal with the complaint in accordance with Regulations 5.6.8–5.6.13.
- (d) Where a complaint which the panel determines to be a complaint of sexual misconduct includes other matters of complaint of a non-sexual nature, the panel may deal with the entire complaint.
- (e) The timeframe in (b) is only a guide, the objective being to deal with complaints as expeditiously as possible in the prevailing circumstances. Failure to comply with the timeframe does not give rise to any right, action, remedy, or liability.

#### **5.6.4 COMMITTEE**

- (a) The Standing Committee must establish a Committee to be known as the Synod Sexual Misconduct Complaints Committee and must appoint its Chairperson. The Standing Committee may also appoint a Deputy Chairperson.
- (b) Each Committee member holds office for a term of three years, unless:
  - (i) the member is appointed for a shorter term;
  - (ii) the member resigns; or
  - (iii) the chairperson makes a declaration that in the chairperson's opinion the member is no longer able or willing to fulfil the responsibilities of membership—in which case, the person's membership thereupon ceases.

A member whose term of appointment expires is eligible for reappointment, but subject to paragraph (o).

- (c) Other persons may be co-opted to Committee membership from time to time by the Chairperson with the prior consent of the Synod Secretary where particular skills or experience are required (for example, experience in indigenous or migrant ethnic issues). They



may be co-opted for a specific period not exceeding 3 years or for the purpose of serving on a panel to deal with a particular complaint.

- (d) A Synod may transfer its power to make these appointments to another Synod, by written agreements between the Synods.
- (e) The Committee must consist of not fewer than three persons and must include:
  - (i) at least one member with expertise in, or significant experience in dealing with, sexual abuse issues;
  - (ii) at least one member who is considered skilled in alternative dispute resolution processes.

The one member may satisfy both requirements.

- (f) At least one Committee member must be a Minister, and at least one member must be a lay person.
- (g) The Committee members need not be members of the Church, but the number of non-Church members must be fewer than the number of members of the Church.
- (h) Not less than half of the Committee must be women.
- (i) The persons appointed to the Committee are to possess the appropriate skills and knowledge, as determined by Synod, to fulfill the Committee's functions.
- (j) Synod must ensure that Committee members undertake annual professional development of 10 hours, relevant to discharging the Committee's functions. Members who undertake professional development outside of the Church that is relevant to discharging the Committee's functions may credit it towards these 10 hours.
- (k) The Chairperson must be a member of the Church and should preferably be a woman.
- (l) If a Deputy Chairperson is appointed, the Deputy Chairperson must fulfil the responsibilities of the Chairperson when the Chairperson

is unavailable, unable or unwilling to act.

- (m) The quorum of a panel selected by the Chairperson from amongst the Committee members to deal with a particular complaint is, subject to paragraph (n), three, of whom the majority must be members of the Church and normally the majority must be women.
- (n) Where any member withdraws, the remaining panel members may continue to act, provided that the number of remaining members is not less than 2.
- (o) Unless the Standing Committee considers that there are special circumstances, a member is not eligible to serve for more than 9 years consecutively.
- (p) Neither the Moderator, the Synod Secretary, nor any member of the Committee for Discipline, may be a Committee member.
- (q) The Chairperson or the Chairperson's nominee must chair the panel appointed to deal with a complaint, and must convene its meetings.
- (r) Members of the Committee may be drawn from any Synod provided written agreement has been reached between the Synods.
- (s) A panel appointed to deal with a complaint is, and has the powers of, the Committee for the purpose of dealing with that complaint. It may agree to deal jointly with more than one complaint against the same Respondent, including a separate complaint made under Regulation 5.6.10(e)(iii) or a composite complaint made under Regulation 5.6.10(e)(iv) in whatever manner it may decide.

### **5.6.5 ADVISERS**

- (a) The Standing Committee must appoint advisers. In urgent cases the Synod Secretary, on the advice of the Convenor, may appoint advisers. The Synod must arrange training for the advisers.
- (b) To be eligible for appointment, an adviser must have appropriate skills and/or knowledge, such as:

- (i) counselling and support skills;
  - (ii) advocacy skills;
  - (iii) knowledge of sexual misconduct issues;
  - (iv) knowledge of the processes and structures of the Church;
  - (v) knowledge of the options available to Complainants including legal and community resources.
- (c) Preferably at least one adviser must have expertise in the area of child sexual abuse, and at least one adviser must have expertise in working with male victims.
- (d) The Convenor may, before a complaint has been made, designate an adviser to provide assistance to a person concerned about conduct which may amount to sexual misconduct.
- (e) An adviser, depending on the assistance required, must seek to:
  - (i) listen to the person who is concerned about conduct which may amount to sexual misconduct;
  - (ii) discuss with that person whether the conduct complained of would, if substantiated, appear to be sexual misconduct as defined in these Regulations;
  - (iii) inform the person of entities they may approach for advice about their rights and responsibilities;
  - (iv) provide information about the Church's complaints and disciplinary processes and other options available to the person;
  - (v) help the person to consider and choose the appropriate option for dealing with the conduct; and
  - (vi) help a person to make a complaint.
- (f) An adviser's responsibilities do not extend to investigating or seeking to resolve a complaint.
- (g) An adviser who is designated to a Complainant or a Respondent, must seek to:

- (i) help the Complainant in processing a complaint, or the Respondent in facing a complaint through Church procedures;
  - (ii) ensure the Complainant or Respondent is adequately informed at all stages of the progress of the complaint; and
  - (iii) be available, if the Complainant or Respondent so wishes, to speak at any meeting regarding the complaint that the Complainant or Respondent is required to attend.
- (h) The Standing Committee may withdraw an adviser's appointment at any time without providing reasons for its determination. The withdrawal is effective immediately the adviser is notified.

### **5.6.6 CONVENOR OF ADVISERS**

- (a) The Synod must appoint the Convenor.
- (b) When a complaint is made, the Convenor must offer to designate an adviser to each of the Complainant and the Respondent. If the Complainant or Respondent concurs, the Convenor must make the designation.
- (c) If the Convenor deems it appropriate or if requested, the Convenor must endeavour to designate an adviser to any other person affected by the alleged misconduct.

### **5.6.7 MAKING A COMPLAINT**

- (a) A complaint under this Part 5.6 must be made to the chairperson of the Presbytery, the Presbytery Minister, the Moderator, the Synod Secretary, or the Chairperson of the Committee.
- (b) The complaint must be put in writing.
- (c) The complaint must be referred to the Chairperson of the Committee as soon as possible.
- (d) Nothing in these Regulations prevents a person from making an

informal approach, orally or in writing, to the Convenor for the purpose designated in Regulation 5.6.5(d) or to any of the persons in (a) for advice or information with respect to sexual misconduct. The approach does not become a complaint unless it is put in writing by the person making the complaint.

- (c) Where a complaint relates to a Respondent's prior service within the bounds of another Synod, the complaint must be dealt with within the Synod in which the Respondent is currently serving, except where:
  - (i) the Complainant and Respondent agree that it be dealt with within the other Synod, or
  - (ii) the Synod in which the Respondent is currently serving determines to transfer to the other Synod all its powers and responsibilities in relation to discipline of the Respondent concerning the Respondent's period of service in the other Synod (refer Constitution paragraph 70(d)), in which case the other Synod must deal with the complaint.

### **5.6.8 RECEIVING A COMPLAINT**

- (a) As soon as possible after receiving the complaint, the panel must assess its substance and:
  - (i) determine the issues, if any, to be published to the Respondent including, for example, whether the complaint as received will or will not be published to the Respondent;
  - (ii) inform the Respondent that it has received the complaint and the issues that the panel will deal with; and
  - (iii) inform the Complainant of the action taken.
- (b) The Chairperson must give prompt confidential notice of the complaint together with a copy of the complaint and any other relevant information to the Synod Secretary, the Moderator, the

chairperson of the Presbytery of the Respondent, the Convenor of Advisors and, where the Chairperson considers it appropriate, the chairperson of the Presbytery of the Complainant.

