

# Minutes of the Eighth Assembly

At 3.30pm on Saturday, 5 July 1997, the Eighth Assembly was formally constituted with recognition of the Nyoongar people on whose land the Assembly was meeting, and with prayer led by the President, Jill Tabart.

## OPENING ACTIONS

### **97.01 ROLL OF ASSEMBLY** (see Appendix A)

The Assembly resolved to adopt the roll of members, subject to any alterations advised to the Assembly General Secretary no later than 5.30pm Monday 7 July 1997.

### **97.02 PRESIDENT**

The Assembly resolved to elect John Edward Mavor as President of the Assembly, to hold office until the installation of his successor at the next ordinary meeting of the Assembly.

### **97.03 INTRODUCTION TO BUSINESS PROCEDURES**

Geoff Hadley led a session introducing business procedures, including *A Manual for Meetings in the Uniting Church*.

### **97.04 BUSINESS COMMITTEE**

The report was presented by Bruce Irvine (chairperson).

The Assembly resolved:

#### **97.04.01** to receive the report;

#### **97.04.02 Appointment of Business Committee**

to appoint the following persons as members of the Business Committee for the Eighth Assembly: Bruce Irvine (chairperson), the President, the General Secretary, Barbara Bailey, Christine Bayliss Kelly, Malcolm Gledhill, James Latu, Myung Hwa Park, Ron Porter, Denis Scarfe, Ruth Sandiford Phelan, Gillian Stone, Isabel Thomas Dobson;

#### **97.04.03 Appointment of Minute Secretaries**

to appoint Bruce May (convener), Jenny Thomas and Ros Waldon as minute secretaries for the Eighth Assembly;

**97.04.04 Order of Business**

to approve the provisional order of business and timetable submitted by the Business Committee;

**97.04.05 Participation of Children**

to welcome the participation of children in this Assembly through the “Children of the Eighth Assembly” program, and associate the children with the right to speak but not to vote;

**97.04.06 Confirmation of Minutes**

to authorise the following persons to confirm the minutes of the Eighth Assembly: the President, the General Secretary, Christine Bayliss Kelly, Pat Dale, Bruce Irvine, Bruce May and Jill Tabart;

**97.04.07 Proposals Involving Financial Commitment**

to determine that any proposal submitted at this Assembly which may involve a financial commitment not currently provided for in the Assembly budgets, and/or which may establish a priority on the use of the resources of the Assembly and/or its agencies, and/or which may involve a financial commitment for synods, be subject to comment by the Finance Committee and/or the Development Committee before determination by the Assembly;

**97.04.08 Ballots and Nominating Procedures**

- (a) to appoint John Meyer as Returning Officer;
- (b) to appoint a Ballot Committee with responsibility for advising the Assembly on any questions relating to nominations and elections;
- (c) to appoint the following persons as members of the Ballot Committee: John Meyer (Convener), Malcolm Gledhill, Marelle Harisun, D’Arcy Wood;
- (d) to appoint the following persons as scrutineers: Neil Brisbane, Andrew Campbell (deputy returning officer), Dennis Chapman, Caroline Holmes, Andrew Johns, Joan McRae-Benson, Audrey Mann, Neville Paine, Colin Ray, Trevor Rogers, Bruce Walker, Peter Walker and Margaret Watson;
- (e) to approve the nominating and voting procedures as detailed in paragraphs 4.1 - 4.11 of the paper “Ballots and Nominating Procedures”;
- (f) to approve the voting procedures for the position of President-elect as detailed in paragraph 4.13 of the paper “Ballots and Nominating Procedures”;
- (g) to determine that nominations close at 5.30pm on Monday 7 July;

**97.04.09 Association of Australian Ecumenical Guests with the Assembly**

to associate the following persons with the whole of the Assembly, with the right to speak but not to vote:

- Mr Michael Brown, National Council of Churches in Australia;
- Major Stan Caple, Salvation Army;
- Bishop Brian Farran, Anglican Church of Australia;
- Rev David Christian, Lutheran Church of Australia;
- Archbishop Barry Hickey, Roman Catholic Church;
- Mr Eddy Injeyan, Armenian Apostolic Church;
- Mr David Nourish, Religious Society of Friends;
- Mr David Pyne, Churches of Christ;

**97.04.10 Association of Other Persons with the Assembly**

to associate the following persons with the Assembly for the business as listed, with the right to speak but not to vote:

- Ronald Wilson and D'Arcy Wood, for the whole of the Assembly;
- Christine Bayliss Kelly, Marion Gledhill and Graham Neilsen, for the reports of the Facilitation Group and related business;
- John Emmett and Craig Mitchell, for the report of the Joint Board of Christian Education and related business;
- Bubsy Arulampalam, Graham Brookes, Brian Smith, Robert Stringer and Joy Balazo, for the report of the Commission for Mission and related business;
- Peter Harris and Pam Grant, for the report of the National Education Committee and related business;
- Chris Budden for the report of the Task Group on the Review of Ministerial Education and related business;
- Chris Walker for the report of the Task Group on Church Structures and related business;
- May Chang, for the report of the Finance Committee and related business;
- Susan Emilsen and Peter Bentley for the report of the Commission on Doctrine and related business;
- John Bodycomb for the report of the Task Group on Jewish-Christian relations and related business;
- Christine Cargill, for the report of the Commission on Women and Men and related business;
- Laurie Turner, for the report of the Beneficiary Fund and related business;
- Norman Young, for the report of the Cato Visitor Committee and related business;
- Robert Stringer for the presentation and discussion of proposal 28;
- Malcolm Cowan and Ineke Bergsma, for the report of the Task Group on Sexuality and related business;
- Denise Liersch, for the discussion of proposal 17 and related business;
- Ruth Powell, for the reports of the Task Group on Mission Resourcing and Stewardship Education and the General Secretary, and related business;

- the following two members of the Uniting Church who can testify in their own lives to the power of Christ to enable them to leave their homosexual lifestyle, for the report of the Task Group on Sexuality and related business: Ron Brookman and Laurie-Jean Wilson;

#### **97.04.11 Gender Balance in Elected Bodies**

- (a) in relation to elections for membership of Assembly bodies by the Assembly and its Standing Committee, to determine that women shall comprise at least 40% of the membership of each body and men shall comprise at least 40% of the membership of each body, unless:
  - the mandate of a particular body states otherwise;
  - the Assembly specifically makes a different determination in respect of any particular body;
- (b) to request the Ballot Committee to report to the Assembly no later than session 21, with recommendations as necessary, on:
  - how the decision for gender balance can most fairly be applied in the counting of ballots;
  - any changes required to the voting procedures in section 4 of the paper “Ballots and Nominating Procedures”;
  - the relationship between the decision for gender balance and other provisions in the membership composition of Assembly bodies (e.g.. representation from synods, youthful members);
  - any other consequential matters;
- (c) to authorise the Standing Committee, in relation to the Assembly bodies elected by it, to take such action as it considers appropriate to resolve any difficulties arising from the requirements of minute 97.04.11(a).

#### **97.05 RECEIPT OF OFFICIAL COMMUNICATIONS (see Appendix B)**

The Assembly resolved to receive the listing of official communications to the Eighth Assembly distributed by the General Secretary.

#### **97.06 MINISTERIAL MATTERS (see Appendix C)**

The General Secretary tabled the names of Ministers of the Word, Deacons, Youth Workers, and Community Ministers who have been received by the Uniting Church since the Seventh Assembly, of Ministers of the Word and Deaconesses who have died since the Seventh Assembly, and of Ministers of the Word and a Youth Worker whose recognition has been withdrawn.

The Assembly was led in prayer by the President, who gave thanks for all those whose ministry was noted.

## **97.07 RETIRING PRESIDENT**

Jill Tabart addressed the Assembly.

The Assembly resolved:

**97.07.1** to receive the report of the Retiring President, Jill Tabart;

**97.07.02** to record its deep appreciation of Jill Tabart as the seventh President of the Assembly of the Uniting Church in Australia in this resolution:

### **Appreciation of the Retiring President**

None of those who were at the Seventh Assembly in Sydney in 1994 will ever forget the special quality of leadership that was offered by Jill Tabart. She modelled the new consensus procedures with an impressive mix of grace and firmness, winning deep respect and admiration. Everything that has happened since has confirmed those first impressions. In Jill, we have been blessed with a President who has exemplified those qualities we seek in our leaders. She has patiently and graciously ministered to us during one of the most difficult and demanding periods of our short history. She has never avoided the hard issues. Nor has she deviated from her commitment to the unity of the Body of Christ and her encouragement to the church to celebrate and give expression to that unity as the essential foundation for dealing with those issues that threaten to divide us. She has continued to challenge us with the vision that brought the Uniting Church into being twenty years ago.

The same qualities we saw in 1994 have been apparent in all that Jill has done within the ongoing life and work of the Assembly and in her leadership of the Standing Committee. Beyond those areas of responsibility, Jill has made herself available to the whole Church, travelling widely across the length and breadth of this vast country in order to stay in touch with local congregations, as well as ensuring substantial interaction with presbyteries, synods and other agencies of the Church. Everywhere she has gone, Jill has listened carefully, responded sensitively, and helped people feel that they are valued. In that way she has fostered a sense of belonging to the wider family of the church and strengthened the ties of fellowship that bind us to one another in Christ.

Jill has reminded us constantly both of the heritage we brought into union, and of our uniqueness as a uniting church in a time when the issue of ecumenical endeavour and initiative remains as vital as ever. She has represented the Uniting Church with dignity and integrity in the ecumenical arena in Australia and in our relationships with churches overseas. Here at home she has regularly reminded us of our commitment as a church to work for justice and peace in our own land and to maintain the impetus toward reconciliation with our indigenous people.

We are conscious of the heavy demands we make on our Presidents and therefore on their families and do not take for granted the frequent absences from home and the need to be constantly available. We express our deep gratitude to Jill for her willingness to live and work with these realities, and to Ken for his unceasing patience and support for Jill over these last three years. We give thanks to God for Jill Tabart, as person and leader, and pray God's blessing on her life and work in future years.

**97.08 ASSEMBLY MESSAGE TO THE CHURCH**  
(see Appendix D)

The Assembly resolved:

- 97.08.01** to issue a message to the Church, consisting of a statement which refers to the major policy decisions taken by the Eighth Assembly and which informs the Church of the life of this Assembly and of what it has achieved for the life of the Church;
- 97.08.02** to authorise a group consisting of Jill Tabart (convener), Lisa Hall, Graham Humphris, Inoke Nabulivou, David Pitman, and Ruth Sandiford Phelan to:
- prepare a draft message for consideration by working groups on Thursday evening;
  - receive comments from the working groups;
  - finalise the text of the statement on behalf of the Assembly;
  - have the statement ready for distribution to members before the close of the Assembly.

**97.09 LAUNCHING OF THE ASSEMBLY THEME**

Dean Brookes and Carolyn Kitto launched the theme of the Eighth Assembly - *Forward Together: Moving with God's Spirit*.

**97.10 COMPOSITION OF THE STANDING COMMITTEE**

The Assembly resolved:

- 97.10.01** to make a new Regulation 3.6.25(e), with immediate effect, to read:  
“(e) The elected membership shall include no more than six persons from any Synod.”  
and to renumber the present Regulation 3.6.25(e) as 3.6.25(f);
- 97.10.02** to determine that the elected membership of the Standing Committee shall include:
- at least two persons 25 years or under;
  - no fewer than eight persons of each gender;

- at least two persons recognised by the Assembly Committee on Ethnic Diversity as being among the migrant-ethnic members of the Assembly, at least one of whom shall be a layperson.

#### **97.11 COMPOSITION OF THE COMMISSION ON LITURGY**

The Assembly resolved that the Commission on Liturgy comprise:

- (a) a chairperson elected by the Assembly, being from the Synod of Queensland area;
- (b) ten persons elected by the Assembly, being from the Synod of Queensland area;
- (c) one person appointed by the Commission on Doctrine, who is a member of that Commission;
- (d) up to five additional persons co-opted by Standing Committee on the nomination of the Commission.

#### **97.12 COMPOSITION OF THE FINANCE COMMITTEE**

The Assembly resolved to amend Regulation 3.6.31(a)(i), with immediate effect, to read:

“(i) six persons elected by the Assembly;”

### **FROM ASSEMBLY BODIES**

#### **97.13 BENEFICIARY FUND**

The report was presented by Laurie Turner (chairperson) and Clem Dickinson (executive director).

The Assembly resolved:

**97.13.01** to receive the report;

**97.13.02** to record its appreciation of the special contribution made by the Rev Laurie Turner as a member of the Board of Directors of the Beneficiary Fund since 1975 and as its chairperson since the 1991 Assembly:

Laurie's knowledge of the Church, unique insights, grace of manner, capacity to encourage others, and to undertake steep learning curves have enabled him to guide the fund through previously uncharted waters.

His gifts will be greatly missed, but his leadership has left the Board of Directors well equipped to continue into the future.

**97.14 CATO VISITOR COMMITTEE**

The report was presented by Ian Williams (chairperson).

The Assembly resolved to receive the report.

**97.15 COMMISSION FOR CHRISTIAN UNITY**

The report was presented by Robin Boyd (chairperson) and Hilary Christie-Johnston (secretary).

The Assembly resolved:

**97.15.01** to receive the report;

**97.15.02** to encourage all councils and members of the Uniting Church to give full support to the National Council of Churches in Australia and to state and local ecumenical bodies in promoting the fully ecumenical celebration of the new millennium, and over the next three years to participate fully, wherever possible, in preparation for such celebration;

**97.15.03** in responding to the questions to member churches on Christian unity from the National Council of Churches in Australia:

- (a) to affirm its commitment to the principle that the Uniting Church will conduct its decision-making - for example in the areas of mission initiatives, and the training and stationing of Ministers - in a way that takes seriously the fact that it is but one part of the body of Christ;
- (b) to encourage all Uniting Church meetings to consider prayerfully “the ecumenical question” when working through every agenda - “Who are our partners? Can this be done ecumenically?” (The Ecumenical Question For Every Agenda);
- (c) to encourage synods, presbyteries, and parishes to maintain the ecumenical principle that
  - the establishment of all new congregations and mission initiatives should take place in consultation with other churches;
  - the development of local ecumenical partnerships should be pursued, particularly in rural areas;
  - property sharing arrangements with non Uniting Church migrant-ethnic fellowships and congregations be seen as opportunities for ecumenical ministry and mission co-operation;
- (d) to request the Commission for Christian Unity, in consultation with equivalent bodies in partner churches, to prepare more comprehensive guidelines for local ecumenical partnerships;

- (e) to encourage synods to seek the establishment of ecumenical oversight bodies to provide support for all existing local ecumenical partnerships, and to promote the establishment of new ones;
- (f) to encourage the Uniting Church to continue to promote the use of the Nicene-Constantinopolitan Creed, recognising that it links us to the church universal and of all ages; and to continue the ecumenical study of the Creed, as part of the ongoing World Council of Churches' study of the apostolic faith;
- (g) to propose to all dialogue partners where appropriate that:
  - (i) the question of eucharistic hospitality be placed high on the agenda;
  - (ii) proposals for "the mutual recognition of ministries" currently being implemented in other countries, such as South Africa, be studied, with a view to comparable action in Australia and that in particular mutual recognition of ordination be sought with the Anglican Church, acknowledging all the work that has already been done;
  - (iii) the possibility of common witness (both through evangelism and the pursuit of justice) be included on the agenda (The Mission Question For Every Agenda); and
  - (iv) specific goals for achievement be set for 2001;
- (h) in response to the National Council of Churches in Australia, and through the agency of our bilateral dialogues, to encourage other churches to take steps comparable to those outlined in minutes 97.15.03(a) - (g) above;
- (i) to request the National Council of Churches in Australia to propose to member churches an exploration and celebration of our common baptism;

**97.15.04** to request the Commission for Christian Unity - in recognition of our ecumenical commitment to mission and unity - to explore the possibility of dialogue on common witness with a representative group of evangelicals, both from within and outside the Uniting Church;

**97.15.05** to request presbyteries, in their exercise of corporate episcopate, to develop their role of promoting ecumenical initiatives.

**97.16 COMMISSION ON DOCTRINE**

The report was presented by Chris Mostert (chairperson) and members of the Commission.

The Assembly resolved:

**97.16.01** to receive the report;

**97.16.02 Inter-faith Relationships**

- (a) in response to the growing desire for inter-faith services within the community and the need for Uniting Church members to relate to people of other religious traditions within a multi-faith society, and noting the guidelines adopted by Standing Committee in the document '*So, you want to worship together*', to request the Commission on Doctrine to prepare a document on 'theological issues in inter-faith relationships';
- (b) to approve the co-option of a representative from the Working Group on Relations with Other Faiths to work with the Commission on Doctrine for the purpose of this theological reflection and report;
- (c) to request the Commission on Doctrine to report to the Ninth Assembly, with progress reports to the Standing Committee;

**97.16.03 Ecclesiology**

- (a) to note the increased discussion in the Uniting Church of questions about alternative communities of faith and the celebration of the sacraments in communities other than established congregations;
- (b) to request the Commission on Doctrine to study these and related questions and after consulting with appropriate Assembly and synod agencies and individuals already participating in alternative faith communities, to report on them to the Ninth Assembly;

**97.16.04 Ordination**

to endorse the affirmations on ordination in section 4 of the Commission's report and commend them to the councils of the Church and to all Ministers of the Word and Deacons, noting the following amendments to the Commission's report:

Page C9-4, amend paragraph 4.1, line 11, to read:

..... *government, serving those in need and bearing witness to the world*  
.....

Page C9-4, amend paragraph 4.2, line 3, by adding "witness" after "praise" to read:

.....*in its life of praise, witness and service of God*

**97.16.05 Ordination Question on the Reformed Confessions**

- (a) to request the Commission on Doctrine, in consultation with the Commission on Liturgy, to redraft the former question about the Reformed Confessions in the services of ordination to include reference

to justification by grace and the centrality of Christ as outlined in the Basis of Union, and report to the Standing Committee;

- (b) to request the Standing Committee to include the revised question in the services of ordination.

**97.16.06 Baptism and Lord's Supper**

to receive the protocol for the sacraments of baptism and the Lord's Supper (Appendix A of the Commission's report), with the following alterations:

- paragraph 2.3 to read - "If a Deacon is the only ordained Minister settled in a parish, he or she should preside at the celebration of the sacraments."
- add a new sentence at the end of paragraph 3.4, to read - "Similar considerations apply for the situation of a family on a remote property."

and approve it for use in the Church, commending it to presbyteries, Ministers of the Word, Deacons and councils of elders.

**97.17 COMMISSION ON LITURGY**

The report was presented by Paul Walton (chairperson) and members of the Commission.

The Assembly resolved:

- 97.17.01** to receive the report;

- 97.17.02** to determine that the actions of the 1988 Assembly in approving the services in *Uniting in Worship* as authorised for use in the Uniting Church constitute the provision of new services for the Church in terms of Clause 59 of the Constitution, and that the orders of service and other rites of the previous denominations are no longer official services within the Uniting Church;

- 97.17.03** to request the Commission on Liturgy to prepare a summary of Assembly decisions since union which pertain to worship services in the Uniting Church, and to provide guidance regarding those elements, words or actions which constitute certain services, namely, the Lord's Supper, baptism, ordination, induction and marriage, and that this summary should be provided to all Ministers and parishes subject to approval by the Standing Committee;

- 97.17.04** to recognise that The Marriage Service in *Uniting in Worship* is a service of worship, with Scripture readings, proclamation of the Word, prayer and the marriage rite, in which service the following elements constitute 'the rites of the Uniting Church in Australia', recognising the freedoms given for responsible use of alternative wording with the same meaning and intention:
- 4 Declaration of Purpose
  - 8 Declaration of Intent
  - 11 The Vows (in one of the four forms in *Uniting in Worship*, or in words consistent with these forms)
  - 13 Proclamation of the Marriage

- 15 The Blessing (of the couple).

