



Uniting Church in Australia
ASSEMBLY
Assembly Standing Committee

21 April 2024

DOCUMENT 3

Title	Act2 Project – Legal Advice Update
Type of Paper (Information/Decision)	For decision
Assembly or ASC Minute	Request the Act2 Project bring any amendments to the Constitution to the April 2024 meeting of the ASC that would assist in the implementation of the proposals contained within Stream A (Life Giving Communities of Faith and Discipleship) of Chapter 7 of <i>Act2: The Gift of the Spirit</i> .
Consultation	Seeking legal advice from Milner+Huang on the Act2 proposals.
Purpose	To provide a report and proposals for the Assembly Standing Committee to recommend to the 18 th Assembly in relation to Stream A (Life Giving Communities of Faith and Discipleship) of the proposals in <i>Act2: The Gift of the Spirit</i> .
Rationale & Findings Summary	<p>The legal advice indicates that:</p> <ol style="list-style-type: none">1. For the Stream A proposals regarding Congregations and Church Councils there would be some additional flexibility through changes to Clause 24 of the Constitution (and some consequential amendments).2. It assist in implementing the Vision and Principles of Stream (Life Giving Communities of Faith and Discipleship) including fit for purpose governance arrangements.3. This includes moving away from one congregation with one Church Council being the normative structure. It would provide flexibility for various communities of faith to work with Presbyteries to develop governance arrangements, particularly Church Councils that were fit for their context. <p>Therefore we are recommending that the ASC proposing that the amendments contained within the report from Milner+Huang included in the proposals coming to the Assembly as part of the Act2 Report.</p>
Attachments	Attachment: Amendments to Clause 24 draft (Advice from Milner+Huang)
Proposal/s	<p>That the Assembly Standing Committee</p> <ol style="list-style-type: none">1. Authorise that the amendments to Clauses 24, 3, 10(b) and 19 to the Uniting Church in Australia Constitution contained in the report be included as part of the proposals from the Act2 Project to the 17th Assembly.2. Authorise the President (Chair, Steering Committee), General Secretary and the Act2 Project Lead to finalise the Act2 Project report to the 17th Assembly including incorporating the proposed constitutional amendments
Submitted by	Andrew Johnson, Act2 Project Lead andrewj@nat.uca.org.au

Draft Amendments to the Constitution for refined proposal to restructure Church Councils

10 April 2024

Background

In the Annexure to our report for the Act2 Project of the National Assembly of the Uniting Church of Australia, we set out some suggested amendments to the Constitution of the Church to restructure Church Councils.

Below we set out revised suggested amendments following refinements by the Act2 Project to its proposal in relation to the restructure of Church Councils as follows:

- While groupings (referred to as clusters in our report) of congregations, faith communities and agencies proposed by the Act2 Project should become more common (and no longer an alternative to the currently normative “one congregation, one Church Council” structure) for the reasons outlined in the Gift of the Spirit Report, the latter should nevertheless not be made a secondary (less preferred structure) to the grouping structure proposed.
- Grouping of congregations, faith communities and agencies would occur by agreement between these bodies and their relevant Presbytery.
- A more general term than “Faith Community” would be ideal to capture the myriad different bodies other than congregations and agencies. It was generally agreed that the term “body” would be a good general alternative.

Proposed amendments to clause 24 of the Constitution

With the above refinements in mind, we propose the clause 24 of the Constitution be amended as follows:

For the effective exercise of their responsibilities and for the better ordering of the life of the Congregations, bodies and agencies:

- (a) ~~each Congregation shall form a Church Council~~ shall be formed to have oversight over:
- (i) a Congregation by the Congregation; or
- ~~(b)(ii) a group of more than one Congregation, body or agency by agreement amongst them and each relevant Presbytery; where authorised by the Presbytery, more than one Congregation may form a joint Church Council; and~~
- (cb) ~~one, or more than one, Congregation~~ any Church Council 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.”

Consequential amendments

It would also be necessary for the following consequential amendments to be made to the Constitution if the amendments to clause 24 are accepted:

Clause of Constitution:	Comments:
Clause 3: definition of "Church Council"	<p>Amend to make clear that a Church Council may have oversight of more than one Congregation.</p> <p>Suggested amended clause:</p> <p>"Church Council means the body established in each Congregation to have oversight of its <u>the</u> total life and mission of:</p> <p>(a) <u>a Congregation; or</u></p> <p>(b) <u>a group of more than one Congregation, body or agency."</u></p>
Clause 10(b): responsibility of Church Council for rolls	<p>Amend to make clear that a Church Council can be responsible for the the rolls of one or more Congregations, bodies and agencies.</p> <p>Suggested amended clause:</p> <p>"Church Council shall be responsible for the maintenance and review of the rolls of members <u>of each Congregation, body and agency for which it is has oversight"</u>.</p>
Clause 19: Elders of a Congregation being members of the Church Council	<p>This clause can be retained in its current form for situations where the Church Council only has oversight of one Congregation but should be expanded accordingly once membership of a Church Council for more than one Congregation, body and/or agency over which the Church Council will have oversight is decided upon.</p> <p>Suggested amended clause:</p> <p>Unless the Presbytery shall authorise otherwise:-</p> <p>(a) each <u>A Congregation which is under the oversight of a Church Council shall recognise and appoint confirmed members or members in association of the Congregation as Elders.</u></p> <p>(b) <u>A group of more than one Congregation, body or agency under the oversight of a Church Council, shall by agreement determine how to recognise and appoint relevant representatives and how many such representatives would be recognised and determined from each Congregation, body or agency in the group as Elders, provided that in the case of each Congregation in such a group, each of its representative must be a confirmed member or member in association of the Congregation.</u></p> <p>(c) <u>The Elders are to share with the each leaders (including Minister where relevant) of each Congregation, body or agency Minister of a</u></p>

	<p>Congregation (as relevant) and each other in oversight and building up the Congregation in faith and love, sustaining its <u>the members of each relevant Congregation, body or agency (as relevant)</u>, in hope and leading them into a full participation in Christ's mission in the world.</p> <p>(bd) The Elders shall be members of the Church Council and shall comprise at least one half of its membership.</p> <p>(ce) Elders may be called 'Elders' or 'Leaders'.</p>
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Seak-King Huang & Alex Milner

Partners

Milner + Huang