- (c) On receiving the notice, the Presbytery Chairperson(s) (of both the Complainant and Respondent if necessary), in consultation with the Chairperson of the Committee and others as appropriate, must arrange for the development of a Pastoral Strategy to help manage pastoral issues in relation to the Congregation or faith community.

### **5.6.9 ATTENDANCE AT MEETINGS**

- (a) Each of the Complainant and the Respondent, attending any meeting of or arranged by the panel, may be accompanied by their adviser and by a support person.
- (b) The support person does not have the right to speak at any meeting unless at the request and with the consent of the person supported and invited to do so by the chairperson of the panel that is dealing with the complaint.

*Note: the adviser may speak at the meeting: see Reg 5.6.5(g)(iii).*

### **5.6.10 INVESTIGATION AND RESPONSE TO COMPLAINTS**

- (a) Where the panel determines that allegations contained in a complaint amount to a complaint of sexual misconduct against a Minister, the panel may deal with the complaint with a view to facilitating a response that takes into account the interests of the Complainant and the Respondent and the values by which the Church lives. To that end the panel may appoint a person or persons to investigate matters connected with the complaint and report to the panel.
- (b) In exercising its responsibilities, the panel must have regard to the following guidelines:
  - (i) it must endeavour to act pastorally in its dealings with the

- Complainant, the Respondent and other affected persons;
- (ii) it must seek an Agreed Outcome that encourages healing and maintains the integrity of ministry of the Church;
  - (iii) it may use the tools of conversation, enquiry, and alternative dispute resolution in seeking an Agreed Outcome; and
  - (iv) for the purpose of deciding on action to be taken under paragraph (e) of this Regulation, it may form opinions on issues of fact.
- (c) The panel's processes must be investigative, not adversarial. The panel may inform itself in whatever manner it sees fit, including seeking the assistance of a subject-matter expert.
- (d) The panel must inform the Complainant, the Respondent, and any potential witness that their statements may be recorded, and may form part of an investigation report which may accompany a referral to the Synod Committee for Discipline.
- (e) At any stage of the process, the panel may:
- (i) determine the complaint warrants no further action (including on the ground that it is frivolous, vexatious, misconceived or unable to be substantiated). If it so determines, the panel must give written notice of that determination to the Chairperson, Complainant, and the Respondent, within 14 days of making the determination;
  - (ii) consider allegations of, or information regarding, other conduct of the Respondent of which the panel becomes aware and which it considers should be dealt with in conjunction with the complaint, provided the panel informs the Respondent of the particulars of that conduct;
  - (iii) recommend to the Chairperson or to the Standing Committee that action be taken to cause a separate

- complaint to be made in respect of allegations or on the basis of information of which the panel has become aware;
- (iv) determine to proceed to deal with the initial complaint and any additional allegations or information from other persons or Complainants that have come to the panel's attention (a composite complaint), provided the panel informs the Respondent of the particulars of the composite complaint;
  - (v) refer the complaint or composite complaint for appropriate, non-adversarial dispute resolution;
  - (vi) refer the complaint or composite complaint to the Synod Committee for Discipline to be dealt with as a complaint under Regulation 5.7.2;
  - (vii) refer any matter arising out of the complaint or which has arisen from or during the panel's process to the Pastoral Relations Committee or the Moderator. The referral may contain the panel's recommendations about counselling, professional or focused supervision, training or other appropriate responses arising out of the complaint and investigation; and it may require reporting back to the panel for its further consideration and action;
  - (viii) enter into an Agreed Outcome.
- (f) An Agreed Outcome:
- (i) can only be entered into as a result of negotiations or following an appropriate, non-adversarial dispute resolution process;
  - (ii) must be intended to bind the parties to it;
  - (iii) may include, but is not limited to, undertakings by the Respondent to do any one or more of the following:
    - accept the validity of the complaint, and apologise;



- provide financial restitution or compensation;
  - undergo therapeutic or pastoral care or counselling;
  - accept focused supervision;
  - participate in courses of training; and
- (iv) must not preclude the panel from referring the complaint to the Synod Committee for Discipline under paragraph (e)(vi) of this Regulation.
- (g) Where the panel determines to refer the complaint or composite complaint for appropriate, non-adversarial dispute resolution, the panel must provide the report of its investigation, including any relevant documents, to the conciliator, mediator or person conducting the dispute resolution process.
- (h) Where any of the terms of an Agreed Outcome are not fulfilled, the panel must determine what further action must be taken, including possible referral to the Committee for Discipline to be dealt with as a complaint under Regulation 5.7.2(b) or referral to another council or entity of the Church.
- (i) The panel has jurisdiction to determine whether the terms of an Agreed Outcome have not been fulfilled and, for that purpose, may enquire into the issue of its own volition or on receiving information that the terms have not been fulfilled, as it sees fit.
- (j) If all or any of the original panel members are no longer members of the Committee, the Chairperson may appoint another panel to enquire into and determine whether the terms of an Agreed Outcome have not been fulfilled.
- (k) Where the panel makes a referral to the Synod Committee for Discipline, the panel must provide a report to the Synod Committee for Discipline of its process, including any relevant document received or created in the course of the investigation (such as, but not limited to, statements from witnesses).

- (l) The panel must provide a copy of any Agreed Outcome and any other decisions to the Complainant, the Respondent, the Respondent's Presbytery Chair, and Synod.

### **5.6.11 PROCEDURAL FAIRNESS**

- (a) The panel must ensure that its process accords with the principles of procedural fairness.
- (b) Nothing said in the course of discussions with any person appointed to undertake an alternative dispute resolution with the Respondent, must be given in evidence or used in any way in any proceedings before the Synod Committee for Discipline, or before any court or other tribunal whatsoever, except to the extent compellable by law.
- (c) The record of an Agreed Outcome is part of the panel's records and may be given in evidence or used in any proceedings before the Synod Committee for Discipline.

### **5.6.12 THERAPY EXPENSES**

- (a) The panel may at any time recommend to the Moderator and the Synod Secretary that the Synod meet the expenses of therapy for the Complainant and/or the Respondent which relate to the circumstances of the complaint.
- (b) Synod must determine whether it will meet the expenses, either in whole or in part, or whether they should be borne by the Complainant and/or Respondent.

### **5.6.13 CONFIDENTIALITY AND PRIVACY**

- (a) Subject to these Regulations, all parties involved in the process of dealing with a complaint under Part 5.6 must observe confidentiality.
- (b) Panel meetings must be held in private, but the panel may permit any persons it thinks appropriate to attend its meetings.

- (c) Unless authorised by the Chairperson or determined by the panel, no panel member, and no person attending a panel meeting or otherwise involved in the process, may divulge information about the complaint or the meeting.
- (d) The panel may make reports to any persons it thinks appropriate, at any time, but must consider carefully whether it is at that time appropriate in all the circumstances and in the best interests of the Church to make the report.
- (e) The Chairperson may, after consulting with the Complainant, the Chairperson of the Respondent's Presbytery, and the Moderator or Secretary of Synod, make public statements about the proceedings as the Chairperson considers appropriate.
- (f) Appropriate information may, with the Chairperson's approval, be made available to a Congregation regarding the handling of any complaint.
- (g) A breach of this Regulation by the Respondent may be referred to the Committee for Discipline under Regulation 5.7.2 (b).
- (h) In resolving the complaint, the panel may take into account any breach of this Regulation by the Complainant.