## **97.18 COMMISSION FOR MISSION**

The report was presented by Janet Wood (chairperson) and members and staff of the Commission.

The Assembly resolved:

**97.18.01** to receive the report;

**97.18.02** to encourage the Commission for Mission to give priority during the next decade to work in relation to:

- issues of Gospel and culture;
- participating with others in the building of the nation and its relationships with the rest of the world;
- the recovery of the spiritual;

particularly by networking with synods to resource congregations in these areas;

**97.18.03** to receive the paper “The Pilgrim Witnesses - Mission in a new time” and refer it to presbyteries and parishes for discussion and comment;

### **97.18.04 Evangelism**

(a) to call the Uniting Church to recognise the urgency of evangelism in faithfulness to the call of Jesus Christ to make disciples and the injunction of the Basis of Union that “every member of the Church is engaged to confess the faith of Christ crucified...” (para 13);

(b) to ask all congregations to give a high priority to the task of equipping people to share their faith in Jesus Christ by developing a culture of faith sharing in the life of the congregation and by accepting the role of being a faith sharing community;

(c) to charge the relevant sections and committees of the Assembly, synods and presbyteries to assist congregations in this task;

(d) to affirm the evangelist as a God-given gift to the Church and therefore ask congregations to identify, encourage, enable and commission those with that gift so that the gift of evangelist may have its corresponding service in the Church and the community;

(e) to note that the 1996 National Church Life Survey data indicates that only 9 per cent of Uniting Church people seek opportunities to share their faith;

### **97.18.05 Invitation To The Nation**

to endorse the following as its

## **INVITATION TO THE NATION**

We, the members of the 1997 National Assembly of the Uniting Church in Australia, are deeply concerned for our nation at this time. Therefore, in response to our understanding of our calling as Christian people and as citizens, we commit ourselves to participate in the building of our nation as one which:

- seeks the truth about its present and its past, knowing that this is essential for our health as a nation;
- refuses to give power to those who call us away from the generosity, hospitality, fair-play and sense of community which we have honoured in ourselves over the years;
- recognising the long-standing relationship of Aboriginal people with the land, unswervingly sustains a commitment to being a nation which moves towards justice and reconciliation with them, with special concern about our responses to the Wik decision and the damage done to the “stolen generations”;
- affirms Australia as a multicultural society in which all its people, whatever their ethnic origin, are cherished and respected;
- with due alarm about the ever widening gap between rich and poor, upholds values, both economic and social, which move us towards a society of equity and compassion and a sharing of resources for the common good;
- listens and responds to the needs of the most vulnerable and disadvantaged people in remote, rural and urban areas, both here and overseas;
- stands firmly for human rights, even at cost to itself, as a responsible member of the international community;
- takes its place as a country which makes its rightful contribution to the well-being of the environment, for the sake of the whole creation and for future generations.

**WE MAKE THIS COMMITMENT  
AND WE INVITE THE MEMBERS OF OUR CHURCH,  
THE LEADERS OF OUR NATION  
AND OTHER CITIZENS TO DO THE SAME.**

May God be with us all at this time.

### **97.18.06 Appreciation: Janet Wood**

to express its grateful thanks to Janet Wood for 12 years of faithful service to its Commission for Mission, six years as a member and six years as its chairperson:

She has chaired the Commission with grace and wisdom, facilitating its work, encouraging its members and acting as mentor to its Director. We celebrate her sense of humour, the depth of her faith and the breadth of her life experience.

All of these things, and more, she gave to the Church through the Commission with unstinting generosity.  
We recognise her as a faithful servant of Jesus Christ, and express our thanks to God and our thanks to Janet.

## **97.19 COMMISSION ON WOMEN AND MEN**

The report was presented by Marjorie Roberts (chairperson) and Christine Cargill (secretary).

The Assembly resolved:

**97.19.01** to receive the report;

### **97.19.02 Research Project: The ongoing role and participation of women in the Uniting Church in Australia**

- (a) to request councils and agencies of the Church to participate in the research project facilitated by the Commission on Women and Men on the role and participation of women in the Uniting Church in Australia;
- (b) to request the Commission on Women and Men to bring recommendations to the Ninth Assembly on the participation and status of women in the Uniting Church in the first twenty years and make suggestions on continued development within this area;

### **97.19.03 Statement of Affirmation**

on behalf of the Uniting Church in Australia, to affirm that male and female are created in the image of God. Inherent in this affirmation is the acknowledgement that:

- each one of us has dignity and is of value;
- each one of us has a right to be welcomed and to participate within the community of God;
- we can celebrate the uniqueness of each individual and be encouraged to respect our differences;
- we allow opportunities for each individual to use their gifts within the community of faith;
- we use and hear language that helps us to feel included within the Church;
- we express our sexuality as the embodiment of God's creation in ways that honour God and honour each other, through right and just relationships;

### **97.19.04 Interim Code of Ethics**

- (a) to approve the Interim Code of Ethics;
- (b) to request the Commission on Women and Men to:

- (i) establish a task group to oversee the implementation of and ongoing consultation on the Code of Ethics;
- (ii) consult with synod moderators, secretaries and the Assembly Standing Committee in order to develop a consultation strategy for the next three years;
- (iii) bring a revised Code of Ethics for approval to the Ninth Assembly;

**97.19.05 Guidelines for implementation of discipline regulations**

- (a) to request the Legal Reference Committee, in consultation with the Commission on Women and Men, to prepare guidelines to assist in the implementation of new regulations about sexual misconduct;
- (b) to authorise the Assembly Standing Committee to approve these guidelines no later than March 1998;

**97.19.06 Training for Ministers**

- (a) to require that by 31 December 1998 all Ministers of the Word, Deacons, Deaconesses, Youth Workers, Community Ministers and Lay Pastors in settlement, seeking settlement or fulfilling supply ministry have completed basic education in the implementation of the discipline regulations, particularly regarding sexual misconduct, and are aware of the requirements outlined in the Code of Ethics;
- (b) request presbyteries to ensure that Ministers receive regular education on these matters and have opportunities to discuss issues of boundaries within pastoral relationships.

**97.20 COMMUNITY SERVICES AUSTRALIA**

The report was presented by Harry Herbert (chairperson) and Libby Davies (executive director).

The Assembly resolved:

**97.20.01** to receive the report;

**97.20.02** to affirm funding arrangements for Community Services Australia whereby agencies and/or synods, including Frontier Services, directly provide grants for the ongoing operation of the agency;

**97.20.03** to endorse an indicative funding formula for Community Services Australia which provides for agencies within the bounds of a synod, and Frontier Services, to fund the work of Community Services Australia by reference to .05% of total turnover of all community service activities within its bounds; and

**97.20.04** to encourage synods and Frontier Services to explore with their community service agencies ways and means by which the indicative funding level for their synod towards the work of Community Services Australia could be achieved.

**97.21 DEFENCE FORCE CHAPLAINCY COMMITTEE**

The report was presented by Neale Michael (convener).

The Assembly resolved to receive the report.

**97.22 FINANCE COMMITTEE**

The report was presented by Jim Mein (chairperson).

The Assembly resolved:

**97.22.01** to receive the report;

**97.22.02** to request the Standing Committee, on the advice of the Legal Reference Committee, to amend Regulation 5.5.10 to provide that:

(a) where the total income of a parish activity or fund is below a figure that equates to 2.5 times the notional stipend in any one year, such accounts may be examined by two persons who are not qualified in terms of the Regulations to undertake audits;

(b) such examination reports shall be referred to and approved by the designated parish auditor.

**97.23 GENERAL SECRETARY**

The report was presented by the General Secretary. Ruth Powell from the National Church Life Survey addressed the Assembly on the statistical information contained in the report.

The Assembly resolved to receive the report.

**97.24 JOINT BOARD OF CHRISTIAN EDUCATION/UNITING EDUCATION**

The report was presented by John Emmett (director) and members of the Board.

The Assembly resolved:

**97.24.01** to receive the report;

**97.24.02** to note the closure of The Joint Board of Christian Education on 30 June 1997 and the establishment of Uniting Education from 1 July 1997, and therefore to record the thanks of the church in Australia for the ministry of the Joint Board of Christian Education from 1914 to 1997 with this minute of appreciation:

The Church gives thanks to God for the enormous contribution made over 83 years by The Joint Board of Christian Education to Christian faith and discipleship in Australia and New Zealand. The leadership and service of the Joint Board is particularly noted through:

- the consistent provision of top quality curricula for the Christian education programs of congregations;
- the sharing of a vast range of insights in the ministries of faith formation and spiritual growth, through publication of Christian books and magazines;
- the concerted leadership given in the development of ministry with young people and with children;
- the working example of ecumenical co-operation in Christian ministry;
- the participation in the international church community, through learning from and contributing to the Christian education programs of many churches across the world;
- the partnership with the Council for Christian Education in Schools (Vic) in order to provide curriculum for state and church schools;
- the provision of regular resources for study of the Bible by Christians of all ages;
- the development of Christian leadership with members of congregations, with Ministers, with specialised staff throughout the church and with its own staff members;
- the contribution made to the plans for church union prior to 1977 and to the life and ministry of the Uniting Church in Australia since 1977;

**97.24.03 Appreciation: David Merritt**

to record a minute of appreciation to David Merritt for his services to national Christian education:

Rev Dr David Merritt OBE retired from the Joint Board of Christian Education of Australia and New Zealand in October 1995. For thirty two years David was the Executive Director of the Joint Board of Christian Education, a position he held with professional distinction.

To allow an insight into David's prophetic leadership: In 1978, in response to an invitation to look into the future of the local church, to dream about its life and in particular its teaching ministry and mission, David offered one nightmare and four dreams. The nightmare was that the next twenty years (that is 1978 to 1998) would continue the trends of the past twenty years:

- declining Sunday school enrolments
- declining confirmations and baptisms
- fewer and smaller churches
- Christians as a minority in Australian society

- fewer people responding to the good news that it is the church's task to pass on.

David's dreams were for:

- a church which is more truly an inclusive community
- a community of faith - with a sense of purpose for itself and with a message for people around us
- a church that involves people in worship that is varied, celebrative and expressive about God, God's purpose and about us and our responses
- a church which trained people for Christian living which made sense of the difficult and demanding task of being disciples of Jesus Christ in a rapidly changing world.

David led the development of three Christian learning plans. He managed the publication of studies and books to equip the church for informed discipleship and commitment.

Under David's leadership the Board and the Council for Christian Education in Schools (Vic) developed and produced *Religion in Life*, the curriculum for Christian Religious Education in State primary schools. The sale of this program was to become the major reason why the Uniting Church would be able to afford such extensive national Christian education, youth, children's and publishing services at so little direct cost to Assembly funds.

David's passion for ministry with young people found expression in initiatives to help young people discover and respond to the gospel as good news in a contemporary society.

Through the World Council of Churches and connections with Christian education networks overseas David amassed considerable reputation for wisdom, professional competence and leadership. He was Chairperson of the World Council of Churches' Commission on Christian Education between the sixth and seventh World Council of Churches Assemblies.

David worked tirelessly to generate projects that would both serve the real needs of the church for its teaching ministry and mission and provide a continuing financial base for JBCE's needs.

Although retired, David continues to serve as a consultant to the Synod of New South Wales Board of Mission and several other Uniting Church bodies.

We remember David with gratitude as an outstanding leader. We are thankful to God for David's ministry and its impact upon the church and society.

**97.24.04 Appreciation: Colville Crowe**  
to record a minute of appreciation to Colville Crowe:

Rev Norman Colville Crowe retired from settlement with The Joint Board of Christian Education in March 1997. Colville's duties were diverse but over eighteen years or so his ministry focused on:

- pastoral care of staff
- oversight of the writing and editing of curricula
- adult Christian education
- multicultural and multi-ethnic education
- management of editing and production staff.

There were times when the sheer weight of the publication machine ground JBCE's staff to the point where some of the more creative initiatives on which Colville had worked were put to one side in favour of meeting publication deadlines.

Colville brought to his settlement wisdom born of overseas mission in Indonesia, parish ministry, university chaplaincy and ecumenical leadership.

An able writer and skilled communicator, Colville was involved in training sessions for writers, teachers and church leaders. He was a Bible study leader for the 1979 National Christian Youth Convention, teaming with Andrew Dutney, who sang songs on the themes of Colville's studies in Ephesians.

More recently Colville worked with staff and outsourced writers to develop Life Plus - a plan for disciples Christian learning program. Ideas for Worship and modules owed their quality to his careful writing and editing. Among the many resources Colville helped to write or develop two stand out. The first was the Christians in Everyday Life series - skilfully written, educationally sound, theologically challenging studies. The second is Colville's most recent writing - a report on his Intensive Inservice Study Tour. The topic of this study is being a multicultural church.

Colville provided The Joint Board of Christian Education with careful and thorough Biblical scholarship, quality editing, corporate memory, and magpie filing.

Colville's ministry extended beyond The Joint Board of Christian Education. A fluent Indonesian speaker and writer, Colville willingly participated in Indonesian Churches within the Uniting Church in Melbourne. He cared for Ministers and members alike.

Colville's retirement is our loss. He continues to serve the Church as unofficial assistant to the Secretary for Multicultural Ministry.

**97.25 MINISTERIAL EDUCATION COMMISSION and COOLAMON COLLEGE**

The reports were presented by Charles Biggs (chairperson), Robert Bos (director) and members and students of the National Committee for Distance Theological Education (Coolamon College).

The Assembly resolved:

**97.25.01** to receive the reports;

**97.25.02** to request presbyteries to:

(a) appoint a contact person or group for Coolamon College (eg. Christian education convener or committee); and

(b) advise the national office of Coolamon College of the contact details.

**97.26 NATIONAL EDUCATION COMMITTEE**

The report was presented by Peter Harris (chairperson).

The Assembly resolved to receive the report.

**97.27 STANDING COMMITTEE**

The report was presented by the General Secretary.

The Assembly resolved to receive the report.

**97.28 TASK GROUP ON CHURCH STRUCTURES**

The report was presented by Allan Thompson (chairperson) and members of the task group.

The Assembly resolved:

**97.28.01** to receive the report;

**97.28.02** in light of the revised ‘Pilgrim People’ Report, to authorise changes to the Constitution and Regulations of the Uniting Church to provide for:

(a) removal of the parish and the parish council as required or essential parts of Uniting Church structures, and the authorisation of a variety of models by which congregations can be structurally linked where the presbytery so decides;

(b) establishment in each congregation of a local “Church Council” to have oversight of the total life and mission of the congregation and the

responsibility for resourcing that life and mission unless the Presbytery authorises more than one congregation to form a joint Church Council; at least half of those elected to the Church Council shall be elected to fulfil the ministry of elder (as per Basis of Union 14 (b)) unless the presbytery authorises a congregation to make other arrangements;

- (c) each congregation to be directly related to the presbytery and to elect one of its members as a representative to the presbytery, provided that congregations with more than 150 confirmed members or members-in-association may elect one additional layperson;
- (d) opportunities for the presbytery, in consultation with congregations, to cluster congregations for mission and administration as may be appropriate or necessary, and for such time and such purposes and under such arrangements as the presbytery decides;
- (e) reform of the system by which Ministers are placed through adoption of the placements process set out in Section 5 of the report of the Task Group, noting the following amendments to the report:
  - (i) 5.2.1 (d) add the words:  
“In appointing members of the Committee, the Synod is to take into account the needs of Deacons and Youth Workers to be represented on the Committee [from Regulation 2.7.3 (b)].”
  - (ii) 5.2.7 amend the first point to:  
“all ordinands and graduating specified Youth Workers.”
  - (iii) 5.3.1 (a) add a new point:  
“determine which specified ministry may best suit the ministry and mission situation of the congregation/s or other body.”
  - (iv) 5.3.1 (a) (v) at the beginning of the second sentence add:  
“Except in the instance of Youth Worker placements...”
- (f) requirement for the presbytery, in the exercise of its responsibility for the supervision of vacancies in pastoral charges, to appoint one or more ‘presbytery liaison persons’ who shall have the right to attend and speak at any meeting of the congregation or its local Church Council Meeting; and
- (g) regulation to allow that in situations of team ministry (including those not based in congregations), Regulation 2.3.11 (b) may be applied to designate one member of the ministry team to be known as ‘team leader’, or some other agreed nomenclature, for the purpose of the convening of meetings of the team and the co-ordination of ministry functions, such designation to be for the currency of the team or until the presbytery decides otherwise;

- 97.28.03** to refer to the Standing Committee, with power to act, the proposal:  
*“amend section 5.3.1 of the report by the addition of a new clause between (f) and (g):  
 recognising some congregations may from time to time desire to exercise the right to call, a presbytery may permit a congregation to initiate conversation with any Minister eligible to receive a call.”*
- 97.28.04** (a) to note the development of Christian communities, including migrant ethnic communities seeking to express their life and witness within the overall Uniting Church polity but without fulfilling the requirements for designation as a congregation, and to request the Standing Committee, in consultation with the Commission for Mission and other bodies, to consider protocols and arrangements relating to such communities;
- (b) to note the proposal identified in minute 97.41.02(d);
- (c) to authorise the Standing Committee to act on any recommendations relating to the development of Christian communities, including migrant ethnic communities as detailed in (a) above;
- 97.28.05** (a) to invite councils, agencies and individuals to comment on the discussion paper ‘Roles, Relationships and Resourcing of Church Councils’ with responses to be received by the Assembly General Secretary by 1 July 1998;
- (b) to authorise the Assembly Standing Committee to act on any recommendations from the Task Group on Church Structures presented after consideration of responses to the discussion paper ‘Roles, Relationships and Resourcing of Church Councils’.

**97.29 TASK GROUP ON JEWISH CHRISTIAN RELATIONS**

The report was presented by John Bodycomb (chairperson).

The Assembly resolved:

- 97.29.01** to receive the report;
- 97.29.02** to adopt the “Statement Inviting the Uniting Church to Dialogue with the Jewish Community”, with clauses 7.9 to 7.12 in the following words:
- 7.9 reads “That the Jewish people have a particular historical, cultural, emotional and spiritual bond with the land of Israel, which is a central element of the Jewish faith, and which is inextricably bound to the history of the Jewish people.”
- 7.10 (new) reads ”That the historical roots, rights and aspirations of the Palestinian people must be properly acknowledged.”

7.11 (previous 7.10) reads “That from a properly informed position, and in the light of the moral tradition of Christianity, it can be appropriate for the Uniting Church to have and express a view about both Israeli and Palestinian policies and actions.”

7.12 (previous 7.11) as is;

**97.29.03** to commend this Statement to the members, congregations and councils of the Uniting Church in Australia, and distribute it in the following way:

- to synod journals, with a request that they publish the Statement;
- to presbyteries, with a request that they give it consideration and discuss ways in which they might facilitate conversations with Jewish people;
- to theological schools within the Uniting Church in Australia, with a request that they include it in discussions within their ordinand courses;

**97.29.04** to distribute the Statement to:

- heads of other Christian denominations in Australia;
- national and state Councils of Churches;
- appropriate Jewish bodies in Australia;
- the Council of Christians and Jews in each state where it exists;

**97.29.05** to encourage the following specific actions in all sectors of the Uniting Church in Australia:

- (a) to encourage lay preachers, theological students, Youth Workers and ordained Ministers to take into account the theological implications of all expressions of anti-Semitism throughout the history of western culture, culminating in the Holocaust (the Shoah) in their reading and interpretation of scripture;
- (b) to encourage preachers, liturgists, teachers and study leaders to be sensitive to the ways they portray Jewish people and Judaism, taking care especially to avoid inaccuracies and distortions, noting particularly the assistance which is given in this task by the Council of Christians and Jews (Victoria) publication, *Rightly Explaining the Word of Truth*;
- (c) to encourage members of the Church to join their state Council of Christians and Jews and participate in its activities;
- (d) to encourage congregations and parishes to arrange visits to a local synagogue and joint meetings to discuss issues of common concern;
- (e) to encourage congregations and parishes to study the commentary material on section 7 of this Statement, and to use the kit *Understanding Anti-Semitism*, and the accompanying video *From the Cross to the Swastika*;

- (f) to encourage presbyteries to support and develop programs which bring together members of their churches with members of local synagogues, for mutual study and dialogue.

