

NATIONAL PROPERTY POLICY FOR THE UCA

This document is to replace the previous Policy document: “*Property Policy in a Multicultural Church*” in light of changes to the Regulations made by the 12th Assembly. Those changes embed our values as a multicultural church (1985) for all God’s people (2006) into our ‘law’. It provides a way in which, with respect to one aspect of our life, we can live as a multicultural church.

It includes a significant background and introduction because it is critical that the context of these changes and the values of the UCA are clearly understood in relation to our Property Regulations.

Background and Introduction to assist in understanding the roles of various Councils of the UCA in relation to property

1. This property policy gives expression to our conviction that in the Uniting Church in Australia all our church property belongs to God and we are stewards of it.

In the Uniting Church property is understood as a resource for the ministry and mission of the whole people of God. This conviction is at the heart of our participation in God’s mission as the one body of Christ, and embedded within our structures through the establishment of Synod and not local congregation Property Trusts (*UCA Constitution Division 5*). This means that the ways in which we receive and share the resources God has given us will reflect the Gospel values of justice, equality, hospitality, and partnership.

The implementation and use of this National Property Policy will require careful consideration by the congregations, faith communities, agencies, presbyteries, and synods concerned, and a great deal of patience and charity on the part of everyone.

This policy takes the Uniting Church further on its determination to live out its life and faith in a Covenantal relationship with first peoples’ through the UAICC, and as a culturally and linguistically diverse Christian community in multicultural and multifaith Australia. Such additional steps are extremely challenging, because they require us to practise our claims that all property resources do not belong just to those who have exercised care and stewardship of them over time. They will also confront our practice of ‘selling’ property (for example a worship complex and/or manse), to ourselves (i.e. another UCA congregation), which has generated a sense and culture of local ‘ownership’ that actually contradicts our claim of faith.

The challenges also represent exciting opportunities for our growth into new and more appropriate forms and expressions of ministry in 21st century Australia. Such changes include emerging forms of church life and cross-cultural insights and learning as we open ourselves to receive from one another the Holy Spirit’s transforming gift of hospitality. The Uniting Church embraces such emerging change as gifts of God through the Holy Spirit as we journey in faith towards God’s promised end for all creation. (Basis of Union)

2. Alongside the Property Regulations (*Section 4. Property*), this National Property Policy clarifies the basis upon which property is acquired, held by the Uniting Church, and transferred internally within it. (*UCA Constitution Division 5: 52*)

As the UCA faces the challenges of worship, witness and service in 21st century Australia and beyond it is essential that we have a unified national policy framework on the most effective missional use of our property resources.

Growth and diversity have taken and are taking the UCA in directions and opportunities that could not be foreseen when the UCA was formed and its property regulations and policies formulated. They now require clarification, flexibility, and greater attention to equity and justice, partnership and hospitality in the use and joint use, sharing, availability and transfer of management of property rights within the UCA as one resource for the mission and ministries of the whole Church. This growth and diversity includes [but is not limited to] ministries and services:

- To and with first peoples' through the UAICC
 - Cross-cultural and Multi-cultural
 - To two or more UCA congregations or fellowship groups sharing property resources
 - Congregations, faith communities and Agencies sharing and/or transferring property resources
3. This policy is to work alongside the Regulations in enabling the UCA to more effectively use its property resources and to give emerging mission agents of the whole UC the opportunity to receive just and appropriate consideration as the whole UCA engaged in the mission of God as parts of the One Body of Christ.
4. In matters of property, final responsibility rests with the synod working in consultation with congregations and presbyteries. The regulations specify the manner in which a synod's Property Board may make a final decision.

(Note: property belongs to the Uniting Church in Australia. The legally registered body to hold property is the particular Synod Property Trust. It is the transfer of rights and responsibility for the control and use of the property and not the transfer of ownership that is referred to in this Policy document.)

