

## **PRESIDENTIAL RULING #27 WOLLONGONG MISSION AND ILLAWARRA PRESBYTERY**

### **PRELIMINARY**

By letter dated 22 July, 2010, I received a request from Rev Niall Reid, Moderator of the Synod of NSW & the ACT, that I provide a Presidential Ruling relating to certain actions of the Presbytery of Illawarra ("the Presbytery"). In accordance with Regulation 3.6.14(a), the request was made by Rev Niall Reid on behalf of certain members within the bounds of the Synod of NSW & ACT.

I am satisfied that none of the circumstances referred to in Regulation 3.6.14(b) are applicable to this situation.

I am also satisfied that the request relates to one or more of the matters referred to in Regulation 3.6.14(a)(ii).

The request for a Presidential Ruling, referred to above, was accompanied by a statement from the members on whose behalf the request was made. I also sought, and received, statements from the Minister, Rev Gordon Bradbery, and from the Presbytery (through its office-holders).

In these circumstances, I have determined to give a ruling in response to the request by the Rev Niall Reid.

### **FACTUAL CIRCUMSTANCES AND NATURE OF ALLEGED NON-CONFORMITY**

Rev Gordon Bradbery has been the Minister at Wollongong Mission, which is located within the bounds of the Presbytery, since 1996. A five year extension to the term of his original placement was granted by the Presbytery, which extension will expire at the end of 2010.

Wollongong Mission made two requests to the Presbytery for a further extension of Rev Gordon Bradbery's placement. The first, made to the Presbytery meeting of 26 August 2009, sought an extension for a further three years. The second, made to the Presbytery meeting on 25 November 2009, sought an extension for a further two years.

On each occasion, the required level of support from the Presbytery was not received.

The non-conformity which is alleged in relation to the Presbytery processes referred to above are, in short:

- (a) that the Presbytery did not take account of evaluations made by the Board Mission in accordance with paragraph 13.2.5(c) of the Synod by-laws;
- (b) that the Presbytery did not take account of comments of the Church Council on any such evaluations (also 13.2.5(c));
- (c) that the congregation was not allowed to make a case for the extension of the placement (pursuant to paragraph 13.2.5(c));
- (d) that at the meeting of 26 August 2009, the PRC, without notice, recommended that the extension sought not be agreed;
- (e) that the constitution of the PRC was altered prior to the meeting of 26 August 2009 and the outcome of that alteration was unfavourable to the Minister;
- (f) that at the meeting of 25 November 2009 there was no time allowed for discussion of the motion (for an extension); and
- (g) at the meeting of 25 November 2009 neither the members of the Presbytery Standing Committee nor PRC made a statement on the motion for an extension

### **RELEVANT REGULATIONS, BY-LAWS, AND RULES**

The placement of the Reverend Gordon Bradbery is to the Wollongong Mission, which is a designated Parish Mission in accordance with Regulation 3.1.28.

Accordingly, Wollongong Mission is entitled, pursuant to that regulation

*"(c) To make a case for the extension of ministerial placement beyond the normal maximum term when the proper exercise of the special ministries so requires."*

Regulation 2.7.10 governs the extension of a placement beyond the tenth year, and regulation 2.7.10(a) (i) provides

*“A placement in a Congregation may be extended by the Presbytery beyond the tenth year by agreement of the Minister, the Congregation and Presbytery;”*

Further, regulation 2.7.10(a)(ii) provides

*“Any extension shall require a two thirds majority by secret ballot of those present in each of the meetings of the Church Council, the Congregation and the Presbytery.”*

Regulation 2.7.10(d) provides

*“When considering requests of extension the Presbytery shall:*

*(i) consult with the Congregation, and give consideration to the continued growth in the Mission and development of the congregation;*

*(ii) consult with the Minister and give consideration to the welfare and vocational growth of the Minister;*

*(iii) seek advice from the Placements Committee.”*

The Synod of NSW&ACT has By-Laws established pursuant to the Regulations.