**97.30 TASK GROUP ON MISSION RESOURCING AND STEWARDSHIP EDUCATION**

The report was presented by Peter Whittington (convener) and members of the task group.

The Assembly resolved:

**97.30.01** to receive the report;

**97.30.02** recognising that the changing mission context raises critical challenges for the councils and the membership of the Uniting Church for resourcing its life and mission, to commend to all councils a vision for stewardship which emphasises:

- that all Christians are called to be stewards;
- that stewardship and ongoing programs of stewardship education need to be integrated into the regular rhythms of congregational life;
- that new ways beyond planned giving programs must be found to encourage people to participate in resourcing mission; and
- that all sectors of the Uniting Church are called to be stewarding communities participating in God's mission in the world and practising mutual accountability within a wider network of stewarding communities;

**97.30.03** in response to the imperative for a renewed vision of stewardship within the Uniting Church, to request Standing Committee, in consultation with synods, presbyteries, agencies, the UAICC, and migrant-ethnic congregations, to implement the major proposals in the report 'Many Opportunities: Many Doors', including:

- an arrangement whereby one synod is designated as "lead synod";
- matters related to the formation and continuing education of those in the specified ministries;
- ways and means of integrating stewardship and mission planning; and
- a basis of accrediting stewardship consultants.

**97.31 TASK GROUP ON SEXUALITY**

The report was presented by Alastair McRae (chairperson) and members of the task group.

The Assembly resolved:

**97.31.01** to receive the report;

**97.31.02** to determine that:

- (a) any decision which this Assembly makes by formal majority on any matter relating to sexuality shall initially be only provisional;
  - (b) before this meeting of the Assembly concludes, the Assembly shall determine whether any or all of the provisional decisions shall be referred to synods and presbyteries for concurrence by a majority of synods and a majority of presbyteries before they take effect;
  - (c) the provisional decisions which the Assembly does not decide to refer to synods and presbyteries shall cease to be provisional and shall take effect at the conclusion of this meeting of the Assembly;
- 97.31.03** to publish and distribute, through the synods, as soon as possible its decisions regarding the final report of the Task Group on Sexuality;
- 97.31.04** to draw the attention of the Church to the existence of the resource group of persons from each synod established by the National Mission and Evangelism Committee to be available to congregations/parishes to be resource people to Church leaders on how to manage dilemmas arising from Assembly decisions.
- 97.31.05** to affirm the joys and responsibilities of God's good gift of sexuality;
- 97.31.06** to reject judgmental attitudes in sexual ethics and witness to the renewing grace of God in this as in all areas of human behaviour;
- 97.31.07** to recognise the importance of responsible sexual behaviour and that all practices of sexuality which are exploitative and demeaning are unacceptable and contradict God's purposes for us;
- 97.31.08** (a) to recognise that the work of the Task Group on Sexuality is another step in the Church's exploration of issues of sexuality and that *Uniting Sexuality & Faith* is a resource for study, discussion and dialogue;
- (b) to acknowledge the diversity of human relationships in which Uniting Church members are involved and the different Biblical, theological, ethnic and cultural responses of groups within the Church to these relationships;
- 97.31.09** to establish the policy that Uniting Church marriage celebrants help couples seeking marriage to understand marriage as expressed in the statement (see minute 97.31.12) including discussion of expressing their sexuality as a positive and joyous celebration, and encourage them to undertake marriage preparation programs where available;
- 97.31.10** to request congregations to encourage Uniting Church couples to take advantage of appropriate relationship enrichment and education programs;
- 97.31.11** to encourage synods, presbyteries, and congregations to identify suitable resources for individuals, couples and families for professional counselling

and support, recognising the special needs of those who have experienced divorce or abuse;

**97.31.12** to approve the following policy Statement on Marriage:

“The Assembly of the Uniting Church in Australia declares that

**1. Marriage**

Marriage for Christians is the freely given consent and commitment in public and before God of a man and a woman to live together for life.

It is intended to be the mutually faithful lifelong union of a woman and man expressed in every part of their life together.

In marriage the man and the woman seek to encourage and enrich each other through love and companionship.

In the marriage service

- the woman and man make a public covenant with each other and with God, in the company of family and friends;
- the couple affirm their trust in each other and in God;
- the Church affirms the sanctity of marriage and nurtures those who pledge themselves to each other in marriage and calls upon all people to support, uphold and nurture those who pledge themselves to each other in marriage.

Where sexual union takes place the partners seek to express mutual delight, pleasure and tenderness, thus strengthening the union of their lives together.

In marriage, children may be born and are to be brought up in love and security, thus providing a firm foundation for society.

**2. Separation, Divorce and Re-marriage**

- An inability to sustain the marriage relationship breaks the commitment to be together for life and may be painful for the couple, the children in their care, as well as for parents, friends and the Church community.
- In cases of the irretrievable breakdown of marriage, the Church acknowledges that divorce may be the only creative and life giving direction to take.
- The Church has a responsibility to:
  - (a) care for people, including children, through the trauma of the ending of a marriage;
  - (b) help people where appropriate to grieve, repent, grow in self-understanding, receive affirmation, grace and forgiveness;
  - (c) support them as they hear God's call for new life.
- The grace and healing of God are available to people who are divorced, which may free them to marry again.”

**97.31.13** to request the Commission on Liturgy to facilitate the development of pastoral liturgical resources both to recognise the end of a marriage and assist in the process of affirmation, grief, repentance and moving on in God's grace;

**97.31.14** to request the Standing Committee, following consultation with the Commission on Doctrine, to appoint a group representative of the different perspectives in the Uniting Church in Australia, to prepare and make available material on ways in which the Church understands and uses the Bible in seeking to live in faithfulness to the Gospel;

**97.31.15** recognising with sadness its inability at this time to reach further agreement in regard to outstanding matters arising from the report *Uniting Sexuality and Faith* and recognising also the commitment of the Church to be both multicultural and inclusive, to

- (a) commit the Church to a continuing dialogue on the matters as yet unresolved in the same spirit of openness and compassion that has prevailed during the meeting of this Assembly;
- (b) acknowledge the disappointment of those who were looking to the Assembly for greater clarity and direction in regard to these matters;
- (c) express deep regret to those whose personal pain remains unalleviated by its inability to reach further decisions at this time;
- (d) convey to the UAICC the Assembly's commitment to remain in covenantal relationship and to continue in dialogue about these matters;
- (e) note the decisions of the Assembly Standing Committee expressed in resolutions 82.12, 87.46, 91.95.3(a), 92.31 and 94.78.3 and that these policies remain in place;
- (f) not proceed with the remaining proposals relating to sexuality except for proposal 51 (see minute 97.31.16); and
- (g) request former Presidents Ron Wilson, D'Arcy Wood and Jill Tabart to consider how the Assembly might deal with the outstanding issues relating to sexuality following this Assembly, and report with recommendations to the Standing Committee;

**97.31.16** to discharge the Task Group on Sexuality with deep appreciation to all its members for their commitment to the journey over six years, for their prayerful and faithful determination to do their task properly, and for their willingness to struggle with the complex issues and diverse views of Church members in order to produce a report that could help the Church.

## **97.32 TASK GROUP ON THE REVIEW OF MINISTERIAL EDUCATION**

The report was presented by Chris Budden (convener) and members of the task group.

The Assembly resolved:

**97.32.01** to receive the report;

**97.32.02** to affirm that the vision for all education for Ministry in the Uniting Church includes:

- participation of the whole people of God in the mission of God revealed in Jesus Christ by the Holy Spirit;
- the centrality of the Scriptures in the life of the Church and the work of ministry (Basis of Union Pars 5 & 11);
- the importance of lifelong learning and formation in the Christian life for all people;
- the shared ministry of the people of God;

**97.32.03** to affirm the six goals for Ministerial education set out in section 5.1 of the report, noting that the Uniting Church seeks to form Ministers who:

- (a) have a deep faith in Jesus Christ, are committed to growth in their own faith and to a spirituality that will sustain their lives;
- (b) have a critical understanding of the nature of ministry and mission, and an appreciation of the importance of a conscious commitment to and participation in the task of mission through worship, witness and service;
- (c) have a critical knowledge of the Christian tradition, and are able to help the Church shape its future in the light of that tradition;
- (d) are equipped to help the Church discover its identity and lead the Church in mission in a rapidly changing and diverse cultural and social context;
- (e) have skills for the practice of day-to-day Ministry, and the quality of being and awareness which gives integrity to the exercise of such skills;
- (f) are able to engage the tasks of Ministry with critical imagination, courage, theological judgement and self-reflection;

and who exercise this Ministry within the ministry of the whole people of God;

**97.32.04** to affirm the essential principles set out below, which are detailed in section 6.1 of the report:

- (a) Ministry involves individual and social formation in a number of dimensions including spiritual, personal, theological and vocational;
- (b) Ministry education is a lifelong process;
- (c) Ministry education needs to involve appropriate adult education processes;

- (d) the discernment of God's call is an ongoing personal and communal process;
- (e) Ministerial education needs to occur within an inclusive community;
- (f) people bring a wealth of previous experience and learning which needs to be acknowledged;
- (g) mentoring is crucial at each stage of preparation for ministry;
- (h) assessment needs to be based on evidence that a person has achieved certain agreed outcomes;
- (i) people should receive appropriate recognition for completion of each stage of preparation for ministry;

**97.32.05** to adopt the four phase framework of education for specified Ministries set out in section 6.2 of the report as the program to be followed in Ministerial education:

- Phase One: a period of discernment
- Phase Two: the core program
- Phase Three: the licensed year
- Phase Four: continuing education;

**97.32.06** to ask each Ministerial Education Board to explore how more flexible patterns of training in phase two may be implemented to assist candidates from isolated areas or for whom travel to a Theological College is not easy, such as "block attendance" or "intermittent attendance" coupled with distance theological education;

**97.32.07** (a) to request the Standing Committee, on the advice of the Legal Reference Committee, to approve the following amendments to Regulations:

- (i) the method of selection of candidates (as in Section 10.3 of the Report ), and authorisation of presbyteries to license candidates preparing for ordination, to provide oversight as they undertake a year of Ministry, and to share in the assessment of their readiness for ordination on completion of that year;
- (ii) additions to Regulation 3.4.4 (the responsibilities of presbyteries), to include the task of presbyteries regarding the licensed year (Section 6.2.3);
- (iii) amendment to Regulation 2.2.16 to provide for membership of the Ministerial Education Commission as set out in Section 12.2 of the Report;

- (b) to request the Standing Committee to explore the possibility of national co-ordination and/or networking regarding the number of candidates for Minister of the Word, Deacon and Youth Worker;
- (c) to request the Ministerial Education Commission to:
  - (i) ensure that all colleges provide for the study and practice of the theology and planning of local mission and evangelism and that this study be compulsory for all candidates;
  - (ii) ensure that each theological college demonstrate to the Ministerial Education Commission how the college's developing curriculum, educational methods and variety of courses enables the Church to achieve its goals for Ministerial education, with particular reference to the way people develop their understanding of Scripture as evangelical word, to mission and evangelism, and to the practical skills needed for Ministry (Section 6.2.2 (b) of the report);
  - (iii) ensure that each college continues to develop adult learning processes in the planning and presentation of courses, and enables college staff to extend their skills in adult education principles and processes;
  - (iv) explore ways in which the appointment of a Deacon Education Co-ordinator may be made to assist all colleges to prepare annual events and to keep an up-to-date listing of resources, and to report to the Standing Committee (the need for the position to be reviewed after five years by the Ministerial Education Commission) (Section 7);
  - (v) explore ways in which the appointment of a Youth Worker Education Co-ordinator may be made to assist the colleges and Ministerial Education Boards, and to report to the Standing Committee (the need for the position to be reviewed after five years by the Ministerial Education Commission);
  - (vi) report to the Ninth Assembly on the changes that have occurred, and what further changes are required;
- (d) notwithstanding Regulation 2.2.18(a), to provide for membership of the executive of the Ministerial Education Commission for one member of the Task Group for a period of three years;

**97.32.08** to require all Ministers and Youth Workers to enter into three to five year continuing education agreements with their presbytery or other appointing body in order to fulfil their responsibility in section 3.4(a) of the Interim Code of Ethics;

**97.32.09** to request synods, Ministerial Education Boards and colleges to consider as a matter of urgency ways of taking up the issues discussed in Section 9 of the report;

**97.32.10** to recommend to synods and college governing bodies that they adopt the following policies:

- (a) that, wherever possible, the colleges continue to provide education for ministry in an ecumenical context (Section 10.7);
- (b) that faculty appointments normally be made for an initial term of seven years and that following review re-appointments for terms of five years may be made. The review of appointments should keep in mind the university and ecumenical contexts, and the range of expertise available across all the colleges in the UCA (Section 10.2);
- (c) that guidelines for study/sabbatical leave be in place (with particular consideration given to some leave being taken in a parish or other settlement) and that one of these guidelines is that staff be required to provide a report to the college and Ministerial Education Board/Commission at the completion of the leave (Section 10.2);
- (d) that colleges formally and systematically encourage those who are suitable to undertake postgraduate study, to offer advice about areas of study that may bring benefit for the life and mission of the Church and, with the synod, seek funds to assist this study (Section 10.5);

**97.32.11** to refer to the Ministerial Education Commission the proposal:

*that all colleges provide for the intentional study of the theology and practice of ecumenism, and that this study be compulsory for all candidates;*

and that the MEC report to the Standing Committee, and that the Standing Committee be authorised to take decisions;

**97.32.12** to recommend to synods that they consult together on the levels of Educational Assistance Grants, so that the differences between synods may be lessened;

**97.32.13** to commend the Uniting Aboriginal and Islander Christian Congress for the work that it has done in assessing theological education for Aboriginals and Torres Strait Islanders and encourage the Congress to continue to:

- (a) assess the character, skills and knowledge which will be needed by Aboriginal and Islander candidates for ministry in each region of the Congress;

- (b) hold discussions with Nungalinga College and other Uniting Church theological colleges about any additional options needed in theological education for Aboriginal and Torres Strait Islander candidates, particularly those who will minister in non-traditional cultural situations;
- (c) make recommendations to the Ministerial Education Commission (Section 8).

**97.33      UNITING ABORIGINAL AND ISLANDER CHRISTIAN CONGRESS  
and COVENANT STEERING COMMITTEE**

The Assembly was addressed by Sir Ronald Wilson, President of the Human Rights and Equal Opportunity Commission and former Assembly President, and by Sealin Garlett, Congress Minister in Western Australia who was separated from his family as a child.

The reports were presented by Shayne Blackman (national administrator), John Brown (national covenant coordinator), and other members of the Congress and committee.

The Assembly resolved:

- 97.33.01** to receive the reports;

**The Stolen Generations**

- 97.33.02** to express its appreciation to the President of the Human Rights and Equal Opportunity Commission, Sir Ronald Wilson, and Commissioner Michael Dodson for the Inquiry into the Separation of Aboriginal and Torres Strait Islander Children, the Report - "Bringing them Home" - and its recommendations. The report exposes aspects of Australian history in which large numbers of Aboriginal children and their parents suffered appalling deprivation and despair, facts which have not been understood or known about the majority of Australians. This disclosure of truth provides an essential basis for the achievement of reconciliation and healing between indigenous and non-indigenous Australians;

- 97.33.03** to commit itself and encourage the whole Church to support the recommendations of the Inquiry wherever possible;

- 97.33.04** to affirm the apology made by the Standing Committee in September 1996; convey the apology to the associations of people who passed through Croker Island, Mogumber and Sister Kate's; make copies of the apology available to the Aboriginal press; and encourage synods and individuals to make apologies where appropriate in local situations;

- 97.33.05** (a) to note that the report of the inquiry interprets "reparations" as consisting of -
- acknowledgment and apology
  - guarantees against repetition

- measures of restitution
  - measures of rehabilitation, and
  - monetary compensation;
- (b) to request the Covenant Steering Committee in collaboration with other churches to press the Federal Government to issue an unconditional apology, to establish a national compensation fund as recommended in the report and to invite individuals and churches to contribute to the fund;
- (c) to offer to contribute to the fund through special offerings made on a national “Sorry Day”;
- 97.33.06** (a) to warmly support the proposal to introduce a national “Sorry Day”;
- (b) to request the Covenant Steering Committee in co-operation with the Congress to initiate plans for the national “Sorry Day” to be observed throughout the Uniting Church;
- (c) if ATSIC initiates such a commemoration throughout the community, request the Covenant Steering Committee to develop plans for the Church to participate in the national observance;
- 97.33.07** to enter into/continue discussions with the associations of people who passed through Croker Island, Mogumber and Sister Kate’s, listening to their stories of what happened to them through their being placed in the institutions, and negotiating with them ways by which the Church may help to repair the damage that has occurred and its continuing consequences for individuals and their families, and to assist the process of healing in the community;
- 97.33.08** to request the synods in collaboration with the Congress to enter into discussions with relevant Aboriginal organisations about what further action the Church should take in each State to assist reparation and healing;
- 97.33.09** in order to provide easier access for indigenous people seeking to trace their own records, to request the Covenant Steering Committee:
- (a) to consult with relevant Aboriginal organisations and index all of its personal records of Aboriginal people who passed through its Aboriginal homes, and deposit copies of this index in indigenous-controlled repositories insofar as privacy laws make feasible;
- (b) to develop principles concerning access to records by individuals who are seeking to trace their personal and family identity;
- 97.33.10** (a) to recommend to all theological colleges that they purchase copies of the report for their libraries;

- (b) to commend the report for study by members of the Church, and particularly by all senior Assembly and Synod staff;
- (c) to recommend to Synod papers that they run a series of articles on the “stolen generations”;

**97.33.11** to encourage all Uniting Church schools:

- (a) to respond to the concept of developing “substantial compulsory modules on the history and continuing effects of removal”;
- (b) to employ suitable Aboriginal teaching and support staff so that there is a visible Aboriginal presence in the schools;

**UAICC representation in synod bodies**

**97.33.12** to request synods to encourage the effective representation of the Congress on councils and committees of the Synod, and to advise the Assembly Standing Committee on the implementation of this request;

**Covenant symbols**

**97.33.13** to commend to all parishes the desirability of displaying in Uniting Church places of worship and Church halls visible symbols of the covenant between the Congress and the rest of the Church;

**Commencing meetings with recognition of prior Aboriginal ownership of land**

- 97.33.14**
- (a) to adopt the policy of commencing all meetings of the Assembly with a recognition of prior Aboriginal ownership of the land and the sacredness of the place; such recognition could include a welcome by local Aboriginal land-owners or it could be as brief as a statement by the chairperson at the beginning of the meeting, saying, “I wish to pay respects to the Aboriginal people of this place and particularly those who have cared for this part of the land from time immemorial.”;
  - (b) to recommend that synods and presbyteries adopt a similar practice;

**Asset sharing**

- 97.33.15**
- (a) to commend the synods for actions taken to share assets with the Congress following the decisions of the Seventh Assembly;
  - (b) to recommend to synod asset sharing task groups that they give more attention to the sharing of assets in presbyteries and parishes;
  - (c) to commend to all synods and to Assembly agencies the strategy developed by the South Australian Synod to employ Aboriginal people at least to the level of 2% of the total work-force of the Uniting Church in the synod area;

**Property needs for Aboriginal ministry**

- 97.33.16** to recommend that synods in conjunction with the Regional Committee of the Uniting Aboriginal and Islander Christian Congress review the property needs for ministry with Aboriginal people within their synod area and report on the matter to an ordinary meeting of the synod with a copy to the National Covenant Committee;

**Fellowship with local Aboriginal people**

- 97.33.17** to request presbyteries and parishes to take the initiative to deepen their fellowship with local Aboriginal people, and with the UAICC in particular;

**National Day**

- 97.33.18** in concert with many other Australians, to take the view that the nation must find a date for a National Day which has the capacity to unite all Australians in celebration. Successive Assemblies since 1982 have recognised that 26 January divides rather than unites the nation. Aboriginal people have observed that day as a Day of Mourning or Invasion Day or Survival Day for many years. It reminds them of the dispossession and marginalisation of their people over the past two centuries.

