

Uniting Church in Australia
ALTERNATIVE REGULATIONS
FOR KOREAN CONGREGATIONS

1. REGULATION 2.1.1

Add new definitions in Regulation 2.1.1:

“For the purpose of these alternative Regulations, unless the context or subject matter otherwise indicates:

Bu moksa means an assistant minister serving in a Korean Congregation within the Uniting Church.

Korean Congregation means a Congregation of the Uniting Church which is recognised by the Assembly, following consultation with the Council of Korean Churches, as being a Korean Congregation.

Korean partner church means the Korean Methodist Church, the Presbyterian Church of Korea or the Presbyterian Church in the Republic of Korea, or any other Korean church which enters into a partnership with the Uniting Church in Australia which is recognised by the Assembly.

Tam-im moksa means a minister in charge serving in a Korean Congregation within the Uniting Church.

We-im moksa means a tam-im moksa who has been granted lifetime tenure in a placement.”

2. REGULATION 2.4.18

Alternative Regulation 2.4.18 to read:

“MINISTRY TEAMS WITHIN KOREAN CONGREGATIONS

2.4.18 Where two or more Ministers are serving in a pastoral charge in a Korean Congregation, one minister shall be designated as the tam-im moksa and the others as bu moksas. The designation of the tam-im moksa shall be approved by the Church Council, the Congregational Meeting and the Presbytery. In the event of disagreement between the three bodies the Presbytery shall determine the matter. Any arrangements made prior to the date on which these alternative Regulations come into effect shall be taken into account in any determinations made under this alternative Regulation.”

3. DURATION AND TERMINATION OF MINISTERIAL PLACEMENTS

Alternative Regulations to Regulations 2.7.6, 2.7.7, 2.7.9 and 2.7.10

Alternative Regulations to read:

“DURATION AND TERMINATION OF PLACEMENTS IN KOREAN CONGREGATIONS

2.7.5A (a) Arrangements on the duration of placements of ministers serving in Korean Congregations which have been previously agreed between a minister and the Congregation, and which have been previously approved by the Presbytery, and which are still in force on the date on which these alternative Regulations come into effect, shall remain in force notwithstanding the coming into effect of these alternative Regulations. Alterations to such arrangements shall require the agreement of the minister, the Church Council, the Congregational Meeting and the Presbytery. All

such arrangements are subject to the provisions of alternative Regulation 2.7.7 and to the disciplinary processes of the Uniting Church detailed in Regulations 7.5.1ff.

- (b) In relation to the placements of tam-im moksas, Korean Congregations have the option of following the normal processes of the Uniting Church detailed in Regulations 2.7.6 – 2.7.10 or of following alternative Regulations 2.7.6 and 2.7.7 below. On the first occasion that a Congregation is planning to call a new tam-im moksa, after the date on which these alternative Regulations come into effect, a meeting of the Congregation shall determine which of the two options shall be followed. The Congregation shall immediately notify the Presbytery in writing of the option chosen.
- (c) Placements of tam-im moksas in full-time positions shall be regarded as Uniting Church placements.

OPTION ONE (Uniting Church Regulations 2.7.6 – 2.7.10)

DURATION AND TERMINATION OF PLACEMENTS

2.7.6 The placement of a Minister in a pastoral charge shall normally be made for an undefined term but shall not continue beyond ten years except as provided in Reg. 2.7.10.

2.7.7 (a) A placement in a Congregation within the bounds of a Presbytery may be terminated at any time by the Presbytery according to the procedures in this Regulation.

(b) Any decision by a Presbytery to terminate a placement in a Congregation shall normally be made as a result of a consultation on the life and witness of the Congregation. The Presbytery shall consider any request for the termination of a placement in a Congregation made by the Church Council pursuant to a resolution carried by a two thirds majority of members present at a special meeting.

(c) A placement in a pastoral charge shall not be terminated by the Presbytery within the first five years (or in the case of the first placement of a Minister following ordination, three years) except in special circumstances, and either:

- (i) at the request of the Minister, or
- (ii) at the request of the Church Council by a two thirds majority of members present at a special meeting, or
- (iii) at the initiative of the Presbytery after consultation with the Placements Committee.

(d) Where a Presbytery has delegated its authority to its Pastoral Relations Committee a Church Council may appeal to the Presbytery against any decision of the Committee.

(e) Any decision of the Presbytery or its Pastoral Relations Committee to terminate a placement shall be by a two thirds majority of those present at the meeting.