#### **5.6.14 APPEAL**

- (a) The Complainant or the Respondent may lodge an appeal:
  - (i) against a panel's determination under Regulation 5.6.10(e)(i); or
  - (ii) on the grounds that the panel has acted contrary to procedural fairness.
- (b) An appeal on the grounds of a breach of procedural fairness may be lodged at any time, but no later than 14 days after the signing of an Agreed Outcome or being informed of a panel's determination under Regulation 5.6.10(e)(iv).

- (c) The appeal is made to the Moderator, who must appoint an appeal committee of three persons to consider it. At least one member of the appeal committee must have legal expertise.

The appeal committee must either dismiss the appeal or, if it upholds the appeal, remit the complaint to the panel for its reconsideration. The appeal committee may recommend to the Chairperson whether the reconsideration should be undertaken by the panel that dealt with the complaint or a new panel.

- (d) On receiving an appeal, the Moderator must inform the committees, councils and individuals involved of the pending appeal.
- (e) The parties to the appeal must deal expeditiously with the appeal. Should a party not deal with the appeal expeditiously, the appeal committee may:
  - (i) in case of an Appellant—strike out the appeal; or
  - (ii) in the case of a Respondent—proceed to determine the matter on the material before it.
- (f) Legal representation before the appeal committee is permitted only by leave of the appeal committee.
- (g) For the purposes of this Regulation, the parties to the appeal are the Appellant (that is, the original Complainant or Respondent) and, where the Appellant is the original Complainant, the original Respondent is the Respondent to the appeal and, where the Appellant is the original Respondent, the Respondent to the appeal is the panel.

## **5.6.15 SUSPECTED SEXUAL MISCONDUCT**

- (a) Where the Moderator, the Synod Secretary, the chairperson of a Presbytery, or the Chairperson receives information that provides reasonable grounds for suspecting sexual misconduct by a Minister but no complaint has been made, that person must seek to take

whatever steps are reasonable to clarify the matter.

- (b) If, thereafter, that person considers that there are reasonable grounds for believing that sexual misconduct has occurred, that person must seek to ensure that a complaint is made.

### **5.6.16 NEW PLACEMENT**

Except in special circumstances approved by the Chairperson of the Synod Sexual Misconduct Complaints Committee, a new placement of a Respondent must not be made, nor must a call to a Respondent be sustained, while the complaint has not been resolved or determined.

## **5.7 SYNOD COMMITTEE FOR DISCIPLINE (CFD)**

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### **5.7.1 APPOINTMENT**

- (a) The Synod must establish a committee to be known as the Committee for Discipline.
- (b) The Committee must consist of not less than five persons appointed by the Synod and for terms of at least 3 years. Without derogating from the foregoing, the Synod may appoint one or more persons temporarily to the Committee if considered necessary or desirable.

*Example 1: The Synod may consider it necessary to appoint a person temporarily to address shortages created by other members being conflicted.*

*Example 2: The Synod may consider it desirable to appoint a person temporarily as that person possess certain knowledge, experience or expertise considered relevant to a particular matter before the Committee.*

The persons appointed to the Committee are to possess the appropriate skills and knowledge, as determined by Synod, to fulfill the functions of the Committee.

- (c) No fewer than two members of the Committee must be Ministers and no fewer than two must be lay persons and, at the Synod's

discretion, one member may be a person who is not a member or adherent and who is independent of the Church (the **independent member**).

- (d) From amongst the members of the Committee, the Standing Committee must appoint a chairperson, and a person to convene the Committee and act as its secretary.
- (e) The chairperson of the Committee is entitled to exercise a deliberative but not a casting vote.
- (f) The Moderator, Synod Secretary and any person who is a member of the Committee for Counselling or the Synod Sexual Misconduct Complaints Committee cannot be a member of the Committee for Discipline.
- (g) A Synod may appoint, as members of the Committee, members of the Church who are members of a Congregation beyond the bounds of the Synod.
- (h) Any casual vacancy on the Committee is to be filled by a person appointed by the Standing Committee or, where time does not permit, by the Moderator.
- (i) Synod must ensure that Committee members undertake annual professional development of 10 hours, relevant to discharging the Committee's functions. Members who undertake professional development outside of the Church that is relevant to discharging the Committee's functions may credit it towards these 10 hours.

### **5.7.2 COMPLAINTS**

The Committee must consider any complaint to the effect that a Minister has:

- (a) wilfully and persistently neglected the duties of a Minister;
- (b) wilfully failed to:
  - (i) comply with any provision of the Constitution, of any Regulation, or any rule or resolution of the Church or any

- body of the Church, or
- (ii) comply with any terms of an outcome reached through an alternative dispute resolution process or Agreed Outcome under Regulation 5.6.10, or
  - (iii) comply with any lawful direction of the Moderator made under Regulation 3.6.3.2(i), or
  - (iv) participate in the disciplinary process;
- (c) advocated doctrine contrary to that which the Church has determined essential to the faith;
- (d) engaged in grave conduct unworthy of a Minister; or
- (e) wilfully failed to comply with the principles contained in any Code of Ethics approved by the Assembly or the Assembly Standing Committee; which has been:
- (i) referred to it by the Committee for Counselling or the Synod Sexual Misconduct Complaints Committee; or
  - (ii) made to it by a member of the Church at the direction of the Standing Committee or by the Secretary of a Synod at the direction of the Moderator, the Synod or its Standing Committee.

No other complaint may be considered by the Committee.

*Note: Non-compliance with the provision immediately above does not invalidate a complaint.*

The referral in (i) above must include:

- (1) a copy of the information that was before the relevant Committee and, if that information was given orally, a summary of the oral information;
- (2) the names and contact details of all persons who provided information to that Committee; and
- (3) a brief explanation of the reason for referral.

### **5.7.3 ROCEEDINGS BEFORE PANEL**

- (a) The chairperson must appoint the Committee members who will constitute the panel to deal with a particular complaint. The panel acts as and for the Committee for that purpose.
- (b) The panel quorum is 3 members present during the entire proceedings, except as provided in paragraph (c). Unless the Respondent agrees, at least one member of the panel hearing the matter must be a Minister and at least one must be a lay person.
- (c) If, between the time when the proceedings before the panel start and the time when the panel presents its report to the Standing Committee, a panel member engaged in considering the complaint, withdraws from the proceedings for any reason, the remaining panel members may continue to act, so long as at least two members are present and participating.

The proceedings before the panel are taken to have started on the day when the panel convened to hear the complaint receives the complaint.

- (d) A panel member is taken to have withdrawn from the panel, if the member resigns or withdraws from the panel, or if the chairperson declares that the member is to be taken to have withdrawn because the chairperson is of the opinion that the member is unwilling or unable to continue to participate.
- (e) Where the term of office of a Committee member expires and is not renewed, that member may continue to act as a panel member in any proceedings in which the member is participating.

### **5.7.4 PROCESS**

- (a) The Moderator must for the purposes of a proceeding before the panel appoint a person as advocate who will be responsible for presenting the case in support of the complaint. The Moderator may from time to time appoint a substitute advocate as required.