5. The duties and responsibilities of a **congregation** are detailed in Regulation 3.1.13.
- 5.1 Mission strategy: Each congregation should have a conscious mission strategy. This is especially important for all parties when transfer of responsibility for management of property and joint use of that resource is considered.
- 5.2 Existing congregations: In many situations an existing congregation may have a historical relationship to a particular property often through many generations. Therefore to transfer the responsibility for management and administration of property and the benefit of use or income from a property to another UCA congregation may involve considerable pain, including loss, anger and a sense of failure, and grief.
- However, that prior relationship alone is not sufficient reason for the continuation of the congregation or the denial of that resource to another UCA congregation. Congregations exist to worship God and bear faithful witness to the Gospel of Jesus Christ in the local community. If a congregation and/or presbytery determine that it is no longer able to fulfil these purposes, then it may be appropriate for that congregation and for the benefit of use or, or income from the property to be made available for the use of a new congregation and/or for other emerging ministries in the wider UCA.
- 5.3 Emerging congregations and faith communities: The emerging new congregation similarly needs to develop a conscious mission strategy, though it may have no property and only limited resources. It is expected that requests for property and resource needs will go to presbyteries, which may approve such a transfer as a consequence of that strategy.
- Synods and presbyteries have responsibilities to assist and encourage congregations as they develop a mission strategy that effectively relates to their immediate community and the wider Australian society.

6. The **presbytery** (Regulations 3.4.1 and following)
- 6.1 Has authority and responsibility to exercise oversight of congregations and may "disband and cease to recognise a congregation for reasons which it considers are in the best interests of the mission, witness and service of the Church within the bounds of the presbytery" [3.1.6 (b)]. Such a decision only occurs following prayerful consideration and adequate consultation.
- 6.2 Will encourage each congregation and faith community involved to see these issues in terms of conscious, specific mission strategy of a pilgrim church always reviewing its worship witness and service in obedience to Christ and through the guidance and power of the Holy Spirit (Basis of Union) and as a culturally diverse church in Covenant with indigenous peoples through the UAICC. See: *"The Uniting Church is a Multicultural Church" [1985]*, *"A Church for all God's People" [2006]*, *the Covenant invitation [1988]* and *the entering into the Covenant [1994]*.

7. The **synod** (*Basis of Union Paragraph 15[d], UCA Constitution Division 5, Regulations 4.2.1 and following*)

7.1 Has authority and responsibility:

- o To provide support, resources and encouragement.
- o To create new presbyteries that are more appropriate mission agents in changing and challenging times
- o To disband presbyteries that can now longer carry out their responsibilities effectively

7.2 As the synod assists in resourcing the development of new forms and expressions of 'church' and 'agency' that more effectively reflect our Covenantal relationship with the UAICC, our nature as a multicultural community and our worship, witness and service cross-culturally, so it will be important to create resources to meet cases of particular need involving transfer of rights and usage of property between existing congregations, agencies and new expressions of community [congregations, faith communities] and service [agencies].

To this end the Synod shall in consultation with presbyteries, have authority to make decisions relating to property management and the benefit of its use that are consistent with Assembly property Policy as enacted from time to time (*Regulations 4.2.1 – 4.2.3 and 4.13.5*).

If the Uniting Church is to be truly a fellowship of pilgrim people responding to God's call to worship, witness and service, our only right to ownership of property that is God's gift in trust is where it is a creative facility for that purpose. Property, and indeed all our resources, must always be a means to an end – the purpose to which we are called: "... a Pilgrim people on the way to God's promised end" [Basis of Union] – never an end in itself.

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National Property Policy for the Uniting Church in Australia

This policy has been developed in response to the decision of the 12th Assembly which determined (in part):

09.09.03 to authorise the Standing Committee, on advice from the Assembly Legal Reference Committee, to make Regulations relating to property sharing arrangements between two or more Uniting Church congregations or faith communities ...
and

(vi) 09.09.04 to request Assembly Multicultural and Cross-cultural Ministry to resource the Assembly Standing Committee in the development and adoption of a "National Property Policy" by bringing a draft Policy document to the ASC in November 2010, which is based on any changes to the Regulations ...