By-law 13.2.5(c) provides

*“In considering the extension of a Ministerial Placement beyond 10 years the Presbytery shall take account of any evaluations made by the Board of Mission and the comments of the Church Council thereon and shall also take account of the fact that, by reason of the designation of the Congregation as a Parish Mission pursuant to regulation 3.1.28, the Congregation shall be allowed to make a case for the extension of a Ministerial Placement.”*

Therefore, there are a number of objective criteria with which the Presbytery must comply in such a circumstance, and given the specific issues raised in the request, the provisions of Regulation 2.7.10(d) and By-law 13.2.5(c) are important.

## **WAS THERE COMPLIANCE?**

### *Regulation 3.1.28*

This regulation provides an opportunity for a Parish Mission (as defined) to “make a case” in relation to an application for extension of ministerial placement. This is an opportunity not available to a normal congregation on the Regulations.

According to Wollongong Mission’s own submission, it is clear that not only was there an *opportunity* to “make a case”, but further, Wollongong Mission *actually* prepared a submission which was made to the Presbytery Pastoral Relations Committee (“PRC”) and which the PRC took into account in making its recommendation to the Presbytery.

Additionally, there is no suggestion that representatives from Wollongong Mission and Reverend Gordon Bradbery himself were unable to make verbal submissions and responses to the meetings of the Presbytery which dealt with these matters. In fact, they did so.

Accordingly, I do not believe that there is any non-conformity with the requirement of this Regulation.

### *Regulation 2.7.10(d)(i)&(ii)*

All elements of Regulation 2.7.10(d) are mandatory.

It does not seem to be disputed either by Wollongong Mission or by Reverend Gordon Bradbery that consultation took place in accordance with these requirements. Indeed, the submission in this matter made by Wollongong Mission does not mention these as items of non-compliance.

### *Regulation 2.7.10(d)(iii)*

The Presbytery has provided copies of the documents pursuant to which this advice was sought and the response it obtained.

Again, although this was not a ground upon which Wollongong Mission sought to impugn the decisions of the Presbytery, I am satisfied that there has been compliance.

### *By-Law 13.2.5(c)*

In short, there were no relevant “evaluations made by the Board of Mission” in this matter.

As a part of the process of consultation relating to this placement generally, a "consultation" was conducted by the Presbytery in 2009. A representative of the Board of Mission was invited to participate in this consultation and did so.

The Presbytery also provided evidence of its request for comment from the Board of Mission in relation to the specific question of whether an extension should be granted, and the Board of Mission's response. However, there was no "evaluation" and therefore there was nothing for the Church Council to comment upon.

It seems to be suggested by Wollongong Mission that this By-law requires a Board of Mission evaluation to take place as part of the process. In my view, that is not a correct interpretation of the by-law.

The other matter referred to in this by-law is a clarification of the right of the Congregation (in this case Wollongong Mission) to be allowed to make a case for the extension to the Presbytery. I have referred to this issue above.

Therefore, I do not believe there was any non-compliance with this By-law.

#### **OTHER MATTERS**

Of the other matters raised by Wollongong Mission, I am not satisfied that any of them amount to non-conformity to the Constitution, Regulations or By-laws.

Accordingly, these are not matters which would cause me to impugn the decisions made by the Presbytery either at its meetings of August or November 2009.

#### **RULING**

For the reasons I have given above, I do not believe that there has been non-compliance with the Constitution, Regulations or By-laws in the decisions of the Presbytery at their meetings of 26 August 2009 or 25 November 2009 in failing to agree to a further extension of the ministerial placement of the Reverend Gordon Bradbery.

Accordingly, the decision of the Presbytery stands, with the consequence that the ministerial placement of the Reverend Gordon Bradbery at the Wollongong Mission will terminate at the end of its current term.



Rev Alistair Macrae  
President  
National Assembly  
Uniting Church in Australia

September 30 2010