The Assembly therefore:

- (a) supports a change in the date of our National Day, and urges the Federal Government to promote community discussion directed towards identification of a date for Australia Day with greater power to unite than 26 January;
- (b) recommends to presbyteries and parishes that until an alternative date has been agreed they take steps to have local Governments incorporate into the observance of 26 January as Australia Day the frank recognition that the day represents for Aboriginal and Torres Strait Islander people dispossession and alienation over the past 200 years;
- (c) recommends to parishes that on the Sunday nearest to 26 January congregations be invited to include in their worship prayers confessing marginalisation of Aboriginal people in their own land and praying for a just and harmonious future.

**Wik and Native Title Concerns**

- 97.33.19** The Assembly resolved to call on the Federal Government, in amending the “Native Title Act”:

- (a) to recognise the supreme importance for the identity, health and well being of Aboriginal people of their relationship with their land;
- (b) to take into account the importance of this fact for the well being, harmony and economy of the nation as a whole;

- (c) to reject any proposal that will have the effect directly or indirectly of extinguishing or diminishing native title rights;
- (d) to develop a regime of co-existence in the land whereby native title rights are upheld at the same time as pastoralists, mining companies and other developers are granted secure, but limited statutory rights in the same land;
- (e) to require and facilitate regional/local negotiation between registered native title claimants and other people with interests in the land, concerning their various rights in relation to the land, and to register such agreements under appropriate legislation.

**97.34 UNITING CHURCH ADULT FELLOWSHIP NATIONAL COMMITTEE**

The report was presented by Kevin Bachler and Jan Ross, members of the outgoing Committee.

The Assembly resolved to receive the report.

**97.35 WORKING GROUP ON RELATIONS WITH OTHER FAITHS**

The report was presented by Bern Stevens (chairperson). Greetings were brought to the Assembly by Jeremy Jones, Executive Officer of the Council of Australian Jewry, who was accompanied by Ron Samuel, Western Australian member of the Council.

The Assembly resolved to receive the report.

**AMENDMENTS TO THE CONSTITUTION AND REGULATIONS,  
AND RELATED MATTERS**

**97.36 AMENDMENTS TO THE CONSTITUTION: DATES FOR RESPONSE BY SYNODS AND PRESBYTERIES AND FOR IMPLEMENTATION OF DECISIONS**

The Assembly resolved :

**97.36.01** to determine that in accordance with the provisions of the Constitution (clauses 72 and 73), the deadline for responses from synods and presbyteries in relation to all amendments to the Constitution approved by the Eighth Assembly shall be 30 June 1998;

**97.36.02** to authorise the Standing Committee to determine the dates on which the approved amendments to the Constitution shall take effect.

## 97.37 THE PLACE OF THE BASIS OF UNION

The Assembly resolved:

### Amendment to the Constitution

97.37.01 to amend the Constitution by adding a new clause 2 to read:

#### “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.”  
and to re-number the remaining clauses accordingly;

97.37.02 to amend the present clause 39 of the Constitution by deleting the words “of doctrine and government”, so that it reads:

“39. 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.”

### Adherence to the Basis of Union in the liturgies of the Church

97.37.03 to refer the proposals for the following changes in the liturgies of the Church to the Commission on Liturgy, who after consulting with the Advisory Group on Church Polity shall bring recommendations to the Standing Committee, who shall then determine the matter:

*to make the following changes in the liturgies of the Church:*

(a) *In the services of ordination of a Deacon, ordination of a Minister of the Word and commissioning of a Youth Worker, the question*

*“Do you adhere to the Basis of Union of the Uniting Church in Australia; and do you submit yourself to the Church’s discipline? I do.”*

*be replaced by*

*“Will you, being guided by the Basis of Union of the Uniting Church in Australia, live and work within the faith and unity of the one holy catholic and apostolic church? I will.”*

*“Will you submit yourself to the Church’s discipline? I will.”*

(b) *In the services of commissioning of a Community Minister and commissioning of a Lay Pastor, the question*

*“Do you adhere to the Basis of Union of the Uniting Church in Australia, and do you submit yourself to the Church’s discipline and the oversight of the Presbytery of ...? I do.”*

*be replaced by*

*“Will you, being guided by the Basis of Union of the Uniting Church in Australia, live and work within the faith and unity of the one holy catholic and apostolic church? I will.”*

*“Will you submit yourself to the Church’s discipline and the oversight of the Presbytery of ...? I will.”*

- (c) *In the services of commissioning of elders and commissioning of a lay preacher, the questions*

*“Will you seek to live and work within the faith and unity of the one holy catholic and apostolic Church? I will.”*

*“Do you adhere to the Basis of Union of the Uniting Church in Australia? I do.”*

*be replaced by*

*“Will you, being guided by the Basis of Union of the Uniting Church in Australia, live and work within the faith and unity of the one holy catholic and apostolic church? I will.”*

#### **Raising Awareness of the Basis of Union within the Church**

**97.37.04** to authorise the appropriate agencies of the Church to take the following actions:

- (a) to develop a congregational study program to mark the 25th anniversary of the Uniting Church, focusing on the meaning and authority of the Basis of Union;
- (b) to encourage congregations to provide a copy of the Basis of Union to all current and prospective elders and members;
- (c) to encourage congregations to make frequent use of the statement of faith drawn from the Basis of Union and particularly on such appropriate occasions as the anniversary of the inauguration of the Uniting Church (“We are a Pilgrim People”, Uniting in Worship People’s Book, page 130);
- (d) to prepare orders of worship for anniversary celebrations and other such occasions of the Uniting Church.

#### **97.38 AMENDMENTS TO THE CONSTITUTION: CHURCH STRUCTURES**

The Assembly resolved:

##### **97.38.01 CLAUSE 2 DEFINITIONS**

- (a) to insert the following new definition

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

(b) **Parish**

to delete the definition.

(c) **Pastoral Charge**

to delete "Parish" in the first line and insert "Congregation or Congregations"; alter "Department" and "College" to read "department" and "college"; delete "appointed" and insert "called". The definition will then read:

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

(d) **Settlement**

to delete "Settlement" and insert "Placement"; delete in the first two lines the words "placement of a Minister, either by call or by appointment, in a" and insert the word "the" in the second line before the word "position" and at the end insert the words " to which a Minister is or may be called." The definition will then read:

"**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."

**97.38.02** CLAUSE 8 ADMISSION, TRANSFER AND TERMINATION OF MEMBERSHIP

to alter "Council of Elders " to "Church Council". Line 1 of Clause 8 will then read :

"The Church Council shall be responsible for:"

**97.38.03** CLAUSE 9 OVERSIGHT OF MEMBERS AND ADHERENTS

in the first line of clause 9(a) to delete "Council of Elders" and insert "the Church Council"; delete ", and" at the end of subclause (a) and replace with "."; in the first line of clause 9(b) delete "Council of Elders" and insert "Church Council". Clause 9 will then read:

"(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) The Church Council shall be responsible for the maintenance and review of the rolls of members."

**97.38.04** CLAUSE 10 APPEAL

in the second line to delete "Council of Elders" and insert "Church Council". The clause will then read:

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

**97.38.05** CLAUSE 11 MINISTRIES

in the second line to delete "Parishes". The clause will then read:

“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.”

**97.38.06** CLAUSE 17 SETTLEMENT

- (a) to change the heading to "**PLACEMENT OF MINISTERS**";
- (b) 17(a) in the first line to replace “will” with “shall”;
- (c) 17(a)(i) in the first line to delete "Parishes" and replace with "Congregations"; in the first line delete the words “through the relevant Presbytery”; in the second line delete the words "or seek the appointment of";
- (d) 17(a)(ii) in line one to delete "appointed" and replace with "called" and in the second line to delete “Parishes" and replace with "Congregations”;
- (e) 17(a)(iii) to delete the words "appointment may be made" and replace with "placements may be filled by call of”;
- (f) 17(a)(iv) to delete the words "settlements to" and replace with the words "placements in”; insert “filled” between “be” and “as”;
- (g) 17(a)(v) to delete the word "settlements" and replace with "ministry in a placement”;
- (h) 17(a) to add “subject to such conditions as the Assembly may prescribe” at the end of clause (a);
- (i) 17(b)(i) to delete the words "a Joint Presbyteries Settlements Advisory Committee" and replace with the words "an Advisory Committee on Ministerial Placements”;
- (j) 17(b)(ii) to delete the words "make appointments" and replace with "call Ministers to placements”; add “Congregation or” in the first line; delete “the” before “Synod” in the first line; delete the words "a Joint Presbyteries Settlements Advisory Committee" and replace with the words "an Advisory Committee on Ministerial Placements”.

Clause 17 will then read:

**“PLACEMENT OF MINISTERS**

17 (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.”

**97.38.07** CLAUSE 18 ELDERS

- (a) to relocate Clause 18(b) to become Clause 12(d), with the heading to clause 12(d) of “**Elders**”;
  - (b) to substitute the following clause 18 for clause 18(a) of the Constitution
    - “18 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’.”

**97.38.08** CLAUSE 21 GOVERNMENT AND ADMINISTRATION

in the second line to delete "the Parish,". Clause 21 will then read:

“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.”

**97.38.09** PART A CONGREGATIONS AND PARISHES

to change the heading to “**PART A - THE CONGREGATION**”

**97.38.10** CLAUSE 23 CONSTITUTION OF PARISHES

to delete the whole clause and the heading and insert  
"Note: deleted by the Eighth Assembly in 1997"

**97.38.11** CLAUSE 24 COUNCILS OF THE CONGREGATION AND THE PARISH

- (a) to delete from the heading "**AND THE PARISH**";
- (b) to replace the wording of Clause 24 with:
  - “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.”

**97.38.12** CLAUSE 27 MEMBERSHIP

to delete in the third and sixth lines the word "Parishes" and substitute "Congregations". Clause 27 will then read:

“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 not be 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.”

**97.38.13** CLAUSE 70 TRANSFER AND DELEGATION OF POWERS AND RESPONSIBILITIES

- (a) 70(e) to delete the word "Parish" and insert the word “Congregation”;
- (b) 70(f) in the first line to delete the word "Parish” and insert the word “Congregation”, and delete all the words after "or," and replace with the words "to such other body as the Presbytery shall approve;" and delete the comma after “or”;
- (c) 70(g) in the first line to delete the words "a Council of Elders" and replace with "a Church Council" and in the second line to delete all the words after "or," and replace with the words "to such other body as the Presbytery shall approve." and to delete the comma after “or”.

Subclauses 70(e), (f) and (g) will then read:

“(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.”

**97.39 REGULATIONS: CHURCH STRUCTURES**

The Assembly resolved to request the Standing Committee, on the advice of the Legal Reference Committee, to amend Regulations in accordance with the Assembly’s decisions arising from the report of the Task Group on Church Structures, having regard to so much of the published rationale for this proposal as is relevant to the Assembly’s decisions.

**97.40 MINISTRY OF LAY PASTOR**

The Assembly resolved:

- 97.40.01** to amend the definition of Lay Pastor in clause 2 of the Constitution to read:  
 “**Lay Pastor** is a person recognised by the Church as a Lay Pastor and set apart by commissioning for a particular placement.”

- 97.40.02** to request the Standing Committee, on the advice of the Legal Reference Committee, to make new Regulations as follows:

“SCOPE OF THE MINISTRY

2.13.1 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.

QUALIFICATIONS REQUIRED OF AN APPLICANT

2.13.2 An applicant for the ministry of Lay Pastor shall be:

- (a) a confirmed member of the Church of at least twelve months standing;
- (b) a person who accepts the doctrine, polity and discipline of the Church;
- (c) a person actively involved in the life of the Church, including leadership experience;
- (d) a person whose life experience is seen as appropriate for this ministry;
- (e) a person who has satisfied the Synod as to their profession of faith and sense of call, and as to their capacity for exercising this ministry;
- (f) a person prepared to serve wherever the Synod deems appropriate.

METHOD OF APPLICATION

2.13.3 An applicant for the ministry of Lay Pastor shall make written application to the Synod through the Minister of the Parish (or

through the appropriate member of the ministerial team in the Parish) in which the applicant holds membership.

- 2.13.4 A Synod body designated by the Synod shall have responsibility for considering and determining the application. The procedures to be followed by the Synod body shall be approved by the Synod and shall include:
- (a) requests for confidential testimonials from the Minister of the applicant's Parish and the Parish Elders Council;
  - (b) an interview with the applicant;
  - (c) consideration of:
    - (i) the spiritual maturity and motivation of the applicant;
    - (ii) the applicant's personality and character;
    - (iii) the matters referred to in Regulation 2.13.2;
    - (iv) the applicant's capacity and perceived potential to fulfil the requirements of the course of studies.

#### CANDIDATURE

2.13.5 Immediately an application is approved the candidate will be referred by the Synod body to the Ministerial Education Board for any education and training.

2.13.6 The Synod body designated by the Synod is responsible for the oversight of candidates and for ensuring appropriate pastoral care of candidates.

2.13.7 Candidature may be terminated by the Synod body at any time on any of the following grounds:

- (a) the acceptance of a resignation from candidature;
- (b) that, in the opinion of the Synod body, the candidate is not considered suitable for the work of the ministry of Lay Pastor;
- (c) that, as advised by the faculty or other training authority, the candidate has not attained satisfactory standards in the course of training.

2.13.8 Any candidate whose candidature has been terminated by the Synod body shall have a right of appeal to the Synod Standing Committee, which shall appoint a committee of no fewer than three persons to determine the matter.

#### MINISTRY PRIOR TO RECOGNITION

2.13.9 A candidate may commence ministry in a placement prior to recognition as a Lay Pastor, if the Presbytery and the Settlements Committee and any other Synod body designated by the Synod agree that there are special circumstances which warrant early commencement.

#### RECOGNITION

2.13.10 When a candidate has fulfilled all requirements, including satisfactory completion of the course of studies and in the Synod body's opinion is ready to exercise the ministry of Lay Pastor, the Synod shall certify its recognition of the person as a Lay Pastor.

#### WITHDRAWAL OF RECOGNITION

2.13.11 The recognition of a Lay Pastor shall be withdrawn by the Synod by reason of:

- (a) the acceptance by the Synod of a resignation from the ministry of Lay Pastor;
- (b) the termination of the placement of a Lay Pastor where the Lay Pastor is not immediately appointed to a new placement;
- (c) the expiry of ten years since the commencement of the first placement as a Lay Pastor, unless the Synod determines that special circumstances apply; this sub-clause does not apply to Lay Pastors recognised prior to July 1991;
- (d) the special circumstances referred to in (c) ceasing to apply;
- (e) the determination of the Committee for Discipline pursuant to Regulation 7.8.16(e), subject to the Regulations relating to review and appeal.

#### MEMBERSHIP

2.13.12 A Lay Pastor in an approved placement shall be:

- (a) included on the roll of confirmed members of a Congregation of the Parish in which the Lay Pastor is placed, or, where the placement is other than in a Parish, included on the roll of confirmed members of the Congregation with which the Lay Pastor chooses to be actively involved;
- (b) a member of the Councils of Elders of the Congregations in which the Lay Pastor is placed, and of the Parish Elders Council and the Parish Council of the Parish in which the Lay Pastor is placed;
- (c) under the oversight and pastoral care of the Presbytery which has oversight of the placement;
- (d) a member of the Presbytery [refer Regulation 3.4.15(b)(i)].

#### ACCOUNTABILITY

2.13.13 Lay Pastors shall be answerable to the Presbytery which has oversight of the Lay Pastor in matters of faith and discipline and for the exercise of their ministry. Lay Pastors are subject also to Regulations 7.4.1 - 7.14.1.

#### STIPENDS, PROVISIONS AND ALLOWANCES

2.13.14 Stipends, provisions and allowances for Lay Pastors in approved placements shall be not less than the stipends, provisions and allowances for Ministers in the same Synod, subject only to Regulation 2.13.15.

#### SUPERANNUATION

2.13.15 The Synod shall make provision for Lay Pastors in approved placements to enable them to have membership in a Synod lay staff superannuation scheme.

#### PLACEMENT OF LAY PASTORS

2.13.16 Placement of a Lay Pastor shall be made by the Presbytery after consultation with the Parish and the Settlements Committee and any other Synod body designated by the Synod.

#### SERVICE TO MARK THE COMMENCEMENT OF A PLACEMENT

2.13.17 The Presbytery shall be responsible for conducting a service of commissioning at the commencement of a placement of a Lay Pastor, in accordance with a form authorised by the Assembly.

#### DURATION OF PLACEMENTS

2.13.18 A placement of a Lay Pastor shall normally be made for an initial period of up to three years, with the possibility of yearly extensions to a total maximum of ten years. In the final year of the initial placement and in every subsequent year of the placement, a decision shall be taken by the Presbytery as to whether or not the Lay Pastor is to be invited to continue in the placement, following consultation with the Parish or employing body and the Settlements Committee and any other Synod body designated by the Synod.

#### TERMINATION OF PLACEMENTS

2.13.19 The placement of a Lay Pastor may be terminated at any time by the Presbytery:

- (a) at the request of the Lay Pastor;
- (b) at the request of the Parish Elders Council pursuant to a resolution carried by a two thirds majority at a special meeting;
- (c) at the Presbytery's initiative, after consulting with the Parish and the Lay Pastor;
- (d) at the request of the Settlements Committee and any other Synod body designated by the Synod.

The Presbytery may delegate its authority to its Pastoral Relations Committee. The Parish may appeal to the Presbytery against any decision of the Pastoral Relations Committee. Any decision by the Presbytery or its Pastoral Relations Committee to terminate a placement shall be by a two-thirds majority of those present at the meeting.

2.13.20 A Lay Pastor whose placement has been terminated by the Presbytery shall have a right of appeal to the Synod. The Synod Standing Committee shall appoint an appeal committee of not fewer than three persons to determine the matter. No person who is a member of the Presbytery which terminated the placement shall be a member of the appeal committee. The appeal must be lodged

in writing within one month of the date of written notice given to the Lay Pastor of the decision to terminate. There is no further right of appeal.

#### INTER-SYNOD TRANSFERS

2.13.21 Synods may arrange for the transfer of Lay Pastors from one Synod to another.”

**97.40.03** to request the Standing Committee, on the advice of the Legal Reference Committee, to make the following changes to Regulations consequent on the approval of the Regulations on the ministry of Lay Pastor:

- (a) 2.7.4 add a new clause (e) to read  
“(e) exercise an overview of placements of Lay Pastors;”,  
with subsequent renumbering of clauses (e) to (j) as (f) to (k);
- (b) 2.7.21 delete, and renumber Regulations 2.7.22 - 2.7.26 as 2.7.21 - 2.7.25;
- (c) 3.2.7(b)(i) amend, to read:  
“interviewing, examining, reporting and recommending to Presbytery and/or Synod concerning applicants for candidature as Ministers of the Word, Deacons, Youth Workers, Lay Pastors and Lay Preachers, having regard to the Regulations relating to Ministry;”
- (d) 3.4.15(e) delete “or Lay Pastors” in the indented paragraph.

#### **97.41 DEFINITION OF “CONGREGATION”**

The Assembly resolved:

**97.41.01** to amend the definition of “Congregation” in clause 2 of the Constitution to read:

“**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.”