The Regulations that were approved in response to this decision are:

4.13.1 Where two or more Congregations or faith communities share, or will share, the use of a Church property that is under the management and administration of a Church Council of (one of) the Congregation(s), they will enter into a culturally sensitive memorandum of understanding (not a tenancy agreement) that shall

- (a) specify usage rights of each Congregation or faith community;
- (b) provide for an appropriate sharing of costs; and
- (c) specify the manner in which the responsibilities listed in Regulation 4.4.1 and other relevant Regulations of the Church will be jointly undertaken in respect of the shared property.

4.13.2 The memorandum of understanding will be negotiated in consultations between the participating Congregation(s) (through their Church Council(s)) and faith community/ies and their Presbytery or Presbyteries, taking into account the ministry and mission needs of each participating Congregation and faith community and any relevant policies of the Assembly

and the Synod.

4.13.3 Where there is shared use as mentioned in 4.13.1 or where another Congregation or faith community requests that it be permitted to share the use of a Church property that is under the management and administration of a Church Council

- (a) if there is disagreement or a failure to resolve issues between the participating Congregation(s) and faith community/ies after the consultations referred to in 4.13.2, the Presbytery may decide the matters in issue and will promptly notify them of its decision: and
- (b) if one or more of the Church Council(s) or faith communities that has participated in the consultations, shall be dissatisfied with the decision of a Presbytery made under paragraph (a), it may appeal to the Synod Standing Committee against the decision.

The Synod Standing Committee may appoint a body or panel to consider the appeal and the decision of the appeal body or panel shall if it thinks fit replace the decision of the Presbytery and be a final decision

4.13.4 The Presbytery

- (a) may dispense with the requirement that the responsibilities mentioned in 4.13.1 (c) be jointly undertaken if it considers that it is appropriate to do so and the dispensation may be granted for a specified time and subject to conditions; and
- (b) shall have authority to implement any changes to use, management or administration of a Church property, that it considers are necessary or desirable to implement a memorandum of understanding made pursuant to 4.13.1 or a decision made pursuant to 4.13.3.

4.13.5 A Synod may determine policies and processes to assist Presbyteries, Church Councils and faith communities in the implementation of this Regulation. Where there is more than one Presbytery, they shall determine the manner in which the responsibilities of the Presbytery under this Regulation will be exercised by one or both of them.

The policy that follows is provided to give guidance in the way to make the Regulations work in concrete situations. Policies cannot cover all circumstances but assist in keeping faith with the intention of the Regulations in the most common situations. Where the Policy does not seem to anticipate a particular situation then the Regulations are to be relied upon but the Policy can still point to the values and principles that should be applied.

Terence Corkin
Assembly General Secretary

This property policy gives expression to our conviction that in the Uniting Church in Australia all our church property belongs to God and we are stewards of it.

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Alongside the Property Regulations (*Section 4. Property*), this National Property Policy clarifies the basis upon which property is acquired, held by the Uniting Church and transferred internally within it. (*UCA Constitution Division 5: 52*)

Section 1. Shared use, responsibility for management [including maintenance], administration and benefit of use from property (*Regulations 4.13.1 – 4.13.5*).

1.1 Uniting Church congregations and groups should have priority use of Uniting Church property before such facilities are offered to any outside body.

1.1.1 Any UCA congregation considering making property available to a non-UCA congregation is required, through their presbytery/presbyteries to first check if any UCA

congregations or faith communities are listed on the appropriate synod register are seeking accommodation in their area.

1.1.2 Whilst taking account of ministry and mission needs, priority shall normally be given to UCA congregations or faith communities listed on the register.

