

Uniting Church in Australia
ASSEMBLY STANDING COMMITTEE

16 – 18 November 2001

MINUTES

PRESENT

James Haire (President), Craig Bailey, Bruce Binnie, Robert Brown, Elizabeth Burns, Jennifer Byrnes, Dennis Chapman, Terence Corkin, Kylie Crabbe, Sealin Garlett, Jelita Gardner-Rush, Jason Kioa, Alistair Macrae, Jim Mein, Myung-Hwa Park, Julia Pitman, Allan Thompson, Jan Trengove, Seongja Yoo-Crowe.

In attendance: Chris Budden, Stu Cameron, Marelle Harisun, Robert Johnson, Betty Keep, Ken Neill, John Rowland, Gillian Stone, Elizabeth Walker, Wendie Wilkie.

WORSHIP

Opening worship on the Friday evening was led by the President. On the Saturday Marelle Harisun led morning worship as part of the SPU presentation, and Elizabeth Burns led evening worship. On Sunday morning Jenny Byrnes conducted the service of Holy Communion and Jason Kioa preached. The closing prayer on Sunday afternoon was led by Jim Mein.

WELCOMES

The President welcomed the following visitors for various parts of the meeting: Rod Dungan (Staff person for working group on Children and Youth), Geoff Hinde (Convenor of the working group on Children and Youth) and Sue Clarkson (member of the working group representing ChYNC) for related business on Friday evening; Dennis Robinson and Ruth Powell (members of the Strategic Planning Unit) on Saturday morning; Rob Bos (Principal of Coolamon College) for related business on Saturday; Rev Professor Chris Mostert (Uniting Church Chairperson of the Anglican / UCA Dialogue) on Saturday; Stephen Pearson for National Finance Committee matters on Saturday afternoon; Glenda Blakefield and John Bleyerveen (Chairperson and member of Gospel and Gender National Forum respectively) on Saturday; Bill Fischer (National Director of Unity and International Mission) on Sunday morning for the report on "Strategies for the formation of young adults"; Matthew Budden (Communications Officer).

APOLOGIES

Apologies were received from Shayne Blackman and Fefiloi Reid for the whole of the meeting; David Pitman (Chairperson of the Strategic Planning Unit) on Saturday morning; Chris Budden, Sealin Garlett, Ken Neill and Allan Thompson for Friday evening; Myung Hwa Park for Friday evening and the whole of Sunday; Betty Keep for the whole of Sunday.

RECOGNITION OF TRADITIONAL OWNERS OF THE LAND

On behalf of Standing Committee, the President acknowledged the local Indigenous people and their role as custodians of the land on which the meeting took place.

PASTORAL MATTERS

The President reported that since the last meeting Jane Aagaard has been elected to the Parliament of the Northern Territory and is serving as the Minister for Health. Jan Trengove has been installed as the Moderator of the Synod of South Australia, and her daughter Sarah was married in Sydney on November 11. It was noted that this is the last Standing Committee meeting for Ken Neill and Marelle Harisun as they move on from their current ministries as Synod Secretaries.

Standing Committee noted with sadness the accidental death of Professor Herbert Feith, who was well known and respected in Australia and internationally in his academic field of politics and Indonesian studies. Herb and his wife Betty were the first Australian Volunteers Abroad going to Indonesia in 1952 and have been amongst the strongest supporters of the work of the former Australian Council of Churches (now the National Council of Churches in Australia).

The President led the meeting in prayer.

APPROVAL OF TIMETABLE AND AGENDA

The General Secretary spoke to the proposed timetable and agenda as listed in documents 1 and 1A, noting some changes to the agenda and several new business items. Several new documents were distributed on the Friday evening.

- 01.81** **It was resolved to** approve the timetable and agenda of the meeting as outlined in documents 1 and 1A, noting that the committee is free to vary the agenda at any time.

CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETING

- 01.82** **It was resolved to** confirm the minutes of the meeting held 27 – 29 July 2001.

NOTE CONSTITUTION CLAUSE 39

Standing Committee members were reminded of Constitution clause 39, as per ASC minute 00.71:

“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.”