**97.41.02** to request the Standing Committee, on the advice of the Legal Reference Committee, to amend the Regulations as follows:

- (a) amending Regulation 3.1.1(a) to read:  
“(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) amending Regulation 3.1.1(b) by:

(i) amending subclause (v) to read:

“(v) equip the members and adherents for engagement in worship, witness and service in the world as they participate in the mission of Christ;”

(ii) deleting subclause (vi);

(iii) renumbering the present subclauses (vii) - (x) as (vi) - (ix);

(c) amending Regulation 3.1.2 and its heading to read:

**“FORMING AND RECOGNITION OF A NEW CONGREGATION**

3.1.2 (a) A new Congregation may be recognised by resolution of a Presbytery when:

(i) a group of people apply to be so recognised, and demonstrate that their life and mission is consistent with the definition of a Congregation, and

(ii) the group of people applying have amongst them persons who hold membership of the Church in another Congregation or 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 upon profession of faith, and

(iii) the Pastoral Relations Committee or another committee of the Presbytery recommends that the group applying be so recognised.

(b) The Presbytery shall provide for the nurture and care of the new Congregation by designating an appropriate person to liaise with the Congregation on behalf of the Presbytery during the developing stages of its life.

(c) The Presbytery shall make provision for the sacraments to be celebrated in the life of the new Congregation.

(d) The Presbytery shall determine whether the new Congregation may be exempt from the need to elect a Council of Elders or other officers or councils for an initial specified period, and may approve other models for the exercise of pastoral oversight and leadership appropriate for its mission strategy.

(e) The Presbytery shall determine, after consultation with all parties concerned, whether the new Congregation will have the responsibilities herein prescribed for a Parish, or be linked with other Congregations for this purpose.”

- (d) making a new Regulation, to be inserted where Standing Committee determines within section 3.1 of the Regulations, to read:

“Faith Communities

- (a) A Presbytery may recognise as a Faith Community a grouping of people who, seeking to explore the implications of faith in God, gather in order to serve the community and/or nurture one another in faith and/or worship together, and who are seeking to relate to the Church for nurture and support.
- (b) A Faith Community may include confirmed members of the Church who hold their membership in a Congregation or who have it recorded with the Presbytery.
- (c) A Faith Community will order its own life 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 elect from its participants those it chooses to appoint as leaders, 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.”

- 97.41.03** to request the Standing Committee to consider making Regulations to give power to synods to develop experimental forms of Congregation which may be related intentionally to the Presbytery for nurture and support, and authorise the Standing Committee to make such Regulations as it sees fit.

**97.42 CODE OF ETHICS AND LAY PROCEDURES RE COMPLAINTS OF SEXUAL ABUSE**

The Assembly resolved:

- 97.42.01** to amend the Constitution by the addition of a new clause 9(c) to read:  
“(c) The Presbytery shall have responsibility for discipline of members and adherents in relation to matters of sexual misconduct.”

- 97.42.02** to request the Standing Committee, on the advice of the Legal Reference Committee, to amend the Regulations as follows:

- (a) adding the following definitions at the commencement of the Regulations:

“**Code of Ethics** means the Code of Ethics for Ministers of the Word, Deacons, Deaconesses, Youth Workers, Community Ministers and Lay Pastors relating to their professional and pastoral responsibilities, as approved by the Assembly or the Assembly Standing Committee from time to time.

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

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

- (b) making a new Regulation 2.14.1 to read:  
“Ministers, Community Ministers, Lay Pastors and Youth Workers shall exercise their ministries in accordance with the Code of Ethics.”
  - (c) amending Regulation 3.4.4 (a) by the addition of words so that it reads:  
“(a) the pastoral and administrative oversight of all Ministers and pastoral charges within the bounds and ensuring Ministers receive regular professional supervision;”
  - (d) amending Regulation 3.4.38(c)(iii) by the addition of words so that it reads:  
“(iii) to counsel with Ministers for their encouragement and enrichment in the fulfilment of their ministries, including reference to the Code of Ethics;”
  - (e) amending Regulation 3.6.5 by the addition of two new clauses to read:  
“(g) may approve a Code of Ethics;  
(h) may approve Policies for the Prevention of Sexual Misconduct;”  
with the current clause (g) to be renumbered as (i).
  - (f) making a new Regulation 7.2.3(b) to read:  
“(b) The Presbytery shall investigate and determine allegations of sexual misconduct made against members in positions of leadership as documented in the Policies for the Prevention of Sexual Misconduct.”  
and renumber the current Regulation 7.2.3 as 7.2.3(a);
  - (g) amending Regulation 7.6.1 by the addition of two new clauses to read:  
“(f) assist and encourage observance of the Code of Ethics;  
(g) advise and discipline Ministers in relation to breaches of the Code of Ethics.”
- 97.42.03** (a) to request synods to initiate a process with all employing bodies within their respective jurisdictions which provides that, in employment contracts and/or position descriptions, all employees are bound by

policies and procedures approved from time to time by the Assembly and/or Synod relating to the prevention of Sexual misconduct;

- (b) to ensure that all Assembly agencies incorporate within employment contracts and/or position descriptions a requirement that all employees be bound by policies and procedures approved from time to time by the Assembly relating to the prevention of sexual misconduct.

**97.43 THE UNITING ABORIGINAL AND ISLANDER CHRISTIAN CONGRESS**

The Assembly resolved:

- 97.43.01** to amend the Constitution by the insertion in clause 2 of a definition of the Uniting Aboriginal and Islander Christian Congress, to read:

**"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.";

- 97.43.02** to request the Standing Committee, on the advice of the Legal Reference Committee, to amend the Regulations as follows:

- (a) make new Regulations, to read:

**“UNITING ABORIGINAL AND ISLANDER CHRISTIAN CONGRESS MEMBERSHIP**

- 3.6.39 (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.

**RESPONSIBILITIES**

3.6.40 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 collaboratively 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.

### **OFFICERS**

3.6.41 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.

### **GOVERNING STRUCTURE**

3.6.42 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.

3.6.43 The National Conference shall determine other components of the government and administration of the Congress.

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

3.6.44 (a) The Congress shall report to each ordinary meeting of the Assembly and to the Assembly Standing Committee as requested.

(b) The 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.

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

3.6.45 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 Uniting Aboriginal and Islander Christian Congress

and with the Aboriginal and Islander organisation before making its decision. Refer to Regulation 4.2.1(g).”

- (b) make a new Regulation, to read:

"2.2.20(c) the Uniting Aboriginal and Islander Christian Congress shall appoint a Ministerial Education Board with responsibilities as provided in Regulations 2.2.21(b) and (c) in relation to Aboriginal and Islander candidates."
- (c) make a new Regulation, to read:

"3.6.2 (b) (iv) six members appointed by the Uniting Aboriginal and Islander Christian Congress, of whom no more than three shall be Ministers;"
- (d) make a new Regulation, to read:

"4.2.1 (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. Refer to Regulation 3.6.45."

and renumber the current Regulation 4.2.1(g) as 4.2.1(h).
- (e) make a new Regulation, to read:

**“UNITING ABORIGINAL AND ISLANDER CHRISTIAN CONGRESS FUND**

5.2.5 The Assembly shall establish a fund for the national purposes of the Uniting Aboriginal and Islander Christian Congress. The provisions and askings for this fund shall be in accordance with approvals given under Assembly budgeting procedures."

#### **97.44 MEMBERS IN ASSOCIATION**

The Assembly resolved:

- 97.44.01** to amend clause 6. of the Constitution by adding at the end:-

“or another Congregation of the Church.”
- 97.44.02** to request the Standing Committee, on the advice of the Legal Reference Committee:
  - (a) to amend Regulation 1.1.11 as follows:-

“1.1.11 A person may apply to the Council of Elders 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.”

(b) to amend Regulation 1.1.14 (b) by adding:  
“and in making the review, shall consider whether any person who is enrolled as a member-in-association pursuant to Regulation 1.1.11 (b) continues to participate actively in the corporate life of both Congregations.”

## **97.45 AMENDMENT TO THE CONSTITUTION AND AMENDMENTS TO REGULATIONS - DISCIPLINE**

The Assembly resolved:

**97.45.01** to amend clause 14 of the Constitution by the addition in line 1 of the words “and Synod”, so that clause 14 reads:  
“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.”

**97.45.02** to request the Standing Committee, on the advice of the Legal Reference Committee, who shall consult with the Synod Secretaries, to amend Regulations 7.1.1 - 7.13.1 as follows [new words proposed to be added are in italics, and words proposed to be deleted are ~~struck through~~]:

### **“7. CHURCH DISCIPLINE**

#### **INTRODUCTION**

[The present Regulation 7.4.1 has been relocated to 7.1.1, with alterations]

7.1.1 In Regulations 7.1.1 to 7.13.1 unless the context or subject matter otherwise indicates:

**Complainant** means the person who is making a complaint;

**Complaint** means a complaint about the conduct, teaching or ministry of a Minister;

**Minister** means a Minister as defined in clause 2 of the Constitution, ~~includes~~ a Community Minister, a Lay Pastor, ~~and~~ a Youth Worker, a Synod Secretary or a Presbytery Minister;

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

**Standing Committee** means the Standing Committee of the Synod.

7.1.2 Discipline in the Church is the exercise of spiritual authority with a view to honouring Christ the Head of the Church and ensuring the spiritual well-being of its members.

**BY WHOM EXERCISED**

7.1.3 Discipline is to be exercised by the Council of Elders on behalf of the Congregation in the case of members, and by the Presbytery *and Synod* in the case of Ministers ~~and Lay Pastors~~.

**THE DISCIPLINE OF MEMBERS**

**PASTORAL CARE OF MEMBERS**

7.2.1 In cases where, in the opinion of the Council of Elders, any member of the Church appears to disregard the privileges and obligations of membership or to disregard the discipline of the Church, the Council shall endeavour by visitation and pastoral counsel to restore the relationship of the member to the life of the Church.

7.2.2 Any member who declines to renew a satisfactory relationship with the life of the Church shall be advised of the possibility that the name of that member may be removed from the membership roll and shall be given opportunity either in person or in writing to make a submission on the matter to the Council of Elders.

**SUSPENSION OR TERMINATION OF MEMBERSHIP**

7.2.3 Any member who *in the opinion of the Council of Elders* has failed to respond to the pastoral care and invitation of the Council of Elders may have the rights and privileges of membership suspended and the name of the member may be removed from the membership roll in the manner prescribed by Regulation I.1.15. The member shall be notified of any such action.

**RIGHT OF APPEAL**

7.2.4 A person whose membership rights and privileges have been withheld and whose name has been removed pursuant to Regulation 7.2.3 shall be notified in writing and may within one month after the notification require reconsideration by the Council of Elders. If not satisfied with the outcome of such reconsideration as notified in writing, the member may within one month after notification appeal to the Presbytery.

There shall be no right of further appeal.

The person concerned may make a submission personally or in writing to the body considering the matter.

7.2.5 In the event of an appeal of a member being sustained the member's name shall be returned to the roll of members and the suspension removed forthwith.

#### **RESTORATION OF MEMBERSHIP**

7.2.6 (a) A person whose name has been removed from the roll of a Congregation pursuant to Regulations may have it reinstated by a decision of the Council of Elders.

(b) A person whose name has been removed from a membership roll of a Congregation for disciplinary reasons shall not be enrolled as a member of any other Congregation without the prior knowledge of and advice from the council which is responsible for the maintenance of the roll from which the person's name was removed.

#### **THE DISCIPLINE OF OFFICERS**

##### **RESPONSIBILITY OF OFFICERS**

7.3.1 Any person appointed to hold office within the Church shall, unless otherwise provided, be responsible to the body making the appointment as to the manner in which the duties of that office are performed.

#### **THE COUNSELLING AND DISCIPLINING OF MINISTERS**

*(Regulation 7.4.1 was moved in 1997 to 7.1.1 above)*

##### **COMPLAINTS**

7.5.1 A complaint may be made:

(a) to the chairperson of the Presbytery:

(i) by any member of the Church, provided that in the case of a complaint regarding the chairperson of the Presbytery (being a Minister) it shall be made to the secretary of the Presbytery who shall refer it to the Pastoral Relations Committee;

(ii) by the secretary of a Presbytery when so directed by the Presbytery;

(b) to the Synod Committee for Counselling by the Secretary of the Synod if so directed by the Moderator, the Synod or its Standing Committee.

##### **RESPONSIBILITIES OF THE PRESBYTERY**

7.6. 1 Subject to these Regulations, the counselling and discipline of Ministers shall be the responsibility of the Presbytery and in the exercise of such responsibility it shall:

- (a) help them to discern and fulfil their vocations;
- (b) assist them in the nurturing of their gifts;
- (c) provide encouragement and counsel for the enrichment of their ministry;
- (d) advise, admonish, correct and assist them where they appear to require guidance and support;
- (e) deal with complaints made against them;
- (f) *assist and encourage observance of the Code of Ethics; and*
- (g) *advise and discipline Ministers in relation to breaches of the Code of Ethics.*

7.6.2 (a) The Pastoral Relations Committee shall, at such intervals as Presbytery may determine, counsel each Minister under its oversight.

- (b) If the Pastoral Relations Committee be concerned that a Minister does not continue to hold to the affirmations and undertakings made at ordination or setting apart, it shall report to the Presbytery, which may take such further action by way of counselling or otherwise as it thinks fit.

7.6.3 The chairperson of the Presbytery shall refer to the Pastoral Relations Committee any complaint with which the chairperson is unable to deal adequately by counselling.

7.6.4 (a) The Pastoral Relations Committee shall:

- (i) confer with the Minister about whom the complaint is made and with the complainant with a view to resolving the matter amicably;
- (ii) if it thinks fit enquire into the complaint; and
- (iii) report to the Presbytery.

- (b) When requested by the Minister against whom the complaint is made, or by the complainant or where it considers it necessary to do so, the Pastoral Relations Committee shall refer the complaint to the Synod Committee for Counselling.

#### SYNOD COMMITTEE FOR COUNSELLING

7.7.1 The Synod shall ~~at least once every three years~~ appoint a committee to be known as the Committee for Counselling *and shall appoint its chairperson.*

- 7.7.2 (a) ~~The Committee shall consist of the Moderator (or, in the event of unavailability, the Moderator's nominee), the Secretary of the Synod and not more than four other persons not more than six persons elected by the Synod. The Moderator and the Secretary of the Synod shall not be eligible for membership of the Committee.~~
- (b) *Members of the Committee shall hold office for a term of three years and shall be eligible for reappointment.*
- (c) ~~The Moderator (or the Moderator's nominee)~~ *The chairperson or the chairperson's nominee shall chair the Committee and convene its meetings.*
- (d) Four members of the Committee shall constitute a quorum. The members of the Committee who shall constitute the Committee for the purposes of dealing with a particular complaint shall be determined by the ~~Moderator~~ chairperson.
- (e)(i) Where at any stage a member of the Committee, who is one of the Committee dealing with a complaint, withdraws, the remaining members of the Committee may continue to act, so long as at least three members are present and participating.
- (ii) A person shall be taken to have withdrawn for the purposes of this Regulation, if that person, for any reason, be unwilling or unable to continue to participate.
- (iii) Where the term of office of a member of the Committee expires and is not renewed, such member may, notwithstanding that membership of the Committee has ceased, continue to act as a member of the Committee dealing with a particular complaint with which the Committee had been dealing prior to that cessation but which had not been finalised prior thereto.
- 7.7.3 (a) In dealing with any complaint referred or made to it the Committee shall counsel and confer with the Minister, the complainant and such other persons as it considers desirable with a view to resolving the matter amicably, and make reports to the Synod, the Presbytery and other bodies as it thinks appropriate.
- (b) If the Committee be satisfied that the matter cannot be dealt with adequately by counselling and that the complaint

warrants further action it shall refer the matter to the Committee for Discipline.

## **SYNOD SEXUAL ABUSE MISCONDUCT COMPLAINTS COMMITTEE**

- 7.7.4 (a) Where a complaint of sexual ~~abuse~~ misconduct is made against a Minister ~~with regard to a person with whom the Minister was, at a time relevant to the alleged abuse, in a pastoral relationship~~, the procedures in *Regulations 7.7.4 to 7.7.22 inclusive* ~~this section~~ shall apply to the exclusion of the procedures contained in *Regulations 7.5.1 7.6.3 to 7.7.3 inclusive*.
- (b) ~~Any question, whether the complaint is one of sexual abuse, shall be determined by the Moderator, on the advice of the chairperson of the Synod Sexual Abuse Complaints Committee. The chairperson of the Synod Sexual Misconduct Complaints Committee shall determine whether the allegations contained in a complaint amount to a complaint of sexual misconduct against a Minister.~~

## **DEFINITIONS**

7.7.5 In *Regulations 7.7.4 to 7.7.22* ~~this section~~, unless the context or subject matter otherwise indicates or requires:

**Adviser** means the person appointed to assist the complainant in processing a complaint or the *Minister respondent* in facing a complaint through Church procedures and/or criminal or civil proceedings;

**Chairperson** means the chairperson of the committee and whenever the chairperson is unavailable, includes the deputy chairperson or other person acting as chairperson;

**Commission** means the Assembly Commission on Women and Men;

**Committee** means the Synod Sexual *Misconduct Abuse* Complaints Committee appointed by the Synod pursuant to Regulation 7.7.6;

**Complainant** means the person making a complaint of sexual misconduct against a Minister;

**Complaint** means a complaint of sexual abuse made against a Minister ~~with regard to a person with whom the Minister was, at a time relevant to the alleged abuse, in a pastoral relationship~~;

**Complaint** means a written, signed complaint of sexual misconduct against a Minister which includes a request that the matter be investigated;

**Contact person** means a member of the panel of contact persons and advisers appointed by the convenor to provide assistance to a particular person concerned about sexual misconduct without a complaint having been made;

**Convenor of contact persons and advisers** means the person appointed to be the Synod Convenor of the panel of contact persons and advisers;

**Minister** means a Minister against whom a complaint has been made ~~includes a Minister, Community Minister, Lay Pastor, Lay Chaplain, Youth Worker, Synod Secretary and Presbytery Minister;~~

~~**Mutual Resolution** means the resolution of a complaint by a mutual arrangement or understanding to which the complainant and the respondent have freely and genuinely agreed and which they both accept as settling the complaint;~~

**Pastoral Relationship** means the relationship between a Minister and *another person*:

- (a) ~~in which a parishioner or other person where the Minister is providing spiritual care for the person; or involved in the spiritual welfare of such parishioner or person~~
- (b) *where the person who 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.*

~~it may be between people of the same or opposite sex;~~

**Presbytery Minister** means the Presbytery Minister appointed to that position or any other person appointed to act in such capacity by whatever name known;

~~**Respondent** means the Minister who is the subject of a complaint;~~

~~**Section** means the section of the Regulations headed "SYNOD SEXUAL ABUSE COMPLAINTS COMMITTEE";~~

~~**Sexual Abuse** includes sexual assault (not limited to sexual intercourse) and any unwelcome sexual behaviour or any threat thereof which makes the person feel threatened or afraid;~~

**Sexual misconduct** means:

- (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 makes a 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, which is in breach of the Code of Ethics;*
- (e) *any other grave sexual conduct unworthy of a Minister.*

**Support person** means the person not otherwise involved in the complaint process who provides emotional support for either the complainant or the Minister;

**Synod** means the Synod of the Church, within the bounds of which the Presbytery, in which the Minister is enrolled, falls.