1.2 Where a UCA congregation is sharing property with a non-UCA congregation, Faith Community or Fellowship Group:

1.2.1 Presbytery shall ensure that the tenancy agreement/memorandum of understanding includes provision for and undertake a regular review of the arrangements.

1.2.2 The review will take account of the needs of any UCA congregations and/or Faith Communities for a centre for their ministry and worship and priority will be given to UCA congregations or Faith Communities listed on the Register referred to in 3.4 below and using the framework set out in 1.3 and 1.4 below.

1.3 Where two or more Uniting Church in Australia congregations function from one property base, an appropriate form of written agreement will apply to that relationship. It will accord rights of usage, an appropriate sharing of costs and take into account the ministry and cultural needs. The working out of this agreement should recognise their equality and sharing in mission as sisters and brothers in the service of Christ, through this Church, and reflect the intention and spirit of this policy, and be in the language of partnership/covenant and not that of tenant/landlord.

It is vital that such an agreement:

- Is negotiated carefully in the language[s] of all parties and with due respect to the culture and first language of each group involved;
- Is drawn up carefully in the language[s] of all parties to the partnership/covenant – preferably paragraph by paragraph on the same document and *not* as separate documents;
- Accurately reflects joint responsibility for management [including ongoing maintenance through sharing of costs and income, both money and 'in kind'] and shared benefit of the use of, and/or income from the property;
- Fosters the mission and growth of the Church as a whole.

1.4 The principles for drawing up such document[s] are:

1.4.1 Uniting Church congregations and faith communities have a clear priority of use of the property (both church and hall accommodation) before this accommodation is offered to any outside body.

1.4.2 The diverse needs of each congregation or faith community will be given equal attention in decisions relating to the use of property.

1.4.3 Each congregation or faith community that uses the property shares in the cost of its maintenance in a just, equitable and responsible. This might be in proportion to the time usage by the respective Uniting Church in Australia congregations, or it may have some relation to the capacity to pay and/or size of the respective groups or nature of usage. A mutually agreed basis of sharing the costs of repairs, maintenance [for example this may be 'in kind'], and service charges is to be negotiated.

1.4.4 Where two or more congregations or faith communities share property (and have separate Church Councils) there will be regular joint meetings of the Councils (or fair representation of each congregation) which include provision for translation/interpretation as appropriate when property decisions are to be taken.

1.4.5 Where two or more congregations or faith communities share a property, a Property Sub-Committee is formed. This joint committee will be made up of representatives of each congregation. The membership would normally be determined so as to provide equality of voice and opportunity and not automatically based on the numbers in each congregation/faith community, or in some other proportion as agreed by the Presbytery/Presbyteries. Meetings will include appropriate and adequate provision for translation/interpretation.

- 1.4.6 That the partnership agreement/covenant will include provisions for regular review that will include all parties to the agreement including the presbytery and be have available to the parties translation/interpretation into the language[s] involved

Section 2. Transfer of responsibility for management of property between Congregations

- 2.1 Uniting Church congregational property is primarily for use by Uniting Church groups to serve the Church's participation in God's mission through worship, witness and service.
- 2.2 Where, by arrangement, a congregation of the Uniting Church desires to obtain sole benefit of, or the income from, use of a property from an existing congregation, the presbytery will assist these congregations to develop their future mission strategy and consequently, property [and other resource] needs, and will make recommendations to the Synod for recognition of the new *Responsible body (Regulations 4.1.1 Definitions)*. It is important that all responsible bodies within a particular Synod are included in consultations early in this process.

In some cases, there will be no financial transaction involved; however, where it is agreed that the existing congregation requires some compensation for the transfer of the benefit of the use of property in order to enable it to carry out its mission strategy as agreed, the amount of compensation and the manner of its provision will be worked out between the synod, the presbytery and the congregations, with an agreed recommendation to the Synod Property Board/Trust for final property approval.