The advocate must act on the instructions of the Moderator (or the Moderator's delegate) and must:

- (i) deal with matters promptly and not cause unnecessary delay;
  - (ii) endeavour to limit the scope of proceedings wherever possible to issues of substance;
  - (iii) not contest matters which it accepts as correct, in particular by not requiring a party to prove a matter the Church knows to be true;
  - (iv) contest all spurious or vexatious assertions;
  - (v) claim legal professional privilege where appropriate;
  - (vi) claim public interest immunity to protect confidential information in appropriate cases; and
  - (vii) not institute and pursue appeals unless the person believes there are reasonable prospects for success, or believes that the appeal is otherwise justified in the interests of the Church.
- (b) The advocate must give the Committee secretary written particulars of the complaint with which the panel is required to deal. The secretary must give a copy to the chairperson of the Committee, the Respondent, the Moderator, the Synod Secretary, and the chairperson of the Presbytery(ies) having oversight of the Respondent and of the Complainant (except where the Secretary of the Synod is the Complainant).
- (c) On receiving the complaint, the Presbytery chairperson(s) of the Respondent and of the Complainant (if necessary), in consultation with others as the Presbytery chairperson(s) consider(s) appropriate, must arrange for the development of a Pastoral Strategy (as defined in Regulation 5.6.2) to help manage pastoral issues in relation to the Respondent, a Complainant who is not the Synod Secretary, and the

Congregation or faith community. The Presbytery chairperson(s) must provide a copy of the Pastoral Strategy to the chairperson and secretary of the Committee.

- (d) The chairperson of the panel dealing with the complaint may require the advocate to furnish fuller particulars of the complaint. Those further particulars must be distributed to the office holders in (b).
- (e) The Standing Committee (or, in cases of urgency, the Moderator) must appoint or engage a legal assistant to the panel to attend proceedings and provide the panel with advice on procedure and other legal matters.
- (f) The legal assistant must be a barrister or solicitor, a retired barrister or solicitor or, at the Moderator's discretion, another suitable person.
- (g) The panel must act in accordance with the principles of procedural fairness and as expeditiously as possible. In its procedure and its decisions, it must be governed by equity and good conscience. It may inform itself in whatever manner it thinks fit in the circumstances (including seeking the assistance of a subject-matter expert, where considered relevant). It is not bound by the rules of evidence.
- (h) Subject to paragraph (g) above, the panel may conduct the proceedings as it sees fit and may give any directions it considers appropriate as to how the proceedings will be conducted.  
*Example: The panel may give directions requiring the parties to: (a) provide witness statements and other documentary evidence by a specified date; (b) provide written submissions or an outline of the parties' case; or (c) provide copies of any authorities the party intends to rely upon.*
- (i) Without limiting the foregoing, the panel may:
  - (i) use electronic platforms or telephonic services to conduct its proceedings;

- (ii) require the advocate to lead evidence or provide information about a particular issue;
- (iii) hold preliminary meetings to:
  - (1) settle the issues, if any, in dispute;
  - (2) determine a timetable for the orderly progression of the proceedings;
  - (3) determine any challenges to the panel's jurisdiction to hear the complaint, or the validity of the proceedings, or any application to stay the proceedings; or
  - (4) determine any challenge to the sufficiency of the particulars of the complaint; and
- (iv) refer the complaint or any matter that has arisen from or during the panel's process for alternative dispute resolution.
- (j) The panel may make the determination it considers warranted in the circumstances.

*Example: A Respondent takes issue with the alleged conduct particularised in the complaint and argues that due to inordinate and unexplained delay, the destruction of material documents and the death of the only material witness, they are so prejudiced in their defence that they cannot receive a fair hearing. The panel may determine to stay the proceedings.*

- (k) The panel may receive into evidence any report of the investigation by the Synod Sexual Misconduct Complaints Committee, provided that a copy of the report has been made available to the Respondent, the person who made the complaint to the Synod Sexual Misconduct Complaints Committee, and the advocate. The panel may give whatever weight as it thinks appropriate to the report's contents. The panel may receive into evidence any referral from the Synod Committee for Counselling under Regulation 5.5.1.4(c).

- (l) The panel must hear the advocate and the Respondent and consider any material they desire to present, so long as the panel considers it to be sufficiently relevant to the issues in dispute. The panel must permit the advocate and the Respondent to call appropriate persons to testify before it on appropriate matters, provided the testimony is sufficiently relevant to the issues in dispute. Those persons may be cross-examined by the other party. However, unless the panel gives leave, the cross-examination must only be to clarify or amplify the persons' testimony or test their recollection.
- (m) The advocate and the Respondent may appear personally before the panel or be represented legally or by another member of the Church. In addition, the Respondent may be accompanied by a support person, but that person has no right to speak or be heard, unless at the Respondent's request and with the panel's permission.
- (n) If the Respondent does not appear, or fails to communicate with the panel, or fails to act in a timely manner, the panel may nevertheless proceed to determine the complaint.
- (o) The proceedings before the panel must be recorded either manually or mechanically. Also:
  - (i) The panel may determine whether the record of evidence is to be transcribed.
  - (ii) The panel may determine to make the transcript available for examination by the advocate and by the Respondent (or by their representatives), and either may obtain a copy on paying the transcript cost.
  - (iii) If the panel determines that the record is not to be transcribed, the advocate or the Respondent may nevertheless require a transcript to be made and provided on paying the transcript cost.
- (p) Proceedings before the panel must be held in private and are

confidential. Unless the panel determines otherwise, no panel member and no other person who has been involved in the proceedings may divulge any information about the proceedings to any person, except:

- (i) to the extent compellable by law; or
- (ii) as permitted or required by these Regulations.

(q) The panel may at any time:

- (i) refer all or any of the persons concerned for counselling in whatever manner it thinks fit; or
- (ii) require all or any of those involved in the proceedings to attend a compulsory conference or alternative dispute resolution.

(r) The panel must consider the substantial merits of the case and record any findings of fact and other conclusions as it thinks necessary in the circumstances. The panel must then determine whether or not the complaint has been made out in full or in part. The panel need not confine its findings and conclusions to the matters set out in the complaint.

*Example: Should a Respondent act in an unreasonably combative manner or deny the allegations ultimately proven, the Committee may take that conduct into account when determining the appropriate disciplinary action.*

- (s) The panel cannot hold a complaint to be made out, in full or in part, unless the majority of the panel members who dealt with the matter are satisfied on the balance of probabilities.
- (t) Proceedings may continue, at the panel's discretion, despite the conclusion or termination of the placement, the Respondent's resignation from the ministry, the Respondent's retirement, or the Respondent's grant of leave of absence.
- (u) As soon as practicable after the conclusion of the proceedings, the panel must notify the advocate, the Complainant, the Respondent,

the Moderator and the Secretary of the Synod Standing Committee and, where applicable, the chairperson of the Synod Sexual Misconduct Complaints Committee or the Committee for Counselling, whether it has:

- (i) dismissed the complaint;
  - (ii) found the complaint made out in full or in part;
  - (iii) finalised the proceedings due to the Respondent's resignation; or
  - (iv) finalised the proceedings as a result of a determination under (x)
  - (v) and must supply each of them with a copy of its findings of fact and other conclusions.
- (v) Where the panel finds the complaint made out in full or in part, it must, after giving the Respondent and, if it thinks fit, the advocate, an opportunity to be heard on the question of any disciplinary action to be taken, determine that:
- (i) no action be taken;
  - (ii) the Respondent be admonished;
  - (iii) the Respondent be suspended from placement or candidature for the period and on the conditions it specifies;
  - (iv) the Respondent's placement or candidature be terminated;
  - (v) the Respondent be suspended from the exercise of all or any of the functions of a Minister for the period and on the conditions it determines; or
  - (vi) the Respondent's recognition as a Minister be withdrawn.
- (w) The panel must take into account:
- (i) any antecedent actions or omissions of the Respondent of which it is aware (including any prior disciplinary action) and which it considers sufficiently relevant to determining

the appropriate disciplinary action. When considering what antecedent matters are sufficiently relevant, the panel may consider submissions of the Complainant, the Respondent and the advocate; and

- (ii) interests of the Complainant and the Respondent and the values by which the Church lives, and must notify the advocate, the Complainant, the Respondent, the Moderator, and the Secretary of the Synod of the disciplinary action imposed.
- (x) The panel, whether it has dismissed the complaint or has found it made out in full or in part, may determine all or any of the following:
  - (i) to make written comment on any aspect of the proceedings in a report to the Standing Committee and/or the Presbytery exercising oversight of the Respondent;
  - (ii) to require the Respondent to undergo therapeutic or pastoral counselling;
  - (iii) to require the Respondent to undergo focused supervision;
  - (iv) to require the Respondent to participate in courses of training;
  - (v) to require the Respondent pay financial restitution; or
  - (vi) that the Respondent be stood aside from the exercise of all or any functions of a Minister on whatever conditions the panel determines.