#### COMMITTEE

- 7.7.6 (a) The ~~Synod~~ Standing Committee shall appoint a committee to be known as the Synod Sexual Misconduct ~~Abuse~~ Complaints Committee and shall appoint its chairperson. Appointments shall be for a term of up to three years.
- (b) The committee shall consist of a panel of persons not fewer than three and not more than 12:
    - (i) at least one member with expertise in sexual abuse issues;
    - (ii) at least one member with legal expertise;

- (iii) members who are considered to be skilled in mediation and conciliation, to have general knowledge of sexual abuse issues and knowledge and understanding of pastoral ethics and appropriate behaviour for Ministers.
- (c) The members of the committee 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.
- (d) The majority of the committee shall be women.
- (e) The chairperson shall preferably be a woman.
- (f) The quorum of the committee to deal with a particular complaint shall be three, of whom normally the majority shall be women. The members of the committee to deal with such complaint shall be determined by the chairperson.
- (g) Where any member withdraws the provisions of Regulation 7.7.2(d) insofar as they are appropriate shall apply.
- (h) No member shall serve for more than nine years consecutively.
- (i) Neither the Moderator nor the Synod Secretary shall be a member of the committee.

#### *CONTACT PERSONS AND ADVISERS*

- 7.7.7 (a) The ~~Synod~~ Standing Committee shall appoint a panel of *contact persons and advisers*. The Commission shall arrange for such training for the advisers as the Commission deems appropriate.
- (b) To be eligible for appointment a panel member ~~an adviser~~ shall have appropriate skills and/or knowledge such as:
- (i) counselling and support skills;
  - (ii) advocacy skills;
  - (iii) knowledge of sexual *misconduct* ~~abuse~~ 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) At least one *panel member* ~~adviser in the panel~~ shall have expertise in the area of child sexual abuse and at least one *panel member* ~~adviser~~ shall have expertise in working with male victims.

[Much of the former clause (d) is retained in (h) below]

- (d) *Panel members shall perform the functions of contact person or adviser as determined by the convenor.*

- (e) *The convenor may appoint a panel member to act as a contact person to provide assistance to a particular person concerned about conduct which may amount to sexual misconduct without a complaint having been made.*

- (f) *A contact person, depending upon the assistance required, will 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 their rights and responsibilities;*

(iv) *provide information about the Church's complaints and disciplinary processes and of other options available to the person;*

(v) *help the person to consider and choose the appropriate option for dealing with the conduct; and*

(vi) *assist a person to make a complaint.*

- (g) *A contact person shall not be responsible for investigating or seeking to resolve a complaint.*

- (h) *A panel member who is allocated by the Convenor to be an adviser to a complainant or a Minister will seek to:*

- ~~(d) The adviser shall seek to:~~

(i) *assist the complainant in processing a complaint or the ~~Minister respondent~~ in facing a complaint through Church procedures ~~and/or criminal or civil proceedings~~;*

- (ii) ensure that the complainant or *Minister respondent* is properly advised and is fully aware of the available community resources;
  - (iii) assist the complainant or *Minister respondent* in gaining access to any necessary legal advice;
  - (iv) ensure that the complainant or *Minister respondent* is adequately informed at all stages of the progress of the complaint;
  - (v) be available, if the complainant or *Minister respondent* so wishes, to speak at any meeting regarding the complaint that the complainant or *Minister respondent* is required to attend.
- (e) ~~The appropriate Presbytery, Synod or other officer concerned, shall provide the adviser with access to all information regarding the complaint, unless such information is confidential to the officer concerned.~~
- (i) The Synod Standing Committee, ~~on the recommendation of the Commission,~~ may withdraw the appointment of any *panel member adviser*.

#### CONVENOR OF *CONTACT PERSONS AND ADVISERS*

- 7.7.8 (a) The Synod shall appoint, from among the *panel members advisers*, a convenor who shall be responsible for allocating *advisers and contact persons* ~~an adviser to the complainant and an adviser to the respondent in respect of each complaint.~~
- (b) *In the event of a complaint being made the convenor shall appoint, in respect of each complaint, a panel member as an adviser to each of the complainant and the Minister and, if requested, to any other person affected by the alleged misconduct.*
- (c) *A panel member appointed as a contact person to a person seeking assistance may, at the request of that person, be appointed as their adviser in the event that a complaint is made.*

#### MAKING A COMPLAINT

- 7.7.9 (a) Anyone who wishes to make a complaint may do so *to a panel member who has been appointed as a contact person*, the chairperson of the Presbytery, the Presbytery Minister, the Moderator, the Synod Secretary, or directly to the chairperson of the committee.

- (b) A complaint must be put in writing and signed and include a request that the matter be investigated ~~if made orally shall not be processed until so put and signed.~~
- (c) *A complaint shall be referred to the chairperson immediately.*
- (d) *Nothing in these Regulations shall prevent a person from making an informal approach, orally or in writing, to any of the persons referred to in (a) for advice or information with respect to sexual misconduct. Such an approach cannot become a complaint unless it is put in writing with a request that the complaint be investigated.*

#### RECEIVING A COMPLAINT

[The order of clauses (a) and (b) has been transposed from the previous 7.7.10].

- 7.7.10 (a) As soon as possible after receiving the complaint, the chairperson shall inform the *Minister respondent* of the complaint; initially in person or by telephone, followed by a letter outlining the particulars of the complaint, including, if necessary, quotes from the ~~written~~ complaint. A copy of the complainant's letter shall not be forwarded to the *Minister respondent*.
- (b) *The chairperson shall give prompt confidential notice of the complaint, ~~Within 24 hours or such longer time as is required in the circumstances of the receipt of a written complaint, it~~ together with all relevant information, shall be referred (orally, in the first instance, if necessary) to the chairperson, to the convenor of the panel of advisers. Confidential notice of the complaint shall be given to the Synod Secretary, the Moderator, the chairperson of the Presbytery and the Presbytery Minister of the Minister.*

#### SUPPORT

- 7.7.11 (a) The complainant and the *Minister respondent*, attending any meeting *of or arranged by the committee* ~~within the Church which relates to the complaint,~~ may be accompanied by their adviser and by a person *providing to* ~~provide~~ emotional support.
- (b) The person providing emotional support shall not have the right to speak at any meeting unless *at the request or with the consent of the person supported,* and invited to do so by the chairperson thereof.

#### INVESTIGATION AND RESPONSE TO ~~RESOLUTION OF~~ COMPLAINTS

[7.7.12 is much expanded, and the present clauses (b), (c) and (d) are re-ordered.]

7.7.12 (a) *Where the chairperson determines that allegations contained in a complaint amount to a complaint of sexual misconduct against a Minister, the A complaint shall be investigated and dealt with by the committee with a view to facilitating a response that takes into account the interests of the complainant, the Minister, and the values by which the Church lives mutual resolution, to which end it may exercise mediation and counselling functions. To that end the chairperson may appoint a person or persons to investigate matters connected with the complaint and report to the committee.*

(b) The investigation may proceed without both parties being present as the committee sees fit.

(c) The nature of the investigation shall be inquisitorial and not adversarial and the committee may inform itself in such manner as it sees fit.

*(d) The committee shall inform the complainant, the Minister 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 its investigation the committee may:

(i) determine that the complaint warrants no further action *on the ground that it is frivolous, vexatious, misconceived or unable to be substantiated;*

(ii) *refer a matter arising out of the complaint for conciliation;*

(iii) refer the complaint ~~or that it be referred~~ to the Synod Committee for Discipline to be dealt with as a complaint that the Minister has engaged in grave conduct unworthy of a Minister;

(iv) *refer a matter or matters arising out of the complaint to the Presbytery Pastoral Relations Committee or the Moderator; the referral may contain recommendations by the committee concerning counselling, professional supervision, training or other appropriate responses arising out of the complaint and investigation.*

- (f) *Where the committee determines to refer a matter or matters arising out of the complaint for conciliation:*
- (i) *the chairperson shall appoint either a member or members of the committee not otherwise involved in the complaint or any other person to act as conciliator;*
  - (ii) *the committee shall provide the report of its investigation, including any relevant documents, to the conciliator;*
  - (iii) *the conciliator shall attempt to negotiate non-disciplinary outcomes that take into account the interests of the complainant, the Minister and the values by which the Church lives;*
  - (iv) *a conciliated outcome shall be recorded in writing and when signed by the chairperson of the committee, the complainant and the Minister shall bind the parties to it; the conciliated outcome may include, but is not limited to, undertakings by the Minister to:*
    - *accept the validity of the complaint, and apologise;*
    - *provide financial restitution;*
    - *undergo therapeutic or pastoral counselling;*
    - *accept supervision;*
    - *participate in courses of training;*
  - (v) *the matter or matters referred for conciliation shall be referred back to the committee where it appears to the conciliator that no agreement can be reached;*
  - (vi) *a conciliated outcome shall not preclude the committee from referring the complaint to the Synod Committee for Discipline to be dealt with as a complaint that the Minister has engaged in grave conduct unworthy of a Minister.*
  - (g) *Where the committee refers the complaint to the Synod Committee for Discipline the committee shall refer the complaint together with any relevant document, received or created in the course of the investigation, including but not limited to a signed statement from any witness, in the form of a report to the Synod Committee for Discipline.*

## NATURAL JUSTICE

7.7.13 (a) *Subject to the nature of the investigation and the committee's aim to facilitate a response that takes into*

*account the interests of the complainant, the Minister, and the values by which the Church lives, endeavour to find a mutual resolution, the ordinary rules of natural justice shall apply.*

- (b) Any member of the committee about whom a complaint has been made or who is closely associated with the complainant or *Minister respondent* shall not participate as a member of the committee in relation to that complaint.
- (c) Nothing, which is said in the course of discussions with any person appointed to conciliate with any party ~~the investigation, mediation or counselling~~, shall 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.
- (d) *The record of a conciliated outcome shall be part of the committee's records and may be given in evidence or used in any proceedings before the Synod Committee for Discipline.*

#### ~~WHEN A COMPLAINT IS NOT RESOLVED~~

~~7.7.14 Where there is not any mutual resolution of the matter and the committee determines the complaint warrants further action, the committee shall as soon as possible refer it to the Synod Committee for Discipline as a complaint that the Minister has engaged in grave conduct unworthy of a Minister.~~

#### RESIGNATION

7.7.14 (a) A *Minister respondent*, whose settlement has been concluded, shall normally remain under the pastoral and administrative oversight of the Presbytery in which the *Minister respondent* was enrolled at the time of the complaint and, subject to these Regulations, that Presbytery shall be responsible for the counselling and discipline of the *Minister respondent* with reference to the complaint and for the processing thereof.

- (b) Where such a complaint is unresolved, unless the Presbytery determines that there are special circumstances, which have been approved by the chairperson:
  - (i) a Presbytery shall not accept the resignation from the ministry by a *Minister respondent*;
  - (ii) the Presbytery and the Synod shall refuse any application by a *Minister respondent* (except for health or family reasons) for permission to retire

permanently pursuant to Regulation 2.4.5(c), or to be given leave of absence.

- (c) Where matters associated with such a complaint are involved in or included with the reasons for the conclusion or termination of a settlement, or a resignation, or with the reasons for granting permission for a *Minister respondent* to retire, the Synod may declare that the operation of Regulation 2.4.5(d) is, on such terms as it may think appropriate, excluded with regard to the *Minister respondent*.
- (d) A complaint may continue to be processed under this section, notwithstanding the conclusion or termination of the settlement, the resignation of a *Minister respondent* from the ministry, the retirement of the *Minister respondent* or the granting to the *Minister respondent* of leave of absence.

#### COSTS

- 7.7.15 (a) If a complaint be shown to have substance, consideration shall be given to payment of the complainant's therapy costs which relate directly to the sexual abuse.
- (b) If the complaint not be shown to have substance, consideration shall be given to the payment of the *Minister's respondent's* therapy costs which relate directly to the complaint.
  - (c) Each request for such costs shall be considered on its merits by the Moderator, who may consult with the chairperson and others, as the Moderator thinks appropriate.
  - (d) Such costs shall be met from Synod funds.

#### PRIVACY

- 7.7.16 (a) *Subject to the obligations of the committee to report contained in Regulations 7.7.12 and 7.7.13, confidentiality and the right to privacy shall be observed.*
- (b) Proceedings before the committee shall be held in camera but the committee may permit such persons as it thinks fit to attend meetings of the committee.
  - (c) Unless otherwise determined by the committee no member of it or any person attending a meeting thereof shall divulge outside the committee any information concerning the complaint or the proceedings.

- (d) The committee may make reports to such persons as it thinks fit, at any time, but shall consider carefully whether it is at that time fair to all and in the best interests of the Church.
- (e) The chairperson may make such public statement concerning the proceedings as the committee considers appropriate.
- (f) Appropriate information may, with the approval of the *chairperson parties*, be made available to a Congregation and to a Parish regarding the handling of any complaint.

#### APPEAL

~~7.7.18 The complainant or respondent may appeal against a decision or the conduct of the committee. The appeal shall be made to the Moderator and the ex Moderator who shall appoint a committee of three persons to consider it. That committee may direct that the complaint be further dealt with by the Committee for Discipline as a complaint that the Minister has engaged in conduct unworthy of a Minister or may dismiss the appeal.~~

7.7.17 (a) *The complainant and the Minister may only appeal:*

- (i) *against a decision by the chairperson made pursuant to Regulation 7.7.4(b);*
  - (ii) *against a decision by the committee made pursuant to Regulation 7.7.12(e)(i); or*
  - (iii) *on the grounds that the committee has acted contrary to the principles of natural justice.*
- (b) *An appeal against a decision made pursuant to regulations 7.7.4(b) or 7.7.12(e)(i) shall be made within 14 days of the decision. An appeal on the grounds of a breach of natural justice shall be made within 14 days of the committee investigating and dealing with the complaint.*
- (c) *The appeal shall be made to the Moderator who shall appoint an appeal committee of three persons to consider it. At least one member of the appeal committee shall have legal expertise. In the event of an appeal against a decision made pursuant to Regulation 7.7.4(b) the appeal committee shall either dismiss the appeal or uphold the appeal and substitute its own decision for that of the chairperson. In the event of an appeal against a decision made pursuant to Regulation 7.7.12(e)(i) or on the*

*grounds of a breach of natural justice the appeal committee shall either dismiss the appeal or if it upholds the appeal remit the complaint to the committee for its reconsideration.*

#### LEGAL PROCEEDINGS

- 7.7.18 (a) If criminal or civil legal proceedings are commenced against the *Minister respondent* the convenor of advisers when informed may nominate advisers for a complainant or *Minister respondent* desiring the same.
- (b) The Moderator when informed of such proceedings shall consider suspension of the Minister.
- (c) No further action regarding the complaint shall be taken within the Church, until such time as any legal proceedings are concluded.

#### ~~BENEFICIAL CONSTRUCTION~~

- ~~7.7.20 (a) In the exercise of their respective functions under this section the chairperson of the Presbytery, the committee and others involved shall, to the extent to which the same are not included in these Regulations, pay due regard to the "Procedures for use when complaints of Sexual Abuse are made against Ministers", which have been or may from time to time be approved by the Standing Committee.~~
- ~~(b) This section of the Regulations shall be read and applied in a way which will, so far as possible, facilitate a fair and adequate resolution of a complaint.~~

#### PUTATIVE ABUSE

- 7.7.19 (a) Where, ~~although no complaint has been made~~, the Moderator, the Synod Secretary, the chairperson of a Presbytery or the chairperson receives information which provides reasonable grounds for believing that there has been sexual *misconduct* ~~abuse~~ by a Minister but no complaint has been made, that person shall 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* ~~abuse~~ has occurred, that person shall seek to ensure that a complaint is made.
- (c) If that person considers there are no reasonable grounds for such a belief, that person shall, after consultation with the Minister, seek to ensure that the Minister's name is cleared.

## NEW SETTLEMENT

7.7.20 Except in special circumstances approved by the chairperson a new settlement of a *Minister respondent* shall not be made nor shall a call to a *Minister respondent* be sustained, nor an appointment of a *Minister respondent* be made while the complaint has not been resolved or determined.

## SYNOD COMMITTEE FOR DISCIPLINE

7.8.1 The Synod shall at least once every three years appoint a committee to be known as the Committee for Discipline.

7.8.2 The Committee shall consider any complaint to the effect that a Minister has:

- (a) wilfully and persistently neglected the duties of a Minister;
- (b) wilfully failed to comply with any provision of the Constitution, of any Regulation, rule or resolution of the Church or any body of the Church, *or any lawful direction of the Moderator made pursuant to Regulation 3.5.17(i)*;
- (c) advocated doctrine contrary to that which the Church has determined essential to the faith; or
- (d) engaged in grave conduct unworthy of a Minister; which has been:
  - (i) referred to it by the Committee for Counselling; or the Synod Sexual *Misconduct Abuse* Complaints Committee; or
  - (ii) made to it by a member of the Church at the direction of the Standing Committee;
- (e) *wilfully and persistently failed to comply with the principles contained in any Code of Ethics approved by the Assembly or the Assembly Standing Committee.*

No other complaint shall be considered by the Committee.

7.8.3 (a) The Committee shall consist of not less than seven persons appointed by the Synod.

(b) Not less than two members of the Committee shall be Ministers and not less than two shall be lay persons.

(c) The Committee shall elect its own chairperson and the Standing Committee shall appoint a person (not *being* a

member of *either* the Committee for Counselling *or the Synod Sexual Misconduct Complaints Committee*) to convene the Committee and act as the secretary thereof.

- (d) The chairperson of the Committee shall be entitled to exercise a deliberative but not a casting vote.
  - (e) The Moderator and any person who is a member of the Committee for Counselling *or the Synod Sexual Misconduct Complaints Committee* shall not be a member of the Committee for Discipline.
  - (f) Any casual vacancy on the Committee shall be filled by a person appointed by the Standing Committee or, where time does not permit, by the Moderator.
- 7.8.4 (a) A quorum of the Committee shall be *three* ~~five~~ members present during the whole of the proceedings.
- (b) Where at any stage after the hearing of the proceedings before the Committee have actually commenced and before the Committee's report on the proceedings has been presented to the Standing Committee, a member of the Committee, engaged in considering the complaint, withdraws from the proceedings for any reason, the remaining members of the Committee may continue to act, so long as at least three members are present and participating. Unless the Minister agrees, there must be at least one member of the Committee hearing the matter who is a Minister and at least one who is a lay person.
  - (c) A person shall be taken to have withdrawn for the purposes of this Regulation, if that person, for any reason, be unwilling or unable to continue to participate.
  - (d) Where the term of office of a member of the Committee expires and is not renewed, such member may, notwithstanding that membership of the Committee has ceased, continue to act as a member in any proceedings in which the member is participating and which had been commenced but not finalised before that cessation.
  - (e) The members of the Committee who shall constitute the Committee for the purposes of dealing with a particular complaint shall be determined by the chairperson of the Committee.
- 7.8.5 The Moderator shall for the purposes of a proceeding before the Committee appoint a person as advocate who shall be responsible for the presentation of the case in support of the

complaint and the Moderator may from time to time appoint a substitute as required.

- 7.8.6 (a) The complaint with which the Committee is required to deal shall be particularised by the advocate in writing to the Secretary of the *Committee Synod* who shall forthwith deliver a copy to the chairperson of the Committee, the Minister, the Moderator, *the Secretary of the Synod* and the chairperson of the Presbytery *which has oversight of the Minister*.
- (b) The chairperson of the Committee ~~or the Moderator~~ may require the advocate to furnish fuller particulars of the complaint.
- 7.8.7 (a) Prior to the proceedings before the Committee, the Standing Committee (or, in cases of urgency, the Moderator) shall appoint or engage a legal assistant to the Committee for the purpose of the proceedings.
- (b) The legal assistant shall be a member of the Church and desirably a practising barrister or solicitor.
- (c) The legal assistant shall attend the proceedings and provide the Committee with such advice on procedure and other legal matters as the Committee at any time desires.
- 7.8.8 (a) The Committee shall act in accordance with rules of natural justice and as expeditiously as possible. In its procedure and its decisions it shall be governed by equity and good conscience and it may inform itself in such manner as it thinks fit in the circumstances.
- (b) *The Committee may receive into evidence any report of the investigation of the Synod Sexual Misconduct Complaints Committee provided that a copy of the report has been made available to the Minister, the person who made the complaint to the Synod Sexual Misconduct Complaints Committee and the advocate.*
- 7.8.9 The Committee shall hear the advocate and the Minister and shall consider such material as they desire to present so long as the Committee considers it to be relevant. *The Committee may give such weight as it thinks appropriate to the contents of any report received into evidence pursuant to Regulation 7.8.8(b).* It shall permit the advocate and the Minister to call such persons to testify before it on such matters as are appropriate. Such persons may be cross examined by the other party but unless leave has been given by the Committee such

cross-examination shall only be for the purpose of clarifying or amplifying the testimony or of testing the recollection of the person with regard to the facts concerning which testimony has been given.