PRESIDENT’S REPORT

On the Sunday morning the President spoke of some of his recent activities and future hopes as the UCA celebrates its 25th anniversary in 2002. He expressed his thanks to the UCA media team and SR&J staff nationally for their assistance concerning asylum seekers in the lead up to the Federal election. He was pleased that the Heads of Churches had agreed to deal with social issues ecumenically through a joint letter to the Federal Government and the Opposition regarding policy on asylum seekers and refugee intake numbers. He concluded on a personal note by sharing that his elder daughter Julia has been awarded a first class Honours degree in Medicine.

Each day the President provided a focus for reflection by lighting a candle and displaying different gifts presented to him, including a plaque from the Presbyterian Church of India, a cloth from Mindanao in the southern Philippines given to the Christians by the Muslims, and a cloth from the Church in Korea with the theme “God’s justice and life”.

SYNOD SHARING – NORTHERN SYNOD

Participants from the Northern Synod were invited to share something of the life of their Synod as an expression of our inter conciliar sharing. This time of sharing commenced with a powerpoint presentation, followed by brief verbal reports on developing areas of ministry.

BUSINESS ARISING FROM PREVIOUS STANDING COMMITTEES

1. NATIONAL WORKING GROUP ON MINISTRY WITH CHILDREN, YOUNG PEOPLE AND THEIR FAMILIES (ASC minutes 00.29 and 01.70)

On behalf of the National Working Group on Ministry with Children, Young People and their Families, Geoff Hinde, Rod Dungan and Sue Clarkson presented document 2 consisting of a further report on the tasks undertaken by the National Working Group since March 2000, its findings and a rationale supporting proposals for the way forward. Much discussion followed both in table groups and in plenary session.

- 01.83** **It was resolved:**
- 01.83.01 to receive the report of the National Working Group;
- 01.83.02 to establish a National Coordinating Group to have oversight of national ministry with children, young people and their families;
- 01.83.03 (a) that the membership of the National Coordinating Group include up to four members of the Children's and Youth National Coalition (ChYNC) and at least four other visionaries, who provide diversity, an understanding of strategic planning and a passion for ministry with children, young people and their families;
- (b) that the National Coordinating Group reports to Standing Committee through the Secretariat;
- (c) that ChNYC be an advisory group to the National Coordinating Group;
- (d) to request that all Assembly agencies working with children, young people and their families liaise the National Coordinating Group;
- (e) that an Interim Working Group be established;
- (i) to request the Interim Working Group to:
- develop terms of reference for the National Coordinating Group;
 - negotiate with ChYNC regarding: ChNYNC being an advisory body to the National Coordinating Group, and the idea that they be asked to manage the 'clearing house' function for resources and ideas, the maintaining of national networks and the gathering of national forums;
 - liaise with Uniting Education regarding the impact and timeline for the 'hand over' of responsibilities for National Projects;
 - investigate possible sources of funding for the work of the National Ministry with Children, Young people and their Families;
 - report to the March meeting 2002 of the ASC recommendations;

- (ii) the interim working group membership to comprise: the Assembly General Secretary (or representative); Diane Stanton (representing both ChYNC and the current Working Group); Kylie Crabbe and Andrew Johnson;
- 01.83.04
- (a) that the Standing Committee express appreciation to the Synods for their contribution to ministry with Ministry with Children, Young people and their Families;
 - (b) to request Synods to continue the contribution of staff time for the maintenance and development of:
 - the National Network
 - the establishment and work of the National Coordinating Group;
- 01.83.05
- that the National Working Group members be thanked and the Group discharged.

2. STRATEGIC PLANNING UNIT (ASC minute 01.64.02)

Ruth Powell gave a powerpoint presentation on the work of the Strategic Planning Unit as a means of resourcing the Standing Committee on issues facing the national church and society. Table groups then looked at four such issues to identify the critical questions for the church, followed by scenario planning. Dennis Robinson, Marelle Harisun and Wendie Wilkie, as members of SPU, assisted in resourcing this session.