The panel must notify the advocate, the Complainant, the Respondent, the Moderator, and the Secretary of the Synod, accordingly.

- (y) The secretary of the Committee for Discipline must present a report of the proceedings to the Standing Committee.
- (z) The report must contain the complaint and particulars, and the panel's findings and decisions, including the action taken under (v)

and (x). The report must also include any other material the Committee considers appropriate.

- (aa) The Secretary of the Synod must send a copy of the report to the Moderator, the Complainant, the advocate, the Respondent, and the Chairperson of the Presbytery which has oversight of the Respondent. Each recipient must keep the report confidential, not disclose it or any of its content to any other person (unless otherwise authorised or legally obliged to do so), and only use it for the purpose for which it was provided.

*Note: Paragraphs (bb), 5.12.1(a) and 5.12.3(c) authorises various persons to make public statements and paragraph (cc) authorises a Presbytery Chairperson to make a statement to a Congregation or other relevant body about proceedings before the Committee for Discipline where the outcome of those proceedings affects that Congregation or other body.*

- (bb) After the Moderator or Secretary of the Synod has received the notice mentioned in (u), (w), or (x), or after the report mentioned in (y) has been presented to the Standing Committee, the Moderator or the Secretary of the Synod may make a public statement about the proceedings.
- (cc) After the chairperson of Presbytery has received a copy of the report mentioned in (aa), the chairperson may make a statement to a Congregation or to relevant bodies about the proceedings, if the chairperson considers it appropriate. Regardless of whether the chairperson makes a statement, the chairperson must ensure appropriate pastoral support for those Congregations or bodies.
- (dd) The Standing Committee must take whatever action it considers necessary to implement the decision of the panel acting as the Committee for Discipline, and must advise the Respondent and the Presbytery. The Standing Committee may determine the date on which any disciplinary or other action is to become effective,



including adopting a staged approach to implementation.

- (ee) The Church must pay the expenses properly incurred by the advocate. The panel may certify that it is reasonable in the circumstances that the Church pay the Respondent's expenses in whole, or in part, or to a specified amount. The Standing Committee must determine the funds from which the expenses will be paid.

### **5.7.5 APPEAL FROM THE PANEL**

The advocate, Complainant or Respondent may appeal to the Synod from the decision of the panel acting as the Committee for Discipline. The Synod must refer the matter to the Convenor of the Standing Appeal Panel to be dealt with under Part 6 of these Regulations.

### **5.7.6 STAY OF PROCEEDINGS**

Where the Standing Committee has referred an appeal in accordance with Regulation 5.7.5, the Standing Committee may determine that the operation of any decisions made or actions taken under Regulations 5.7.4(v) or (x) be suspended on the conditions it thinks appropriate until the appeal is determined.

## **5.8 ALIGNMENT WITH OTHER PROCESSES AND EXTERNAL OBLIGATIONS**

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### **5.8.1 CONSIDERATION OF AVAILABLE OPTIONS**

Where the substance of a complaint is also being dealt with under another process, the entity responsible for dealing with the complaint may:

- (a) hold the complaint in abeyance pending the outcome of that other process;
- (b) have regard to the outcome of that other process, if considered

relevant; or

- (c) proceed to deal with the complaint, regardless of the other process or its outcome.

*Example 1: The substance of the complaint may also be the subject of a HR grievance, a WHS investigation, a civil action, an application to the Fair Work Commission, or the subject of a whistle-blower investigation. If, for the purposes of this example, the substance of the complaint was also the subject of a whistle-blower investigation, the entity responsible for dealing with the complaint may determine to hold the complaint in abeyance pending the outcome of the whistle-blower investigation and any action taken against a Respondent arising out of that investigation.*

*Example 2: The substance of the complaint is also the subject of a complaint to the Police. The entity responsible for dealing with the complaint can ask the Police about any concerns they may have about the continuation of the Church's complaint and disciplinary process on the police investigation and any subsequent prosecution, and can take those concerns into account in determining what to do.*

## **5.8.2 PROVISION OF INFORMATION**

The entity responsible for dealing with a complaint may provide all or part of any information that has come into its possession to an external agency that has an obligation under its governing law to deal with the substance of the alleged conduct.

*Example 1: The substance of the complaint is also the subject of a complaint to the Police. The entity responsible for dealing with the complaint can provide information to the Police to help in the police investigation and any subsequent prosecution.*

## **5.9 CONFLICTS OF INTEREST**

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### **5.9.1 DUTY TO AVOID**

All persons who constitute the entity that has jurisdiction to deal with a complaint must take all reasonable steps to avoid any:

- (a) actual, potential or perceived conflict of interest; or
- (b) actual or reasonable appearance of bias.

*Example: The Presbytery Chairperson should not be involved in any deliberative process or determination about a complaint the Chairperson has referred to the PRC.*

### **5.9.2 EFFECT OF FAILURE TO AVOID CONFLICT**

A failure by any person to comply with Regulation 5.9.1 vitiates the decision. The matter may be considered afresh by the entity that has jurisdiction to deal with that complaint, this time without the conflicted or biased person.

### **5.9.3 NOTIFYING ENTITY OF CONFLICT AND DUTY TO CONSIDER NOTIFICATION OF CONFLICT**

- (a) A Complainant or Respondent who considers that a person has an actual, potential or perceived conflict of interest, or actual or reasonable appearance of bias, may notify the entity that has jurisdiction to deal with the complaint of the alleged conflict or bias and the grounds for their view.
- (b) That entity must consider the matter and determine whether the person in question has or had an actual, potential or perceived conflict of interest or actual or reasonable appearance of bias, and must inform the Complainant or Respondent of its determination and the proposed remedial action, if any.

## **5.10 REFERRALS, TRANSFERS AND DELEGATIONS**

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### **5.10.1 CONSTITUTIONAL POWER TO REFER (ETC.)**

This Part 5.10 is based on clause 70 of the Constitution, which authorises certain bodies to refer, delegate or transfer their powers and responsibilities to certain other bodies.

*Example 1: The powers and responsibilities of a Synod to deal with a complaint against its Moderator may be transferred to another Synod with the consent of the other Synod under clause 70(d) of the Constitution.*

*Example 2: A Presbytery responsible for dealing with a complaint may refer its powers and responsibilities to deal with the complaint to the Synod or to another Presbytery with the consent of the Synod or Presbytery concerned under clause 70(a) of the Constitution.*

### **5.10.2 POWER TO DELEGATE**

To the extent allowed under clause 70 of the Constitution, an entity ('the first entity') responsible for dealing with a complaint under this Part may refer, delegate or transfer its powers and responsibilities to deal with the complaint to another entity ('the second entity') on the terms and conditions the first entity considers appropriate. The second entity may be an entity outside of the delegator's bounds.

### **5.10.3 DECISION OF REFERRER, DELEGATOR OR TRANSFEROR**

The decision of the second entity is taken to be the decision of the first entity.