7.8.10 The advocate and the Minister may appear personally before the Committee or be represented legally or by another member of the Church. If the Minister does not appear the Committee may proceed in the absence of the Minister.

7.8.11 (a) The proceedings before the Committee shall be recorded either manually or mechanically.

(b) (i) The Committee may determine that the record of evidence shall be transcribed.

(ii) If the Committee so determines, the transcript shall be made available for examination by the advocate and by the Minister (or by their representatives) and either may obtain a copy upon payment of the charge therefor.

(iii) If the Committee determines that the record shall not be transcribed, either the advocate or the Minister may require a transcript to be made and provided on payment of the transcript cost.

7.8.12 Proceedings before the Committee shall be held in camera and, unless otherwise determined by it, no member of the Committee *nor any other person who has been involved in the proceedings* shall divulge any information concerning the proceedings to any person *except to the extent compellable by law*.

7.8.13 The Committee may at any time refer all or any of those concerned for counselling in such manner as it thinks fit.

7.8.14 (a) The Committee shall consider the substantial merits of the case and shall record such findings of fact and other conclusions as it thinks necessary in the circumstances and decide whether or not the complaint has been made out.

(b) The complaint shall only be held to be made out if the majority of the members of the Committee who dealt with the matter be so satisfied *on the balance of probabilities* ~~beyond a reasonable doubt~~.

7.8.15 As soon as practicable after the conclusion of the proceedings the Committee shall notify the advocate, *the complainant* and

the Minister whether it has dismissed the complaint or found it made out and ~~in the latter event~~ shall supply each of them with a copy of its findings of fact and other conclusions.

7.8.16 Where the Committee finds the complaint made out it shall, after giving the Minister and if it thinks fit the advocate an opportunity to be heard on the question of any disciplinary action to be taken, determine:

- (a) that no action be taken;
- (b) that the Minister be admonished;
- (c) that the Minister be suspended from settlement for such period and on such conditions as it specifies;
- (d) that the Minister's settlement be terminated;*
- (e) that the Minister be suspended from the exercise of all or any of the functions of a Minister *for such period and on such conditions as it determines* ~~until otherwise determined by the Standing Committee and on such conditions as the Committee for Discipline determines;~~
- (f) that the recognition of the Minister be withdrawn.

7.8.16A The Committee, whether it has dismissed the complaint or has found it made out, may determine:

- (a) 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 Minister;
- (b) that the Minister be required to undergo therapeutic or pastoral counselling;
- (c) that the Minister be subject to supervision;
- (d) that the Minister participate in courses of training;
- (e) that the Minister be stood aside from the exercise of all or any functions of a Minister on such conditions as it determines.

7.8.17 (a) The secretary of the Committee shall present to the Standing Committee a report of the proceedings.

(b) The report shall contain the complaint, the findings and ~~decisions~~ *decision* of the Committee, ~~and record~~ *including* the action taken under Regulation 7.8.16 *and*

*any response taken under Regulation 7.8.16A. The report ~~and~~ shall include such other material as the Committee considers appropriate.*

(c) The Secretary of the Synod shall send a copy of the report to the Moderator, the complainant, the advocate, the Minister and the chairperson of the Presbytery *which has oversight of the Minister.*

(d) *After consulting the chairperson or secretary of the Committee for Discipline, the chairperson of the Presbytery which has oversight of the Minister, the Moderator (or the Secretary of the Synod on the Moderator's behalf) may make such public statement concerning the proceedings as the Moderator ~~Committee~~ considers appropriate.*

7.8.18 The Standing Committee shall take such action as is necessary to implement the decision of the Committee for Discipline and shall advise the Minister and the Presbytery.

7.8.19 The expenses properly incurred by the advocate shall be paid by the Church. The Committee may certify that it is reasonable in the circumstances that the expenses of the Minister be paid in whole, or in part or to a specified amount by the Church. The Standing Committee shall determine the funds from which such expenses shall be paid.

#### TEMPORARY SUSPENSION OF A MINISTER

7.9.1 The Moderator, in the exercise of the duties and responsibilities of the Moderator under Regulation 3.5.17(i) may, *at any time following the making of a complaint and in such manner as the Moderator sees fit, stand aside ~~suspend~~ a Minister from the performance of ministerial duties pending the determination of a complaint, if such action be considered necessary for the well-being of the Church. The Moderator may inform such people of this action as the Moderator considers necessary in all the circumstances.*

7.9.2 Such *standing aside ~~suspension~~* shall not deprive the Minister of stipend, allowances and the use of any residence occupied by the Minister, who shall properly assist any person responsible for the carrying on in the meantime of the duties attaching to the Minister's settlement or appointment.

#### WITHDRAWAL OF RECOGNITION OF A MINISTER

7.10.1 If the recognition of the Minister is withdrawn the stipend and other allowances of the Minister shall continue to accrue for 30 days after the meeting of the Standing Committee at which the report under Regulation 7.8.17 is presented, and

any housing then occupied by the Minister shall be vacated as soon as possible but in any case within such 30 days.

7.10.2 Payments made from other funds of the Church shall be determined in accordance with the Regulations governing such funds but any period during which a Minister is under suspension pursuant to Regulation 7.9.1 shall not be included in the determination of the length of ministerial service.

#### REVIEW BY THE COMMITTEE FOR DISCIPLINE IN SPECIAL CIRCUMSTANCES

[The current 7.11.1 has been split into several parts and additions are being proposed.]

~~7.11.1 Where the Standing Committee is of the opinion that material which might reasonably be expected to have affected the findings, decision or action of the Committee for Discipline was not placed before it because it was not then available or known to the advocate or the Minister or that the circumstances are exceptional, the Standing Committee may require the Committee to review any or all of:~~

~~(a) its finding of fact and conclusions;~~

~~(b) its decision;~~

~~(c) its action taken under Regulation 7.8.16.~~

7.11.1 (a) *The advocate, complainant or Minister may seek a review of the proceedings of the Committee for Discipline by application to the Standing Committee on the grounds that:*

*(i) material which might reasonably be expected to have affected the findings, decisions or action of the Committee for Discipline under Regulations 7.8.16 or 7.8.16A was not placed before it; or*

*(ii) the circumstances are exceptional.*

*(b) Except by leave of the Standing Committee, an application for review shall be made no later than 21 days after the copy of the report of the proceedings presented pursuant to Regulation 7.8.17 has been received by the person seeking the review.*

*(c) Where the Standing Committee forms the opinion that either of the grounds set out in clause (a) have been met it may require the Committee for Discipline to review any or all of:*

- (i) *its findings of fact and conclusions;*
  - (ii) *its decision whether or not the complaint has been made out;*
  - (iii) *its action taken under Regulations 7.8.16 or 7.8.16A.*
- (d) *In a review made pursuant to this Regulation the Committee for Discipline shall hear the advocate, the complainant and the Minister and shall consider such material and further oral or written evidence as the Committee for Discipline considers relevant to the review. The Committee for Discipline may affirm all or any of its original findings, decisions or actions or may set aside any finding, decision or action and substitute new findings, decisions or actions.*
- (e) *The provisions of Regulation 7.8.17 shall apply to any review proceedings undertaken pursuant to this Regulation.*

~~APPEAL AGAINST DETERMINATION OF COMMITTEE FOR DISCIPLINE~~

~~7.12.1 (a) The Minister may appeal to the Standing Committee against the determination made by the Committee for Discipline under Regulation 7.8.16 as being inappropriate.~~

~~(b) Notice of such appeal shall be given to the Secretary of Synod in writing within 7 days of delivery of the report of the Committee for Discipline to the appellant or such later date as may be permitted by the Standing Committee.~~

~~(c) The notice of appeal shall state the grounds of appeal.~~

~~(d) A copy of the notice of appeal shall forthwith be given by the Secretary of Synod to the Moderator and to the advocate.~~

~~7.12.2 The Minister and the advocate may appear or be represented before the Standing Committee.~~

~~7.12.3 The Standing Committee may alter or confirm the determination of the Committee for Discipline and take such action as it thinks fit.~~

~~7.12.4 (a) The Standing Committee may certify that it is reasonable in the circumstances that the expenses of the Minister be~~

~~paid in whole or in part or to a specified amount by the Church.~~

~~(b) The expenses specified under the previous provision and the expenses of the advocate shall be paid out of such fund as the Standing Committee shall determine.~~

~~7.12.5 (a) No member of the Standing Committee who is also the complainant, the advocate, the Minister or a member of the Committee for Counselling shall take any part in any appeal to the Standing Committee or in consideration of a proposal that the Committee for Discipline should make a review under Regulation 7.11.1.~~

~~(b) If the Minister be the Secretary of the Synod the Secretary's functions in connection with the appeal shall be exercised by such persons as the Standing Committee shall appoint.~~

~~7.12.6 When the determination made by the Committee for Discipline relates to a complaint as defined in Regulation 7.7.5 the complainant shall have the same right of appeal, appearance or representation, payment of expenses and stay of proceedings as is given to a Minister in Regulations 7.12.1-7.13.2.~~

#### STAY OF PROCEEDINGS

~~7.13.1 Where an appeal has been made pursuant to Regulation 7.12.1 the Moderator may direct that the operation of any determination of the Committee for Discipline shall be deferred until the next meeting of the Standing Committee.~~

~~7.13.2 Where an appeal has been made against the determination of the Committee for Discipline or the Standing Committee has required the Committee for Discipline to make a review in accordance with Regulation 7.11.1, the Standing Committee may direct that the operation of any determination of the Committee for Discipline be suspended for such times and on such conditions as it thinks fit.~~

*7.12.1 Where the Standing Committee has required the Committee for Discipline to undertake a review in accordance with Regulation 7.11.2, the Standing Committee may determine that the operation of any decisions made or actions taken pursuant to Regulations 7.8.16 or 7.8.16A be suspended on such conditions as it thinks fit until the review is completed.*

#### GENERAL

7.13.1 A Synod may appoint members of the Church who are members of a Parish beyond the bounds of the Synod as

members of its Committee for Counselling, its Synod Sexual ~~Misconduct Abuse~~ Complaints Committee or its Committee for Discipline.”

## **97.46 REGULATIONS: THE MEMBERSHIP OF SYNODS**

The Assembly resolved to request the Standing Committee, on the advice of the Legal Reference Committee, to replace Regulations 3.5.2 - 3.5.6 with the following:

### **“MEMBERSHIP**

3.5.2 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 whose names are listed on the roll of Synod members as per Regulation 3.5.4, and shall include:

- (a) the President and General Secretary of the Assembly;
- (b) 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;
- (c) 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;
- (d) confirmed lay members appointed or elected by each Presbytery, being not fewer than the number of ministerial members, after the Presbytery has invited Parishes to submit nominations;
- (e) such confirmed members representing bodies directly responsible to the Synod as the Synod shall determine;
- (f) two candidates for the ministries of Minister of the Word, Deacon or Youth Worker, elected by the candidates for these ministries within the bounds;
- (g) co-opted confirmed members appointed in accordance with the provisions of Regulation 3.5.3.

The total number of lay members shall be not fewer than the total number of ministerial members (Ministers of the Word, Deacons and Deaconesses).

- 3.5.3 (a) A Synod through its Standing Committee shall provide for the co-option of such additional persons as may be necessary to ensure that the number of lay members is not fewer than the number of ministerial members, and may co-opt further persons for either of the following purposes:

- (i) to 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;
  - (ii) to achieve a better proportion of age groups, gender balance and cross-cultural representation.
- (b) The total of co-opted persons must not exceed one tenth of those appointed or elected in accordance with Regulations 3.5.2(c), (d), (e) and (f).

#### **ROLL OF SYNOD MEMBERS**

3.5.4 The roll of Synod members consists of those listed in Regulations 3.5.2(a) and (b) and those in attendance at the ordinary meeting of the Synod appointed under Regulations 3.5.2 (c), (d), (e), (f) and (g). The Synod may make by-laws to allow for the inclusion on the roll of those excused from attendance for special and exceptional circumstances.

#### **NOTIFICATION TO SECRETARY OF SYNOD**

3.5.5 The Secretary of the Synod shall be notified of the names and addresses of all representatives at least two months prior to the commencement of the Synod meeting or by such other date as the Synod Standing Committee shall determine, and shall also be advised in writing of any changes in the appointed representatives.

#### **MEETINGS OF SYNOD**

- 3.5.6 (a) Each Synod shall hold an ordinary meeting at least once every three years between ordinary meetings of the Assembly on such dates as the synod determines.
- (b) A Synod may hold special meetings at such other times and for such purposes as the Synod determines.
- (c) A special meeting of the Synod may be convened by the Moderator or the Synod Standing Committee for special and urgent reasons.

For the purposes of (b) and (c) the members 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 a Synod member, 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.”

#### **97.47 TITLE OF “YOUTH WORKER”**

The Assembly resolved to refer to the Standing Committee, with power to act, after consultation with Youth Workers, the proposal:

*authorise the Standing Committee, on the advice of the Legal Reference Committee, to amend Regulations 2.9.1 - 2.11.9 passim by replacing the title “Youth Worker” with the title “Youth Ministry Worker”, and to make consequential amendments to other Regulations.*

**97.48 REGULATIONS: SYNOD REPRESENTATION AT ASSEMBLY**

The Assembly resolved:

**97.48.01** to request the Standing Committee, on the advice of the Legal Reference Committee, to amend Regulation 3.6.2 by:

(a) replacing the whole of paragraph (b) with

“(b) one Minister and one confirmed lay member appointed by each Presbytery;”

(b) making a new paragraph (c) to read:

“(c) Ministers and confirmed lay members appointed by each Synod as follows:

(i) equal numbers of Ministers and lay members shall be appointed;

(ii) not fewer than one in every five of the lay members shall be a person who, in the opinion of the Synod, could reasonably be regarded as of youthful age;

(iii) the total minimum number of members appointed by each Synod and the Presbyteries within the bounds of the Synod shall be ten and the Synod shall appoint those members who are not appointed by a Presbytery;

(iv) subject to sub-paragraph (iii), each Synod shall be entitled to appoint the number of members calculated by multiplying the appropriate scale factor mentioned in the second column below by five and where the resulting number is not an even number, by adding one to the resulting number to achieve an even number of members appointed by the Synod as shown in the third column below:

<b>members within the bounds of the Synod by Synod</b>	<b>scale factor</b>	<b>number of members to be appointed</b>
less than 5000	1	6
5,001 - 10,000	2	10
10,001 - 20,000	3	16

20,001 - 40,000	4	20
more than 40,000	5	26

(v) for the purpose of sub-paragraph (iv) “number of members” shall mean the number of confirmed members and members-in-association within the bounds of the Synod last notified to the General Secretary of the Assembly by the Synod no later than one year before the date on which the ordinary meeting of the Assembly is due to commence or by such other date as the Assembly Standing Committee may determine;”

(c) renumbering paragraph (c) as (d) and paragraph (d) as (e);

**97.48.02** to determine that the Standing Committee may at its discretion amend Regulations 3.6.2(b) and/or (c) if it considers that there has been or will be a substantial change in the number of presbyteries within the bounds of a Synod.

**97.49 REGULATIONS: PARISH MISSIONS**

The Assembly resolved to request the Standing Committee, on the advice of the Legal Reference Committee, to amend Regulation 3.2.13(a) by replacing the word “shall” in line 2 with the word “may”, so that the Regulation commences:

“Except as may be determined in accordance with (b) hereof, Presbytery may, in respect of each Parish Mission, appoint any number from five to twenty persons to be members of the Parish Council in addition to...”

**97.50 REGULATIONS: COMPULSORY RETIREMENT OF MINISTERS AT AGE 70**

The Assembly resolved to request the Standing Committee, on the advice of the Legal Reference Committee, to delete Regulation 2.4.5(b).

**97.51 REGULATIONS: BENEFICIARY FUND**

The Assembly resolved to request the Standing Committee, on the advice of the Legal Reference Committee, to amend the opening lines of Regulation 6.8.1 to read:

“It shall be the responsibility of the Synod to give notice in writing to the principal office of the Fund, or in the case of Assembly bodies either....”

**97.52 REGULATIONS: CLASSIFICATION OF MINISTERS AND LEAVE OF ABSENCE**

The Assembly resolved to request the Standing Committee, on the advice of the Legal Reference Committee, to amend Regulations 2.4.1 and 2.4.6 as follows:

(a) amending Regulation 2.4.1 by adding a new subclause (e)(iii) to read:

“for other reasons which the Synod considers sufficient”

- (b) by renumbering Regulation 2.4.6(b)(iii) as 2.4.6(c).

**97.53 REGULATIONS: PASTORAL RELATIONS COMMITTEE**

The Assembly resolved to request the Standing Committee, on the advice of the Legal Reference Committee, to amend Regulation 3.4.38(c) by the addition of an opening sentence prior to subclause (i), to read:

“In Regulation 3.4.38(c) Minister includes Community Minister, Lay Pastor and Youth Worker.”

**97.54 REGULATIONS: ADMISSION OF A FORMER MINISTER**

The Assembly resolved to request the Standing Committee, on the advice of the Legal Reference Committee, to amend Regulation 2.3.8 to read:

“2.3.8 (a) Any former Minister of the Church may apply for readmission and the application shall be dealt with in a similar manner to an application from a minister of another denomination (refer Regulations 2.3.5 - 2.3.7).

- (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 a similar manner to an application from a minister of another denomination (refer Regulations 2.3.5 - 2.3.7).”

**97.55 REGULATIONS: INSTITUTIONS**

The Assembly resolved to request the Standing Committee, on the advice of the Legal Reference Committee, to amend Regulations 3.5.34 and 3.5.35 as follows [new words proposed to be added are in italics, and words proposed to be deleted are ~~struck through~~]:

“3.5.34 (a) For the purposes of this and the succeeding 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 ~~and operating within the bounds of a Synod;~~
- (ii) **person** includes a church, a body corporate and an unincorporated body;
- (iii) **the Church** includes any body of the Church;

(iv) **Synod** includes the Standing Committee thereof.

clauses (b) - (g) unchanged

(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 and the succeeding Regulation.*

3.5.35 *In relation to an institution, and to the extent to which the Church is concerned:*

(a) The constitution or other instrument whereby an institution is established, *continued or* conducted by or on behalf of the Church shall:

(i) define the name, purpose and management procedures of the institution;

(ii) provide for effective representation of the Synod, the Presbytery, the Parish Council or other body as the case may be on the managing or controlling authority of the institution;

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

(b) (i) The Synod shall be responsible for granting or approving the constitution or other instrument whereby the institution is established ~~and~~ *conducted or continued* and shall have authority to amend or to suspend the operation of such constitution or instrument, notwithstanding any provisions within the constitution *or other instrument*.

(↔) (b) (ii) No alteration of such constitution or other instrument shall be operative unless and until it is approved by the Synod.

## **97.56 REGULATIONS: ADMISSION OF MINISTER FROM ANOTHER DENOMINATION**

The Assembly resolved to request the Standing Committee, on the advice of the Legal Reference Committee, to amend Regulation 2.3.5 by the addition of a new paragraph (d), to read:

“(d) (i) Where a decision has been made pursuant to Regulation 2.3.5(c) that an applicant does not meet the criteria for eligibility in Regulation 2.3.5(b), the applicant may seek a review of the decision by request in writing to the General Secretary of the Assembly on the ground that having regard to all the material before the decision-makers the decision was unreasonable. The request for review shall be made no later than 21 days after

notification of the decision and shall contain the arguments upon which the applicant relies in requesting the review.