(f) A placement in a pastoral charge shall not be terminated by a Presbytery during the term of any extension beyond ten years pursuant to Regulation 2.7.10 except on the same conditions as set out in (c) above.

2.7.8 Placements other than in Congregations:

- (a) shall be of such duration as the body making the placement determines;
- (b) shall normally be reviewed every fifth year in a manner to be determined by the body making the placement;
- (c) may be terminated at any time by the Presbytery, Synod or Assembly as the case may be, after consultation with the Minister and other bodies concerned.

2.7.9 The Placements Committee:

- (a) acting on its own initiative or on the request of a Presbytery, the Synod or the Assembly may terminate a placement at any time;

- (b) shall act on its own initiative only after consideration of the good of the whole Church and either in order to meet the particular needs of a Minister or to provide ministry in a Priority placement;
- (c) shall terminate a placement only after consultation with the Minister, the pastoral charge, the relevant Presbytery, and other appropriate bodies.

2.7.9A A Minister whose placement has been terminated shall have a right of appeal, subject to the following provisions:

- (a) An appeal shall be made in writing.
- (b) Unless an appeal is submitted within one month of the date of the written notice given to the Minister of the decision to terminate, the right to appeal shall lapse.
- (c) An appeal against a termination decision:
 - (i) by a Presbytery or its Pastoral Relations Committee pursuant to Regulation 2.7.7 or 2.7.8(c) shall be directed to the Synod or its Standing Committee. The Synod or its Standing Committee shall appoint a committee to determine the matter. The committee shall not include any member of the Presbytery or its Pastoral Relations Committee.
 - (ii) by a Synod or a body responsible to a Synod pursuant to Regulation 2.7.8(c) or 2.7.9(a) or to a by-law of a Synod shall be directed to the President of the Assembly who shall appoint a committee to determine the matter. The committee shall not include any member of the body which made the termination decision.
 - (iii) by the Assembly or a body responsible to the Assembly pursuant to Regulation 2.7.8(c) or 2.7.9(a) shall be directed to the President of the Assembly who shall without delay refer the appeal to the Moderators of two Synods. Such Moderators shall appoint a committee to determine the matter. The committee shall not include any members of the Standing Committee of the Assembly or any body which made the termination decision.
- (d) Any committee appointed shall consist of at least five persons.
- (e) Before making a decision any committee shall consult with the Minister, the terminating body and any other body or person it considers appropriate.
- (f) The decision of the committee shall be final and there shall be no further right of appeal.

EXTENSION OF CONGREGATION PLACEMENTS BEYOND THE TENTH YEAR

- 2.7.10** (a) (i) A placement in a Congregation may be extended by the Presbytery beyond the tenth year by agreement of the Minister, Congregation and Presbytery if there are circumstances that warrant such extension.
- (ii) Before the Presbytery agrees to extend the placement beyond ten years or to grant a further extension, it shall conduct a consultation on the life and witness of the congregation (refer to Regulation 3.4.5). Such consultation will normally be conducted not less than one year before the placement is due to expire.
- (iii) Any extension shall require a two-thirds majority by secret ballot of those present in each of the meetings of the Church Council, the Congregation and the Presbytery.
- (b) Such extensions may be for periods of up to three years at a time.
 - (c) In determining such an extension the Presbytery shall consult with and give consideration to the welfare and vocational growth of the Minister.

OPTION 2

DURATION AND TERMINATION OF PLACEMENTS OF WE-IM MOKSAS

2.7.6 A tam-im moksa may be granted lifetime tenure of a placement (we-im moksa) as follows.

- (a) Only ministers who are Ministers of the Uniting Church or ministers of one of the Korean partner churches are eligible for lifetime tenure of a placement. Ministers of the Korean partner churches who are granted lifetime tenure of a placement are encouraged to become Ministers of the Uniting Church.
- (b) Lifetime tenure of a placement may be approved from the commencement of the placement or at any time after an initial three years of service in the placement.
- (c) An invitation to a minister to accept lifetime tenure of a placement shall require a two-thirds majority vote of those present at the meetings of each of the Church Council, the Congregation and the Presbytery. Before the Presbytery votes on a proposal for lifetime tenure it shall conduct a consultation on the life and witness of the Congregation (refer Regulation 3.4.5).