## **5.11 VEXATIOUS COMPLAINANTS**

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### **5.11.1 VEXATIOUS COMPLAINANT DETERMINATION**

The Synod or the Standing Committee may determine, on whatever terms and conditions it thinks fit, that an individual is a vexatious complainant, where it is satisfied:

- (a)
  - (i) that individual; or
  - (ii) someone acting on that individual's behalf;
- (b) has repeatedly made complaints that have been determined by the entity responsible for dealing with the complaint, to warrant no action, or no further action, on a ground that includes the complaint was:
  - (i) an inappropriate use, misuse or abuse of the complaint process; or
  - (ii) made to harass or annoy, or to cause delay or detriment, or for another wrongful purpose; or
  - (iii) made without reasonable ground; or
  - (iv) frivolous, vexatious, or misconceived.

### **5.11.2 PROCESS**

The Synod or Standing Committee must:

- (a) advise the individual:
  - (i) that it is considering whether to determine that individual is a vexatious complainant;
  - (ii) the ground on which it is relying; and
  - (iii) of the material it will be considering; and
- (b) afford that individual an opportunity to make written submissions to it on the matter.

### **5.11.3 EFFECT OF DETERMINATION**

- (a) The determination referred to in Regulation 5.11.1 has the effect, subject to its terms and conditions, that:
  - (i) any current or future complaint made by that individual need not be dealt with by the entity responsible for dealing with the complaint, and

- (ii) that entity need not take any action, or any further action, in relation to the complaint (other than to inform the individual that it will not be taking any action, or any further action, in relation to the complaint).
- (b) The determination referred to in Regulation 5.11.1 may be on whatever terms and conditions the Synod or Standing Committee considers appropriate, including (but not limited to) that its determination will only operate in one or more of the following ways:
  - (i) in relation to complaints in relation to a particular matter;
  - (ii) in relation to complaints against a particular person;
  - (iii) in relation to complaints made during a specified period; or
  - (iv) from a specified date.

#### **5.11.4 NOTICE**

Where a Synod or Standing Committee determines an individual to be a vexatious complainant, the Standing Committee must give a notice to the individual setting out:

- (a) the determination.
- (b) the ground of the determination;
- (c) the findings on material questions of facts; and
- (d) the date from which the determination will become operative.

#### **5.11.5 NO APPEAL**

No appeal lies from the decision of the Synod or Standing Committee.

#### **5.11.6 AMBIT OF INFORMATION THAT MAY BE CONSIDERED**

To remove any doubt, a Synod or Standing Committee may consider all complaints made by the individual in question, or by someone acting on that individual's behalf, regardless of the jurisdiction in which the complaint was made

or the subject matter of the complaint.

## **5.12 MISCELLANEOUS**

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### **5.12.1 MODERATOR'S POWERS AND ROLE**

- (a) The Moderator may, in the exercise of the Moderator's duties and responsibilities under Regulation 3.6.3.2(i), at any time after a complaint is made and on terms the Moderator considers appropriate, stand aside a Respondent from the performance of ministerial duties until all processes relating to the complaint under Part 5 of the Regulations have concluded, if the Moderator considers the action necessary for the well-being of the Church. The Moderator may inform people of the action, and the reasons for taking the action, as the Moderator considers necessary in all the circumstances.

The Moderator may terminate the standing aside at any time.

- (b) The standing aside does not deprive the Respondent of stipend, allowances and the use of any residence occupied by the Respondent, who must properly assist any person responsible for carrying on in the meantime the duties attaching to the Respondent's placement.
- (c) On receiving a complaint referred under Regulations 5.3.3(c), 5.4.1(c), or 5.4.4.2(e)), the Moderator may determine how the complaint should be dealt with, including, but not limited to, whether
- (i) to refer the complaint back to the Presbytery to be dealt with, including by way of further enquiry to ascertain the facts;
  - (ii) to refer the complaint to the Committee for Counselling to be dealt with;

- (iii) to direct the Secretary to make a complaint to the Committee for Discipline.

### **5.12.2 RESIGNATION OF RESPONDENT**

- (a) A Respondent, whose placement has been concluded or been terminated, normally remains under the pastoral and administrative oversight of the Presbytery in which the Respondent was enrolled at the time of the complaint. Subject to these Regulations, that Presbytery is responsible for counselling and disciplining the Respondent about the complaint and its processing.
- (b) A Presbytery must not accept a Respondent's resignation from the ministry before all processes relating to a complaint under Part 5 of the Regulations have concluded, unless the Presbytery determines that there are special circumstances and the Moderator approves the Presbytery's determination.
- (c) A complaint may continue to be processed under these Regulations, despite the conclusion or termination of the placement, the Respondent's resignation from the ministry, the Respondent's retirement, or the Respondent's grant of leave of absence.

### **5.12.3 WITHDRAWAL OF MINISTER'S RECOGNITION**

- (a) If the Respondent's recognition is withdrawn, the Respondent's stipend and other allowances continue to accrue for 30 days after the Standing Committee meeting at which the report under Regulation 5.7.4(y) is presented. The Respondent must vacate any housing as soon as possible, but in any case within that 30 days.
- (b) Payments made from other Church funds must be determined in accordance with the Regulations governing those funds. However, any period during which a Respondent is stood aside under Regulation 5.12.1(a) must not be included in the determination of



the length of ministerial service.

- (c) The Moderator (or the Secretary of the Synod on the Moderator's behalf) may make a public statement about the Minister's withdrawal of recognition as the Moderator (or Secretary) considers appropriate.

## 6 APPEALS

(These amended Appeal Regulations; being Part 6; and Regulations 2.5.6 (a); 2.10.4 (d); 4.11.9 (c) (ii); 4.11.10 (g) (ii); become effective from 1 June 2015.)

### 6.1 INTRODUCTION: LIMITED RIGHT OF APPEAL

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The provisions of this Part 6 apply only to rights of appeal specifically granted elsewhere in these Regulations where reference is made to this Part 6 or a Regulation within Part 6; ie Regulations 2.3.2.7; 2.5.2 (f); 2.5.3 (f); 2.5.6 (a); 2.10.1 (k); 2.10.4 (d); 4.11.9 (c) (ii); 4.11.10 (g) (ii); and 5.7.7. Part 6 does not give a right of appeal independently of specific references elsewhere in these Regulations.

### 6.2 INTERPRETATION

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In this Regulation 6:

**Appeal** means an appeal commenced under this Part 6.

**Appeal Committee or Committee** means the committee appointed by the Convenor under Regulation 6.7 to hear an Appeal.

**Appeal Papers** means the documents delivered under Regulation 6.5(c).

**Appellant** means the person who appeals against the Original Decision.

**Chairperson** means the chairperson of the Appeal Committee appointed by the Convenor under Regulation 6.7(a).

**Convenor** means the person appointed by the Assembly Standing Committee under Regulation 6.3.3 to convene the Standing Appeal Panel, and includes a person appointed as Acting Convenor.

**Original Decision** means the decision being appealed.

**Original Decision-Maker** means the person who or body which made the decision being appealed.

**Parties** means the Appellant and any person or body whom or which the

Chairperson has declared to be a Party under Regulation 6.9.1 (c).

**Standing Appeal Panel or Panel** means the panel of persons appointed under Regulation 6.3.

## **6.3 STANDING APPEAL PANEL**

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### **6.3.1 ESTABLISHMENT OF PANEL**

The Church is to establish a panel to be known as the Standing Appeal Panel.

### **6.3.2 MEMBERSHIP OF PANEL**

- (a) Each Synod may appoint up to six members of the Standing Appeal Panel.
- (b) The National Executive of the Uniting Aboriginal and Islander Christian Congress may appoint up to six members of the Panel.
- (c) Panel members need not be Church members.
- (d) At least one-third of the Panel are to be women, and at least one-third men.
- (e) The President, Assembly General Secretary, Moderators and Synod Secretaries cannot be members of the Panel.
- (f) When making appointments to the Panel, appointing bodies must do their best to ensure that the overall Panel membership possesses the following attributes:
  - (i) legal expertise;
  - (ii) knowledge and experience of Church processes;
  - (iii) understanding of the Church's theology and polity;
  - (iv) understanding of the various ministry and mission contexts of the Church;
  - (v) knowledge of and experience with the various matters on which appeals can be made.