- (ii) Upon receipt of the written request for review the General Secretary of the Assembly shall appoint a review panel consisting of three persons, at least one of whom shall have expertise in the issues which are the subject of the review. The review panel shall elect its own chairperson.
- (iii) The review panel shall be provided with the written request for review and with all documents and materials relied upon in the making of the decision under review, together with a report outlining the reasons for the decision reached.
- (iv) The review panel may dismiss the application for review, or where it determines that having regard to the material before it the decision was unreasonable, it shall set aside the decision and determine that the criteria for eligibility have been met. The decision of the review panel shall be final.”

#### **97.57 REGULATIONS: THE CLASSIFICATION OF MINISTERS**

The Assembly resolved to request the Standing Committee to review the Regulations on the Classification of Ministers and authorise the Standing Committee, on the advice of the Legal Reference Committee, to amend Regulations in light of the review, which is to include:

- amending Regulations 2.4.1 to 2.4.7 on the "Classification of Ministers" to delete the category of "secular employment" and to provide that Ministers be classified as being "in active service" or "on leave" or "retired";
- consideration of omitting the term "Classification" and dealing separately with "Designated Ministries", "Leave" and "Retirement";
- amending Regulation 2.4.6 to provide for Ministers to be "retired temporarily" only for health reasons and after the Beneficiary Fund has determined that a pension will be paid;
- providing for Ministers who are neither in active service nor retired to continue to be recognised as Ministers only if they have been granted leave for a specified period pursuant to Regulation 2.4.6 as amended;
- amending Regulations in order that leave from active service may be granted by the Synod on the recommendation of the Presbytery:
  - (i) to undertake an approved course of study,
  - (ii) for family reasons, or
  - (iii) to rest from active service;

and that leave shall be granted

(iv) when a Minister is awaiting settlement under Regulation 2.4.3, or

(v) not available for settlement under Regulation 2.4.4 pursuant to Regulation 2.7.5(b)(ii) or (iii);

- amending Regulation 2.7.1(a)(ii) to provide that employment in an approved situation not under the jurisdiction of the Church may be a component of a placement in a Presbytery or Synod rather than declaring a placement not under the jurisdiction of the Church to be a settlement;
- amending Regulation 2.4.7 and other relevant regulations to specify, rather than the classification of a Minister, the conditions under which a Synod may approve the employment of a Minister in a position which is not under the jurisdiction of the Church whether or not the Minister is in a settlement.

## **97.58 REGULATIONS: YOUTH WORKERS**

The Assembly resolved to request the Standing Committee on the advice of the Legal Reference Committee to amend Regulation 2.10.2 by the addition of the following sentence:

“If the Synod Settlements Committee determines that special circumstances exist in a particular placement due to the application of industrial agreements or legislation, it may authorise a departure from the requirements of this Regulation, with the agreement of the appointing body and the Youth Worker.”

## **ELECTIONS**

### **97.59 ELECTIONS**

On the advice of the Returning Officer the President declared the following results of elections:

#### **President-elect**

James Haire

#### **Standing Committee**

Felicity Amery

Jennifer Byrnes

Dean Drayton

Malcolm Gledhill

Lisa Hall

James Latu

Chris Mostert

Julia Pitman

Isabel Thomas Dobson

Nancy Bomford

Alison Cox

John Dunn

Lillian Hadley

Carolyn Kitto

Jim Mein

Inoke Nabulivou

Katalina Tahaafe

Allan Thompson

### **Commission for Christian Education**

Helen Rodd (Chairperson)	Lisa Hall
Peter Batten	Peter Harris
Robert Bos	Elizabeth Nolan
Brian Carey	Julie Pinazza
Denham Grierson	Wendi Sargeant

### **Commission for Christian Unity**

Robyn Boyd (Chairperson)	David Ingleton
Fran Barber	Morag Logan
Peter Bentley	Graham Nielsen
Richard Chapman	Jack West
Tara Curlewis	Pam Whebell
Robert Gallacher	Joan Wilcox
Robert Gribben	Joan Wright
Bernadette Hurley	

### **Commission on Doctrine**

Keith Rowe (Chairperson)	Christine Gapes
Jonathon Barker	Anne Gibbons
Chris Budden	Ross Kingham
Peter Butler	Elenie Poulos
Terence Corkin	Yangrae Son
Susan Emilsen	

### **Commission on Liturgy**

Paul Walton (Chairperson)	David Lowry
Susan Algate	David MacGregor
Pam Batson	Suellen Welch
Ian Gillman	Geraldine Wheeler
Moira Laidlaw	Wendy Whitney
Edward Law	

### **Commission for Mission**

Chairperson: Dennis Robinson

Chairpersons of Mission Committees:

Anne Amos	Frontier Services
James Haire	International Relations and Mission
Inoke Nabulivou	Multicultural Ministry
Dean Brookes	National Mission and Evangelism
Bev Fabb	Social Responsibility and Justice

### **Commission on Women and Men**

Chairperson is appointed by the Standing Committee from the membership

Lisa Addley	Lucy Graham
Paul Bartlett	Sandra Houghton
Lurleen Blackman	Janis Huggett
Warwick Cadenhead	Marion Millin
Jayne Clapton	Douglas Purnell

Wendy Eccleston  
Judy Fisher

Betty Riley  
Marjorie Roberts

**Finance Committee**

Chairperson is appointed by the Standing Committee from the membership

Janet Collard

Margaret Lightbody

David Greenall

Jim Mein

Mary Elleanor Henning

Ed Walker

**Ministerial Education Commission**

Chairperson

John Henley

Secretary

To be appointed by the Standing

Committee

**GENERAL BUSINESS**

**97.60 GREETINGS FROM ECUMENICAL GUESTS**

During the Assembly the following guests from other Australian and overseas churches and church bodies brought greetings to the Assembly:

Mr Michael Brown, National Council of Churches in Australia

Bishop Brian Farran, Anglican Church of Australia

Ms Frances Alguire, World Methodist Council

Rev Octavianus Anduwatju, Christian Church of Sumba

Rev Hyung-Ki Baik, Presbyterian Church of Korea

Bishop Elmer Bolocon, United Church of Christ in the Philippines

Rev Virginia Coleman, United Church of Canada

Rev Kerry Enright, Presbyterian Church of Aotearoa-New Zealand

Ms Glynthea Finger, Christian Conference of Asia

Rev Oka Fauolo, Congregational Christian Church of Western Samoa and  
Christian Council of Churches in Samoa

Rev Park Chong Soon, Presbyterian Church in the Republic of Korea

Rev Stan West, Methodist Church of New Zealand

Rt Rev Peter Willsman, Presbyterian Church of Aotearoa-New Zealand.

A partnership agreement between the Uniting Church in Australia and the Korean Christian Church in Japan was signed during the Assembly, at which time the following guests brought greetings to the Assembly:

Rev Kang Young Il, Korean Christian Church in Japan

Rev Lee Dae-Kyung, Korean Christian Church in Japan

Kirsten Preece, former intern in mission with the Korean Christian Church in Japan.

**97.61 CATO VISITOR**

The 1997 Cato Visitor, Fr Gabriel Daly, from the Irish School of Ecumenics, made three presentations to the Assembly: an address entitled “Protestant Principle and Catholic Substance”, an interview with Robin Boyd, and responses to questions from Assembly members. Following his final presentation, the President thanked Fr Daly for his most informative and ecumenically challenging contribution to the Assembly.

**97.62 BIBLE STUDY**

Vicky Balabanski, Lecturer in New Testament at Parkin Wesley College in Adelaide, presented four Bible studies during the Assembly on the theme of “Forward Together - Moving with God’s Spirit”. Following her final study, the President thanked her for the way her studies had opened God’s Word in the Scriptures to the Assembly.

**97.63 CHILDREN OF THE EIGHTH ASSEMBLY - KUCA-A '97**

The children presented their report to the Assembly.

The Assembly resolved:

**97.63.01** to receive the report;

**97.63.02** to determine that children be invited to participate in future Assemblies of the Uniting Church in Australia;

**97.63.03** to consult with children before a decision is made about how children participate.

**97.64 ABSTUDY**

The Assembly resolved to write to the Prime Minister expressing its serious concern about any restructuring or reduction of Abstudy or any replacement funds which reduce the capacity of Aboriginal people to access education and training.

**97.65 NUNGALINYA COLLEGE**

The Assembly resolved:

**97.65.01** to urge the Prime Minister, Mr John Howard, and the Minister for Education, Employment, Training and Youth Affairs, Senator Amanda Vanstone, to withdraw the new limitations imposed on Abstudy funding for Aboriginal and Torres Strait Islander students in relation to (1) interstate travel for certificate and enabling courses, (2) travel funding for away-from-base activities and (3) courses wholly or substantially comprising away-from-base components (as set out in Budget Paper 2, Part 1 and Budget 97 Questions and Answers);

**97.65.02** to request that the President seek an urgent meeting with the Prime Minister to make a representation accordingly;

**97.65.03** to seek funding for Nungalinya College from the Aboriginal and Islander Commission of the National Council of Churches in Australia and other sources and commend the work of the college to the whole Church to enable the college to strengthen its financial basis and ensure its continuing support in prayer.

**97.66 TASK GROUP ON THE TEACHING MINISTRY AND MISSION OF THE CHURCH**

The Assembly resolved to appoint a Task Group on the teaching ministry and mission of the Church, to report with recommendations to the Ninth Assembly, proposing a vision and strategies for rekindling and strengthening the teaching ministry and mission of the Church's congregations. The mandate, composition and process to be as follows:

**1. Mandate:**

- (a) to report to the Ninth Assembly with a vision and strategies for rekindling and strengthening the Church's teaching ministry and mission;
- (b) to report to the Standing Committee periodically on progress and options for action during the next three years;
- (c) to enquire into the current state and practices of the teaching ministry and mission of congregations;
- (d) to enquire into the trends of the teaching ministry and mission of congregations in other mainline churches;
- (e) to develop an empirical data base revealing the activities and practices of the teaching ministry and mission of congregations;
- (f) to develop a profile of ways in which various categories of people within congregations (parishes and schools) and regional councils of the Uniting Church perceive the teaching ministry and mission of the Church, such as
  - the relative significance/importance of the teaching ministry and mission;
  - hurts about unfulfilled hopes for past teaching ministry and mission practices;
  - hopes for a different future for the Church through its teaching ministry and mission;
  - purposes and desired outcomes;

- performance measures and indicators;
  - motivations relevant to persons participating as either learners or teachers;
  - preferred participation styles and options;
  - settings in which the ministry operates;
- (g) to develop a set of performance indicators able to be used by congregations in assessing their teaching ministry and mission and to plan accordingly.

## **2. Composition of the Task Group**

to request the Standing Committee to appoint a Task Group of up to 12 people, based in Victoria, with the membership to include:

- Christian education personnel;
- a theologian in a theological hall teaching settlement;
- a presbytery minister/officer;
- a Minister of the Word and a Deacon currently in parish/vocational settlement;
- the chairperson of the National Education Committee;
- lay persons with Christian education expertise and experience;
- a Youth Worker.

## **3. Consultation and connections with existing commissions and committees**

The Task Group will consult with the Commission for Christian Education and synods' commissions with responsibility for Christian education in congregations, including Uniting Church schools with "congregations" of regular worshippers. Such consultation may include:

- developing a panel of "expert" advisers and contributors drawn from various fields of education and Christian education;
- working in liaison with Uniting Education on matters of research;
- consultation with Uniting Church schools and their various synod and national committees;
- liaison with other national commissions and/or task groups whose mandate and/or projects carry Christian education implications for congregations.

#### **4. Funding**

to request the Standing Committee to arrange funding for the task group, sufficient to enable the quality of research, consultancy and publication.

#### **97.67 VENUE FOR THE NINTH ASSEMBLY**

The Assembly resolved:

**97.67.01** to receive with thanks the invitations from the Synods of South Australia and Victoria to host the Ninth Assembly;

**97.67.02** to determine to hold the Ninth Assembly in the year 2000 in Adelaide;

**97.67.03** to authorise the Standing Committee to determine the exact date, and to negotiate with the Synod of South Australia as to the particular venues for the various Assembly functions;

**97.67.04** to determine to hold the Tenth Assembly in 2003 in Melbourne.

#### **97.68 SRI LANKA**

The Assembly resolved to adopt the following statement of concern about the people of Sri Lanka:

##### **Preamble**

We, as concerned members of the Eighth Assembly of the Uniting Church in Australia, wish to draw attention to the situation in the neighbouring country of Sri Lanka. In making this statement of concern we acknowledge:

- that Australia itself has unresolved conflicts based upon the colonisation of indigenous people in this land;
- that Australia has been complicit with, as well as the economic beneficiary of, colonialism in the island nation of Ceylon, now called Sri Lanka;
- that Sri Lanka is engaged in a civil war, based on ethnic differences between the majority Sinhalese and the minority Tamil communities;
- that atrocities and human rights abuses are being perpetrated on both sides in the conflict;
- that not all Tamils are members of groups supporting armed resistance;
- that negotiations for the recognition of Tamil rights proceeded for 30 years following independence;
- that Tamil and Sinhalese people now living in countries throughout the world are also suffering much personal pain and loss of loved ones;

- that any proposal for a peace package must be negotiated not imposed;
- that intervention by the international community and agencies has made a difference in other world conflicts, and continues to do so.

As an expression of our concern, this Assembly calls upon the United Nations General Assembly to:

1. call upon the Sri Lankan Government and all those exercising leadership of the Tamil community in Sri Lanka, including the Liberation Tigers of Tamil Eelam, to find a political solution to the conflict which recognises the right of the Tamil people to determine their political status and the need to assure full human rights of all people in Sri Lanka;
2. call on those nations and agencies supplying arms, ammunition, landmines and other forms of military support to both sides of the conflict, especially those wanting to sell off stockpiles of weapons, to cease such activities immediately;
3. to offer a service of mediation to Sri Lanka for the resolution of conflict.

We call upon the Australian Government to:

1. seek support from the international community, especially through the United Nations and the Commonwealth (including the Commonwealth Heads of Government Meeting in Edinburgh in October this year) to be active in pressuring all parties to seek a resolution which provides safety, security, health, shelter and human dignity for all Sri Lankans;
2. initiate a multipartisan motion in the Parliament in support of achieving peace in Sri Lanka through international mediation.

We call upon

1. the Sri Lankan Government to undertake the following:
  - (a) the immediate lifting of the economic embargo imposed upon traditional Tamil areas;
  - (b) the ongoing provision of humanitarian aid to all victims of war regardless of race and creed;
  - (c) the securing of free access to the war zone by international aid agencies;
  - (d) the immediate cessation of extrajudicial executions, “disappearances”, torture and arbitrary arrests;
  - (e) the amendment of legislation, including the “Emergency Regulations and Prevention of Terrorism Act”, to conform with international human rights standards;

- (f) the full and impartial investigation of all reported human rights violations, in which the findings are made public and those responsible are brought to justice.
2. the Liberation Tigers of Tamil Eelam to undertake the following:
- (a) the immediate cessation of human rights abuses, including summary executions and other deliberate and arbitrary killings of civilians, torture, arbitrary arrests and abductions for ransom;
  - (b) the declaration of a clear commitment to uphold human rights;
  - (c) the securing of free access to the war zone by international aid agencies.

We affirm the proposed visit to Sri Lanka later this year by a delegation from the National Council of Churches in Australia and commit ourselves to working in solidarity with Sri Lankan people living in Australia, especially those disadvantaged and distressed by the situation in their country of origin.

**97.69 THE SYNOD AND PRESBYTERY OF TASMANIA**

The Assembly resolved to authorise the Standing Committee to receive and deal with any proposals that may arise from the Synod of Tasmania in relation to altering the bounds of the Synod of Tasmania and/or transferring the Presbytery of Tasmania into the jurisdiction of another Synod.

**97.70 TITLE OF “YOUTH WORKER”**

The Assembly resolved to refer to the Standing Committee, with power to act, after consultation with Youth Workers, the proposal:

*authorise the Standing Committee, on the advice of the Legal Reference Committee, to amend Regulations 2.9.1 - 2.11.9 passim by replacing the title “Youth Worker” with the title “Youth Ministry Worker”, and to make consequential amendments to other Regulations.*

**97.71 STIPENDS AND ALLOWANCES**

The Assembly resolved to request the Finance Committee and the synod secretaries to review the reasons for differences in minimum stipends and allowances across the synods and encourage synods to move towards a higher level of parity in minimum stipends and allowances.

**97.72 MATTERS REFERRED TO TASK GROUP ON MEMBERSHIP**

The Assembly resolved to refer to the Commission for Mission Task Group on Membership the following proposals:

**“24. MEMBERS-IN-ASSOCIATION AND CHURCH COUNCILS**

24.1 (a) *amend the following paragraphs of the Constitution by the additions of the words "or members-in -association" after the words "confirmed (lay) members":*

- *paragraph 27, line 2 and line 4;*
- *paragraph 33 (c) line 1;*
- *paragraph 33 (d) line 1;*
- *paragraph 33 (e) line 1;*
- *paragraph 40 (a);*
- *paragraph 40 (c) line 1;*
- *paragraph 40 (e) line 1;*

24.2 *authorise the Assembly Standing Committee, on the advice of the Legal Reference Committee, to amend Regulations to effect the above changes to the Constitution.*

## **75. MEMBERSHIP OF PRESBYTERY AND SYNOD**

75.1 *amend the Constitution of the Uniting Church in Australia by:*

- (a) *amending line 4 of Clause 27 of the Constitution by deleting the word 'confirmed', and*
- (b) *amending line 1 of Clause 33(e) by deleting the words "being confirmed members";*

75.2 *request the Standing Committee, on the advice of the Legal Reference Committee, to consequentially amend the Regulations of the Uniting Church in Australia, including:*

- (a) *amending line 1 of Regulation 3.4.15(c)(ii) by deleting the word "confirmed",*
- (b) *amending line 1 of Regulation 3.4.15(e) by deleting the word "Confirmed",*
- (c) *amending line 1 of Regulation 3.5.2(a)(vii) by deleting the words "confirmed members" and inserting in the place of the deleted words, the word "persons",*
- (d) *amending line 1 of Regulation 3.5.2(a)(ix) by deleting the word "confirmed",*
- (e) *deleting, in toto, Regulation 3.5.3(b)(ii), and*
- (f) *renumbering Regulation 3.5.3(b)(iii) as (b)(ii)."*

## **CLOSING ACTIONS**

### **97.73 REMAINING BUSINESS**

The Assembly resolved to refer the remaining matters to the Standing Committee to deal with as it may determine:

- proposals from the National Education Committee;
- effective date of settlement;
- proposals involving financial commitment;
- Assembly task group reports;
- Task Group on the nature of the Christian gospel;
- indigenous people and Frontier Services.

### **97.74 APPRECIATION**

On behalf of all members, the migrant ethnic members of the Assembly expressed Assembly's appreciation for all who had contributed to the presentation, conduct and functioning of the Eighth Assembly.

#### **PRIVATE SITTING**

On the Thursday afternoon the Assembly resolved to sit in private. The Assembly permitted the following non-members to remain for the private sitting:

D'Arcy Wood - former President  
Christine Bayliss Kelly and Marion Gledhill - Facilitation Group  
Bruce May and Terry Tero - Minute Secretary and Daily Recorder  
Bob Lockley - Sound Technician  
Wali Fejo - Congress member.

Following the conclusion of the private sitting, the General Secretary reported: "At the request of the Rev Dr John Brown, the Assembly met in private. The Assembly received a statement from Dr Brown. Discussion followed, and no resolutions were carried."

## **CLOSE**

The Eighth Assembly concluded at 1.40pm on Saturday, 12 July 1997 with worship, including Holy Communion.