2.7.7 The placement of a we-im moksa may be terminated:

- (a) when the we-im moksa accepts a call to another placement or requests termination of the placement; or
- (b) when the we-im moksa retires from active service; or
- (c) by the Presbytery, at the request of special meetings of the Church Council and the Congregation; in each case, the resolution must be passed by a two thirds majority of those present at the meeting of the Church Council, the Congregation and the Presbytery; or
- (d) by the Synod, on discipline grounds, in accordance with Regulations 7.5.1ff.

A we-im moksa whose placement has been terminated by the Presbytery shall have a right of appeal, as per Regulation 2.7.9A.

DURATION AND TERMINATION OF PLACEMENTS OF BU MOKSAS

2.7.9 A bu moksa shall be appointed as follows.

- (a) Only ministers who are Ministers of the Uniting Church or ministers of one of the Korean partner churches are eligible to be appointed as a bu moksa where the position is half-time or greater. Ministers appointed as bu moksas where the position is less than half-time may be ministers of other churches, but are required to be ministers in good standing in their own church and to have the approval of their own church before accepting the appointment.
- (b) Bu moksas serving in full-time positions shall be appointed for a period of up to three years, and are eligible for re-appointment for further periods of up to three years at a time. The decision to appoint or re-appoint bu moksas in full-time positions is taken by a meeting of the Congregation on the recommendation of the Church Council and requires the approval of the Presbytery. Appointments to full-time positions are regarded as Uniting Church placements.
- (c) Bu moksas serving in positions which are less than full-time shall be appointed for a period of up to three years, and are eligible for re-appointment for further periods of up to three years at a time. The decision to appoint or re-appoint bu moksas in less than full-time positions is taken by the Church Council. The Church Council shall notify the Presbytery of the appointment.

2.7.10 The appointment of a bu moksa may be terminated before the expiry of the period of appointment as follows.

- (a) On the request of the Church Council, the Presbytery may terminate the appointment of a bu moksa serving in a full-time position. A bu moksa whose appointment to a full-time position has been terminated by the Presbytery shall have a right of appeal, as per Regulation 2.7.9A.
- (b) The Church Council may terminate the appointment of a bu moksa serving in a position which is less than full-time. The Church Council shall immediately notify the Presbytery in writing. A bu moksa whose appointment to a part-time position has been terminated by the Church Council shall have the right of appeal to the Pastoral Relations Committee of the Presbytery. The Pastoral Relations Committee shall determine the matter. There shall be no further right of appeal.”

4. ELDERS

Alternative Regulations 3.1.33 – 3.1.35

“ELDERS IN KOREAN CONGREGATIONS

3.1.33 In relation to Elders, Korean Congregations have the option of following the normal processes of the Uniting Church detailed in Regulations 3.1.10 – 3.1.17, with the additional special provisions in alternative Regulation 3.1.34, or of following option two below. On the first occasion that a Congregation is planning to elect new Elders, after the date on which these alternative Regulations come into effect, a meeting of the Congregation shall determine which of the two options shall be followed. The Congregation shall immediately notify the Presbytery in writing of the option chosen.

OPTION ONE

3.1.34 Regulations 3.1.10 – 3.1.17 are to be followed in relation to Elders, with additional provisions as follows.

- (a) Elders who have already been elected with lifetime tenure shall be recognised as lifetime elders. Such elders shall retire from active service when they reach 70 years of age. Following retirement from active service as an Elder, such persons shall retain the title of Elder.
- (b) From the date on which these alternative Regulations come into effect, at least half of newly elected Elders shall be women, until at least one third of the Elders in active service are women. From that time onwards women shall comprise at least one third of the number of Elders in active service and men shall comprise at least one third of Elders in active service.
- (c) Election of Elders is by written ballot. A simple majority of votes cast shall be sufficient for a person to be declared elected as an Elder.

OPTION TWO

The Congregation is exempted from Regulation 3.1.16 as it applies to the term of office of Elders, and additional provisions are made as follows.

- 3.1.35**
- (a) Elders shall be elected for lifetime tenure, although continuation in active service beyond the age of 65 years shall require a special resolution of a meeting of the Congregation. In the event of their retirement from active service as an Elder, such persons shall retain the title of Elder.
 - (b) Congregations may determine, by simple majority of those present and voting at a meeting of the Congregation, that certain gifts and qualifications are required for a member to be eligible for election as an Elder.
 - (c) From the date on which these alternative Regulations come into effect, at least half of newly elected Elders shall be women, until at least one third of the Elders in active service are women. From that time onwards women shall comprise at least one third of the number of Elders in active service and men shall comprise at least one third of Elders in active service.