01.84 It was resolved to:

- 01.84.01
- note that
- (a) arising from the discussion on Saturday morning there were a number of consistent themes from across the groups that are relevant for the national church. They were issues of ‘theological identity’ for the church; promotion of the shape of local Christian communities; and the significant reduction in resources that will be available for the work of the Assembly;
 - (b) a preliminary consideration of these themes identified some critical questions for the church, some of which were noted in the responses from the table groups;
- 01.84.02
- request the Strategic Planning Unit, in the light of the scenarios it thinks to be most likely in the next five years, to
- (a) identify the critical questions arising for the work of Standing Committee;
 - (b) provide a process that will enable the Standing Committee to determine the priority order of these critical questions for its life, and set up a process for developing responses;
 - (c) bring this matter back before the Standing Committee at the earliest opportunity.

3. THE FUTURE OF THE SYNOD OF TASMANIA (ASC minutes 01.13 and 01.48)

The General Secretary presented document 5 consisting of a further report on the proposal to create a new synod that will include the current Synods of Tasmania and Victoria. He reported that both Synods had met separately

to consider a series of proposals in relation to their future shape and passed them by consensus.

- 01.85** **It was resolved to:**
- 01.85.01 receive the report;
- 01.85.02 note the resolutions of the Synods of Tasmania and Victoria and their desire to be brought into one synod;
- 01.85.03 merge the Synod of Tasmania and the Synod of Victoria to become the Synod of Victoria and Tasmania from 22 June 2002 (acting under the powers of Paragraph 38 (b) (ii) of the Constitution and Regulation 3.5.1 and Assembly resolution 00.63);
- 01.85.04 determine that the Presbytery of Tasmania and the current presbyteries of the Synod of Victoria become the Presbyteries of the merged Synod;
- 01.85.05 determine that Rev Alistair Macrae be the Moderator of the Synod of Victoria and Tasmania until the synod meeting in 2003, that Rev Dr Robert Johnson be the General Secretary until the conclusion of his term of appointment, that Mr John Preston be appointed the Property Officer until the Synod determines otherwise;
- 01.85.06 agree that the Chairperson of the Presbytery of Tasmania be permitted to be known within Tasmania as “Moderator”, and note the intention that the Moderator be permitted to speak on behalf of the Uniting Church in Tasmania;
- 01.85.07 approve in principle the requests made of the Assembly Standing Committee and request the Legal Reference Committee to bring to the March meeting a series of proposals that will give effect to the requests to:
- appoint the following as members of the Uniting Church in Australia Property Trust (Victoria): Moderator, General Secretary and Property Officer (ex-officio), plus five members (names to be supplied), including one Tasmanian representative;
 - appoint the following as members of the Uniting Church in Australia Property Trust (Tasmania): Moderator, General Secretary and Property Officer (ex-officio), plus five members (names to be supplied), including one Tasmanian representative;
 - determine that the current Standing Committee of the Synod of Victoria plus two representatives appointed by the Synod of Tasmania be the Standing Committee of the Synod of Victoria and Tasmania from the date of merger of the two synods until the first meeting of the new Synod;
 - determine (or recommend to the 10th Assembly) that there should be six Tasmanian members (three lay, three ordained) of the 10th and 11th Assemblies, and that continuing membership from Tasmania be determined by the 11th Assembly;
 - take steps to ensure that there is at least one Tasmanian member of the Assembly Standing Committee for at least the next six years;
- 01.85.08 request the Legal Reference Committee to give consideration to any other matters arising from these decisions that may require action by the Standing Committee.

4. REPORT ON REGULATION 3.6.40 PROCESS (ASC minutes 01.09 and 01.47)

The General Secretary presented document 6, consisting of a report on the processes undertaken by the Assembly Secretariat since the 9th Assembly to implement Regulation 3.6.40 and proposed protocols, particularly in

relation to partnerships in ministry with Indigenous people between the Uniting Aboriginal and Islander Christian Congress and councils, agencies and congregations of the Church.