### **6.3.3 CONVENOR OF PANEL**

- (a) The Assembly Standing Committee is to appoint the Convenor of the Standing Appeal Panel.
- (b) If there is a vacancy, or if the Convenor is unable to act for any reason, the President is to appoint, from among the members of the Panel, an Acting Convenor for up to three months.

### **6.3.4 DURATION OF MEMBERSHIP OF STANDING APPEALS PANEL**

- (a) Appointments to the Standing Appeals Panel, and the appointment of the Convenor, are for a term of not more than 3 year.
- (b) No person may serve as a Panel member for more than 9 years consecutively.

## **6.4 GROUNDS OF APPEAL**

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An appeal may be made on only one or more of the following grounds:

- (a) that the Original Decision-Maker failed to follow prescribed procedures under the Constitution or Regulations;
- (b) that the Original Decision-Maker acted or made a decision contrary to the Constitution, Regulations, by-laws or rules;
- (c) that the Original Decision-Maker made an error of law that was material to its decision.

## **6.5 PROCESS FOR LODGING APPEALS**

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- (a) A person wishing to exercise a right to appeal under this Part 6 must commence the Appeal within 21 days of receiving written notice of the Original Decision.
- (b) An Appeal is commenced by delivering a written notice of appeal, to

the following persons:

- (i) the relevant Synod Secretary of the Synod within the bounds of which the Original Decision was made; or
  - (ii) in the case of appeals concerning the Assembly or a person or body responsible to the Assembly, the Assembly General Secretary;
- (c) The notice of Appeal must contain:
- (i) details of the particular grounds of appeal; and
  - (ii) to the extent possible, all documents and other material upon which the Party intends to rely.
- (d) The relevant Secretary must promptly deliver the notice to the Convenor.

## **6.6 CONVENOR'S POWER TO REJECT APPEAL BASED ON DOCUMENTS LODGED**

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- (a) The Convenor may determine that the Appeal Papers lodged by the Appellant do not establish *prima facie* grounds for appeal.
- (b) If the Convenor makes such a determination:
  - (i) the Convenor must advise each of the following persons:
    - the Appellant; and
    - the Synod Secretary of the Synod within the bounds of which the Original Decision was made or the Assembly General Secretary, as the case may be; and
  - (ii) the Appeal cannot proceed any further.

## **6.7 APPOINTMENT AND CONSTITUTION OF APPEAL COMMITTEE**

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- (a) Unless the Convenor has determined under Regulation 6.6 that the

Appeal Papers do not establish prima facie grounds for appeal, following receipt of the notice of Appeal the Convenor must, as expeditiously as possible:

- (i) appoint from the Standing Appeal Panel three members to constitute the Appeal Committee to hear the Appeal, subject to Regulation 6.7 (e)
  - (ii) appoint one of those persons to be the Chairperson of the Appeal Committee; and
  - (iii) provide members of the Appeal Committee with copies of the Appeal Papers.
- (b) In addition to the three members of the Appeal Committee appointed under paragraph (a) or (e), the Convenor may appoint as members of the Appeal Committee up to two other persons from outside the Standing Appeal Panel where their expertise would assist.
- (c) An Appeal Committee must not include any of the following:
  - (i) a person who is closely associated with the Appellant;
  - (ii) the Original Decision-Maker or a member of the Original Decision-Maker;
  - (iii) a person who is directly affected by the Original Decision.
- (d) When appointing the Appeal Committee, the Convenor must:
  - (i) have regard to the relevant skills and experience in Regulation 6.3.2(f));
  - (ii) ensure that at least one member of the Appeal Committee has legal expertise; and
  - (iii) ensure that, as far as possible, the Appeal Committee has members of both genders.
- (e) Where an Appellant is a member of the Uniting Aboriginal and Islander Christian Congress, the Convenor
  - (i) must ensure at least one member of the Appeal Committee

- is Indigenous; and
- (ii) if the Convenor considers it necessary, may appoint a person who is not a member of the Standing Appeal Panel to be a member of the Appeal Committee.
- (f) Where at any stage a member of the Appeal Committee becomes unable to continue, the remaining members of the Committee may continue to act so long as not less than two members are present and participating.

## **6.8 RESPONSIBILITIES OF APPEAL COMMITTEE**

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The Appeal Committee must act expeditiously and be guided by equity and good conscience.

## **6.9 APPEAL PROCESS AND TIMETABLE**

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### **6.9.1 CHAIRPERSON'S RESPONSIBILITIES**

The Chairperson

- (a) must manage the Appeal process and ensure that the Appeal proceeds expeditiously;
- (b) must set and may vary at any time the time periods for the Appeal process specified under Regulation 6.9.2; and
- (c) may declare whether a person or body, who, having been given opportunity to provide written comment is a Party under Regulation 6.9.2 (a) or (b).

### **6.9.2 APPEAL TIMETABLE**

The Appeal process is as follows:

- (a) within 14 days of the Chairperson's appointment, the Chairperson must by letter to the Original Decision-Maker:

- (i) give it a copy of the Appeal Papers; and
  - (ii) except in the case of the Synod Sexual Misconduct Complaints Committee and the Committee for Discipline, give it an opportunity to provide written comment within 14 days from the date of the letter; and
  - (iii) ask it to provide, within 14 days from the date of the letter, copies of all documents on which the Original Decision was based, as well as any written reasons given for the Original Decision;
- (b) also within 14 days of the Chairperson's appointment, the Chairperson must by letter:
  - (i) give a copy of the Appeal Papers to any other person who, or body which, in the Chairperson's opinion is directly affected by the Original Decision; and
  - (ii) give that person or body an opportunity to provide written comment within 14 days from the date of the letter;
- (c) then, within 7 days of the time expiring under Regulation 6.9.2(a) and (b), the Chairperson must by letter:
  - (i) give the Appellant copies of the documents and responses received under Regulation 6.9.2 (a) and (b); and
  - (ii) give the Appellant an opportunity to reply in writing to any matters raised by those documents and responses within 14 days from the date of that letter;
- (d) next, having received the Appellant's written reply, if any, the Appeal Committee must set a hearing date to allow the Parties a right to be heard, where possible within 28 days from the expiry date for the Appellant's reply under Regulation 6.9.2(c).



### **6.9.3 GENERAL POWERS OF APPEAL COMMITTEE**

- (a) The Appeal Committee may choose to receive new information not provided to the Original Decision-Maker. It may include, exclude or give a degree of weight to that information based on what it considers is equitable and in good conscience in the particular circumstances.
- (b) The Committee may:
  - (i) conduct any part of the hearing through the use of technology (e.g. teleconferencing or video conferencing); and
  - (ii) invite any person to attend and address the Committee, but must first notify all Parties of this.

### **6.9.4 PAYMENT TO MEMBERS OF AN APPEAL COMMITTEE**

- (a) The Convenor may ask the Original Decision-Maker to pay a person for serving on an Appeal Committee, or to pay any other costs or expenses incurred in the course of the Appeal.
- (b) The Synod or the Assembly as the case may be may remunerate members of an Appeal Committee on terms the Synod or Assembly sees fit.
- (c) Paragraphs (a) and (b) are subject to any relevant Assembly policies.

### **6.9.5 Legal representation**

A Party may have legal representation only with the consent of the Convenor. All costs associated with legal representation are at that Party's own expense.

### **6.9.6 SUPPORT PERSON**

- (a) A Party is entitled to have a support person with them during the hearing of the Appeal Committee, to provide emotional support.