(d) An Elder with lifetime tenure who transfers membership to another Congregation retains the title of Elder, but shall only engage in active service as an Elder in the new Congregation when elected by a meeting of the new Congregation.

(e) Election of Elders is by written ballot. A simple majority of votes cast shall be sufficient for a person to be declared elected as an Elder.”

5. KWONSAS AND JIBSAS

Alternative Regulations 3.1.36 – 3.1.40

“KWONSAS AND JIBSAS

3.1.36 Kwonsas are members appointed by Korean Congregations to fulfil a pastoral role within the Congregation. Jibsas are members appointed by Korean Congregations to administrative or management roles within the Congregation. Both men and women may be appointed kwonsas and jibsas.

3.1.37 Korean Congregations shall continue to recognise those kwonsas and jibsas who are serving in those roles in the Congregation, as at the date on which these alternative Regulations come into effect. A meeting of the Congregation may determine that some or all such kwonsas and jibsas shall be members of the Church Council, in addition to those listed in Regulation 3.1.12(a).

3.1.38 Korean Congregations are free to determine whether or not the congregation elects new kwonsas or jibsas. The term of office and method of election of kwonsas and jibsas shall be as determined by the Church Council.

3.1.39 A meeting of the Congregation may determine that some or all jibsas shall be members of the Church Council, within the number of persons to be elected under Regulation 3.1.12(a)(v).”

6. CONGREGATIONAL BY-LAWS

Alternative Regulation 3.1.41

“BY-LAWS OF A CONGREGATION

3.1.41 Within the Uniting Church, Congregations are free to make by-laws on any matter as long as such by-laws are not inconsistent with the Constitution and Regulations of the Uniting Church (as varied by any applicable exemptions or alternative Regulations approved under Regulation 3.6.34) and are not inconsistent with any relevant Assembly, Synod or Presbytery policy.”

7. DECISION TO FOLLOW THESE ALTERNATIVE REGULATIONS

Alternative Regulations 3.1.42 – 3.1.45

“DECISION BY KOREAN CONGREGATIONS CONCERNING THESE REGULATIONS

3.1.42 Korean Congregations which have chosen to follow these alternative Regulations shall automatically transfer to these alternative Regulations on the date on which these alternative Regulations come into effect.

3.1.43 A Korean Congregation which is following these alternative Regulations may decide at any time, by a simple majority vote at a meeting of the Congregation, that it no longer wishes to follow these alternative Regulations. Such a Congregation shall then follow the Uniting Church Regulations unvaried by these alternative Regulations. The Uniting Church Regulations shall not apply retrospectively to decisions previously taken under the original or revised Kong-Dong Kyu-Jung. The Congregation shall immediately notify the Presbytery in writing of its decision.

3.1.44 A Korean Congregation which is following the Uniting Church Regulations unvaried by these alternative Regulations may decide, by a simple majority vote at a meeting of the Congregation, that it shall follow these alternative Regulations. These alternative Regulations shall not apply retrospectively to decisions taken under the Uniting Church

Regulations. The Congregation shall immediately notify the Presbytery in writing of its decision.

8. ASSEMBLY ACTIONS

Alternative Regulations 3.6.46 – 3.6.47

“ASSEMBLY RECOGNITION OF THE COUNCIL OF KOREAN CHURCHES

- 3.6.46** (a) The Assembly recognises the Council of Korean Churches as a national body which links all Korean Congregations and Korean ministers throughout the Uniting Church. The role of the Council is that of:
- fellowship;
 - advice to all Korean Congregations and ministers;
 - promotion of the life and mission of the Uniting Church among Korean Congregations;
 - the administration of financial support from the stronger to the weaker Congregations; and
 - stimulation of mission, outreach, education and service in Korean Congregations.
- (b) The powers and responsibilities of the Council of Korean Churches do not diminish the powers and responsibilities of Congregations, Church Councils, Presbyteries, Synods and the Assembly. In particular, the Council does not have a role in determining applications for candidature for ministry nor in the processes of placements of ministers.
- (c) The Council shall report to the Assembly from time to time through the national agency for multicultural ministry.

REVIEW OF THESE ALTERNATIVE REGULATIONS

3.6.47 The Assembly shall review these alternative Regulations no later than 2012.

Amended by the Assembly Standing Committee July 2007.

Effective date for the operation of these alternative regulations is 1 September 2007.