- 01.86** **It was resolved to:**
- 01.86.01 receive the report;
- 01.86.02 commend the interim protocols in this report for the consideration and use, as guidelines, of the Uniting Aboriginal and Islander Christian Congress, the Assembly, Synods, Presbyteries and Congregations; and invite comment to the General Secretary by 30 September 2002;
- 01.86.03 give notice that Standing Committee will reconsider the interim protocols, in the light of responses received, at its November 2002 meeting and consider adopting them as guiding principles under Constitution Paragraph 38(b) (i), ie. "make guiding decisions on the tasks and authority to be exercised by other councils of the Church".

5. ANGLICAN / UNITING CHURCH DIALOGUE (ASC minute 01.79.02)

On behalf of the General Secretary, Chris Mostert, UCA chairperson of the Anglican / Uniting Church Dialogue group, presented document 8 consisting of a report in response to ASC minute 01.79.02. Much discussion followed.

- 01.87** **It was resolved to:**
- 01.87.01 receive the report;
- 01.87.02 welcome the document "For the Sake of the Gospel" as a basis for agreement on the essentials of faith and ministry;
- 01.87.03 request Presbyteries and Synods to
- (a) consider the document "For the Sake of the Gospel"
- (b) respond to the following questions:
- Does "For the sake of the Gospel" adequately express the faith and understanding of the UCA in the light of the Basis of Union?
 - Can you see any reasons why this document should not be adopted by Assembly 2003?
 - What opportunities and/or difficulties would the passage of the report create in your area?
- (c) submit responses to the Christian Unity Working Group by 15 December 2002;
- 01.87.04 request the General Secretary, in consultation with the General Secretary of the Anglican General Synod, to arrange for the publication of the document "For the Sake of the Gospel" in an accessible form;
- 01.87.05 note the offer of Rev Dr Chris Mostert and Rev Graham Perry to produce a short pamphlet that will summarize the key aspects of the document;
- 01.87.06 request the Christian Unity Working Group to produce, no later than mid 2002, a resources pack for the use of Presbyteries as they consider the document. The resource pack to include material that would discuss some of the key questions; a short pamphlet summarizing key aspects of the document; reference to aspects of the work being done by the group reviewing the Diaconate, the Doctrine Working Group in response to the WCC Faith and Order paper no. 181 *"The Nature and Purpose of the*

Church”, the work of the Christian Unity Working Group in response to WCC Faith and Order paper no.183 “*Episkope and Episcopacy*”, and the Haire / Boyd paper linking unity and mission;

- 01.87.07 invite the Anglican Church of Australia to appoint three people to join three Uniting Church people to form a Joint Working Group. The terms of reference to be:
- (a) monitor the progress in each denomination
 - (b) assist the decision making process
 - (c) identify the theological issues and other practical concerns that arise
 - (d) report to Assembly Standing Committee and the Anglican General Synod Standing Committee;
- 01.87.08 appoint Chris Mostert, Graham Perry and Anita Monro to be the Uniting Church members of the Anglican / UCA Joint Working Group;
- 01.87.09 request the Christian Unity Working Group to do an audit of the various activities and conversations that are presently being undertaken by the Uniting Church that may have a bearing on the continuing discussion with the Anglican Church re the recognition of ministries.

6. WESLEY UNITING EMPLOYMENT TASK GROUP (ASC minute 01.37.02)

On behalf of the Task Group, Wendie Wilkie presented document 17 consisting of a report on the review of tender and process, as per ASC minute 01.37.02

01.88 It was resolved:

01.88.01 to receive the report;

01.88.02 that UnitingCare Australia be asked to progress the issues raised in the report, consulting with the relevant stakeholders such as Synod Property Trusts, Assembly officers and the Missions Network for a report at a later meeting of the Standing Committee.

7. EXCHANGE WITH THE UNITED CHURCH OF CANADA (ASC minute 01.74)

Robert Johnson gave a verbal report on the proposal being developed for a mutual exchange visit between the United Church of Canada and the Uniting Church in Australia. The proposal consists of two or three representatives of the Uniting Aboriginal and Islander Christian Congress and two or three non-indigenous people visiting various parts of Canada in late May or early June 2002 to share with representatives of the UCC, survivors of government schools and the Canadian government for two weeks. A similar number of representatives of the UCC would visit Australia in November. Their itinerary would include visiting the UAICC in Townsville, the Northern Regional Council of Congress in Darwin, and the November Standing Committee meeting,

01.89 It was resolved to:

01.89.01 receive the report;

01.89.02 approve a mutual exchange visit between the Uniting Church in Australia and the United Church of Canada and ask the General Secretary and the National Administrator of the UAICC to make the appropriate arrangements.