- (b) The support person:
  - (i) must not be otherwise involved in the Appeal or the Original Decision;
  - (ii) has no right to speak during the proceedings, unless invited to do so by the Chairperson; and
  - (iii) must not function as a legal advisor to the Party.

## **6.10 DISPOSITION OF APPEAL**

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- (a) The Appeal Committee must attempt to reach its decision by consensus. Failing consensus, the Appeal Committee may make its decision by simple majority.
- (b) Where the Appeal Committee
  - (i) is satisfied that one or more of the grounds of Appeal have been established and that its decision negates the decision of the Original Decision-Maker - it may substitute its own decision for the Original Decision; or
  - (ii) is not satisfied that one or more of the grounds of Appeal have been established - it may affirm the Original Decision; or
  - (iii) is satisfied that one or more of the grounds of Appeal have been established - it may refer the matter back to the Original Decision-Maker with directions.
- (c) In determining the Appeal, the Appeal Committee may recommend to a Church body that it make an ex-gratia payment to a Party.
- (d) The decision of the Appeal Committee is final. There is no further right of appeal.

## **6.11 PUBLICISING THE DECISION**

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### **6.11.1 BY THE APPEAL COMMITTEE**

- (a) The Appeal Committee must give each Party and the Original Decision-Maker a copy of its written decision, including its reasons, within 14 days of the conclusion of the hearing.
- (b) The Appeal Committee must also give a copy of its written decision, including its reasons, to all Synod Secretaries and the Assembly General Secretary.
- (c) After it has determined the Appeal, the Appeal Committee may make a written comment on any aspect of the proceedings:
  - (i) to the Moderator of the Synod within the bounds of which the Original Decision arose; or
  - (ii) in the case of an Appeal arising from a decision of the Assembly or a body responsible to the Assembly, to the President.

### **6.11.2 BY THE MODERATOR OR PRESIDENT**

- (a) The Moderator of the Synod within which bounds the Original Decision arose, or in the case of an Original Decision by the Assembly or a person or body responsible to the Assembly, the President,
  - (i) may make public statements about the Appeal as they consider appropriate; and
  - (ii) may make statements to a Congregation and/or relevant bodies about the Appeal as they consider appropriate; and
  - (iii) ensure appropriate pastoral support for those Congregations and/or bodies.
- (b) Before acting under paragraph (a), the Moderator or the President, as the case may be, must first consult with the following persons:
  - (i) the Appellant;
  - (ii) the Chairperson; and

(iii) any other Party;  
and may consult any other person the Moderator or President considers relevant.

## **6.12 CONFIDENTIALITY**

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Except as provided in Regulation 6.11, all matters concerning the Appeal, including the Appeal proceedings, are confidential. Unless the Appeal Committee decides otherwise, no member of the Appeal Committee or any other person who has been involved in the Appeal may divulge any information about it except to the extent compelled by law.

## NOTES

## 7 ALTERNATIVE REGULATIONS FOR KOREAN CONGREGATIONS

### INCORPORATING AMENDMENTS AUTHORISED BY ASSEMBLY STANDING COMMITTEE NOVEMBER 2014

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The purposes of the Alternative Regulations for Korean Congregations are:

- (a) consistent with the Uniting Church's commitment to multiculturalism, to give the option to Korean Congregations within the Uniting Church to continue to follow some of their customary church traditions where these vary from the Uniting Church Regulations;
- (b) to facilitate the recruitment of ministers for Korean Congregations from overseas;
- (c) to assist with the process of "independent" Korean congregations in Australia joining the Uniting Church;
- (d) as a transitional measure, to encourage Korean Congregations to move towards the Uniting Church Regulations unvaried.

#### 7.1 REGULATION

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For the purpose of these alternative Regulations, unless the context or subject matter otherwise indicates:

**Korean Congregation** means a Congregation of the Uniting Church which is recognised by a Presbytery as being a Korean Congregation.

**New Korean Congregation** means a congregation that, having not been a congregation of the Uniting Church, is recognised by a Presbytery as a congregation of the Uniting Church and as a Korean Congregation.

**We-im moksa** means a minister who has been granted lifetime tenure in a placement.

## **7.2 ALTERNATIVE REGULATION RE THE DURATION, TERMINATION AND CONDITIONS OF PLACEMENT FOR MINISTERS SERVING IN KOREAN CONGREGATIONS**

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The duration, termination and conditions of placement for Ministers of the Uniting Church and ministers of other denominations serving in Korean Congregations shall be in accordance with the Uniting Church Regulations, with these exceptions:

- (a) Ministers who have been recognised as we-im moksas retain that recognition until:
  - (i) the we-im moksa accepts a call to another placement or requests termination of the placement; or
  - (ii) the we-im moksa retires from active service; or
  - (iii) the Presbytery terminates the placement at the request of special meetings of the Church Council and the Congregation; and in each case, the resolution must be passed by a two thirds majority of those present at the meeting of the Church Council, the Congregation and the Presbytery; or
  - (iv) the Synod, on discipline grounds, terminates the we-im moksa's placement in accordance with Part 5 of the Regulations; or
  - (v) the Synod, on discipline grounds, withdraws recognition of the we- im moksa as a Minister of the Uniting Church in accordance with Part 5 of the Regulations.
- (b) After 1 January 2015 there will be no further recognition of ministers as we-im moksas, except in the case of a New Korean Congregation whose minister shall remain a minister of that Congregation within

the Uniting Church and who is already recognised by that Congregation as a we-im moksa. Recognition of such a minister as a we-im moksa is subject to the approval of the New Korean Congregation and the Presbytery at the time of the New Korean Congregation joining the Uniting Church.

### **7.3 ALTERNATIVE REGULATION RE ELDERS**

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In relation to Elders, New Korean Congregations will choose one of two options:

- (a) following the Uniting Church Regulations, noting that Elders are normally elected for five years and are eligible for re-election; or
- (b) all Elders shall be elected for lifetime tenure, although continuation in active service beyond the age of 65 years shall require a special resolution of a meeting of the Congregation. In the event of their retirement from active service as an Elder, such persons shall retain the title of Elder.

A New Korean Congregation will choose to follow one of the options no later than when they are first planning to elect Elders after having been recognised as a congregation of the Uniting Church.

### **7.4 CONGREGATIONAL BY-LAWS**

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Alternative Regulation 3.9.8

#### **7.4.1 BY-LAWS OF A CONGREGATION**

Within the Uniting Church, Congregations are free to make by-laws on any matter as long as such by-laws are not inconsistent with the Constitution and Regulations of the Uniting Church (as varied by any applicable exemptions or alternative Regulations approved under Regulation 3.10.1) and are not inconsistent with any relevant Assembly, Synod or Presbytery policy.



## **7.5 DECISION TO FOLLOW THESE ALTERNATIVE REGULATIONS**

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### Alternative Regulations 3.9.9

#### **7.5.1 DECISION BY KOREAN CONGREGATIONS CONCERNING THESE REGULATIONS**

- (i) Korean Congregations which have chosen to follow these alternative Regulations shall automatically transfer to these alternative Regulations on the date on which these alternative Regulations come into effect.
- (ii) A Korean Congregation which is following these alternative Regulations may decide at any time, by a simple majority vote at a meeting of the Congregation, that it no longer wishes to follow these alternative Regulations. Such a Congregation shall then follow the Uniting Church Regulations unvaried by these alternative Regulations. The Uniting Church Regulations shall not apply retrospectively to decisions taken under previous editions or the current edition of the Alternative Regulations. The Congregation shall immediately notify the Presbytery in writing of its decision.

## **7.6 ASSEMBLY ACTIONS**

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#### **7.6.1 REVIEW OF THESE ALTERNATIVE REGULATIONS**

The Assembly shall review these alternative Regulations as and when it determines.