The Synod will then make responsibility for management and the benefit of use of the property available to the new congregation on the basis of an appropriate and approved financial arrangement. For example, that arrangement could include a basis or formula whereby the new congregation will contribute annually an agreed proportion of its income to an appropriate synod mission fund as an expression of gratitude and to defray the transfer cost. It is vital that the language of "sale" and "purchase" not be used to characterise this change as they contradict our claim – in gospel and in our Constitution – that all properties already belong to the whole UCA.

- 2.3 When by arrangement responsibility for management and benefit of use of a property is transferred between Uniting Church congregations to further the mission of both congregations, that may occur as a generous gift from one congregation to the other or it may involve an appropriate consideration which will need to be negotiated between the parties in consultation with presbytery and synod.

Whilst financial transactions may be necessary, these should be based upon mission needs, rather than simply on market considerations. Noting the expectation of avoiding all use of "sale" and "purchase" language in paragraph 2.2 above.

- 2.4 It is important to assess each such transfer in terms of the mission possibilities and the impact of any decisions on the congregation to follow through with its mission calling and strategy. The following factors are most important:
- The results of an investigation projecting future needs for resources for witness and mission in that area – including changes in demographics i.e. ethnicity mix;
 - The mission benefits to both congregations and to the wider UCA of such a transfer occurring;
 - The present resources of both parties to the dealing.
- 2.5 There will need to be adequate assistance given to the "releasing" congregations to celebrate the transfer of ministry and mission responsibility, to grieve over the loss, and to understand and accept fully that the mission of the Church is best served by these changes. An appropriate service of symbolic handing over and celebration of new beginnings conducted by the presbytery is an important part of such a process.

Section 3. Purchase or Sale of Property (Regulations 4.6.1 – 4.6.4)

- 3.1 The purchase or sale of property must be in accordance with the Regulations of the Uniting Church and the procedures as directed through the Synod Property Board and such property Policies as the Assembly shall approve from time to time.

- 3.2 All purchases and sales of property by the Uniting Church must legally be made in the name and identity of the Property Trust of the Synod.
- 3.3 Where a congregation receives a request to lease or sell a property to a church group that is not a part of the Uniting Church in Australia, the congregation must seek permission of the presbytery and Synod in the usual manner. The Synod will make every endeavour to ensure that the property is not needed by any other UCA congregation, faith community or fellowship group or Agency before taking a final decision. This should also include talking to Synod Multi/Cross-cultural Committees [in synods where one exists] or any related ethnic community leadership [National Conference Chairpersons where such groups exist] etc.
- 3.4 In order to most effectively fulfil the intention of 3.3, each synod will keep a register of all Uniting Church congregations or faith communities which are seeking a centre for their life and worship.

Section 4. Conflict Resolution (*Regulation 4.13.3*)

Where more than one congregation, faith community, fellowship group or UCA agency have or request access to a property over which another congregation has responsibility for management and benefit of use and there is a dispute or conflict then Regulation 4.13.3 applies.

Section 5. Conclusion

As affirmed at the beginning, all church property belongs to God and we, the whole people of God are stewards of it. This means justice, equality and partnership in the way the Uniting Church receives and shares the resources God has given to the whole church. It is at the heart of our participation in God's mission as the one body of Christ.

The implementation and use of this National Property Policy will require careful consideration by the congregations, faith communities, presbyteries and synods concerned, and a great deal of prayer, patience and charity on the part of everyone.

Implementation of a policy such as this is extremely challenging. However those same challenges bring within them exciting opportunities for our growth into new and more appropriate forms and expressions of ministry in 21st century Australia. The Uniting Church embraces such emerging change as gifts of God through the Holy Spirit as we journey in faith towards God's promised end for all creation [*Basis of Union – various paragraphs*].

Note: Synod and Assembly staff involved in multicultural and cross-cultural ministry are able to assist the UCA by sharing examples of processes and outcomes with you.

Adopted November 2010 (ASC minute 10.73.02)