FROM ASSEMBLY BODIES

1. NATIONAL FINANCE COMMITTEE

On behalf of the National Finance Committee, Bruce Binnie and Stephen Pearson presented document 3 consisting of a report on various matters and several attachments referred to in the report.

01.90 **It was resolved to:**

01.90.01 receive the report;

01.90.02 note with gratitude the contributions from Synods to Assembly budgets for 2002:

NSW	\$ 1,470,690
Northern	10,000
Qld	496,460
SA	360,000
Tas	70,000
Vic	1,498,650
WA	190,000
Total	\$ 4,095,000

01.90.03 approve the 2002 budgets as submitted for:

- Assembly Fund
- Unity and International Mission
- Uniting Church Overseas Aid
- Uniting Aboriginal and Islander Christian Congress
- Uniting Education
- Coolamon College;

01.90.04 approve the Frontier Services Revised 2001/2002 Budget;

01.90.05 approve the UnitingCare Revised 2001/2002 Budget;

01.90.06 note the appointment of Mary Henning as the National Finance Committee's representative on the Theological Education Task Group to replace Margaret Lightbody;

01.90.07 note the UCA National Web Guidelines and the Guidelines will be circulated to synods as a suggested standard for UCA web uniformity;

01.90.08 appoint Lyall Weaver and Ray Malcolm Oliver as the Assembly appointees to the National Finance Committee for the remainder of the triennium;

01.90.09 convey to Edmund Walker its appreciation for his substantial contribution to the work of the National Finance Committee over many years and for the stability that he has given to the committee over these years;

01.90.10 request the General Secretary to correspond with the Synods of Victoria and Tasmania to seek clarification as to the intentions for contributions to the Assembly for the balance of 2002.

2. GOSPEL AND GENDER

On behalf of the Gospel and Gender National Forum, Glenda Blakefield and John Bleyerveen presented document 3A consisting of a report requesting the Standing Committee to de-establish Gospel and Gender as a unit of the Church effective 30 June 2002 due to the inability of the Assembly to

provide the funding to exercise its mandate. Much discussion followed and at the end of the session the President led in a prayer for the members of the National Forum.

- 01.91** **It was resolved to:**
- 01.91.01 receive the report;
- 01.91.02 regret that although the Gospel and Gender mandate has a prophetic theological vision that makes concrete aspects of the Basis of Union of the Uniting Church, it recognises that at this time the mandate cannot be fulfilled because of a decision about priorities;
- 01.91.03 invite Theology and Discipleship to consider the future implementation of the mandate of Gospel and Gender;
- 01.91.04 de-establish Gospel and Gender as a Unit linked with Theology and Discipleship effective 30 June 2002;
- 01.91.05 request the General Secretary to consult with the Gospel and Gender National Forum to ensure that all funds allocated against the Gospel and Gender budget line for 2002, namely \$8,000, are made fully available for the use of Gospel and Gender by June 2002;
- 01.91.06 transfer responsibility for the mandate of Gospel and Gender and related gender issues to Theology and Discipleship effective 30 June 2002;
- 01.91.07 acknowledge and celebrate the contribution and leadership of the Commission for Women and Men and its successor "Gospel and Gender" in the life, culture and ethos of the Uniting Church in Australia, in particular by:
- facilitating increased participation of women in all decision-making councils;
 - resourcing women and men for theological reflection about their unique roles and mutual relationships;
 - developing guidelines for inclusive language in worship and communication across the Church;
 - initiating actions to address violence in relationships;
 - undertaking major development of Regulations and policies to address sexual misconduct by Ministers, members and employees, and a Code of Ethics for Ministers;
 - developing training resources for prevention of sexual misconduct so the Church can be a safe place for all persons;
 - bringing together women and men in national conferences around themes of justice for women in the life of the Church;
 - carrying through the national project "A Place at the Table";
- so that the Uniting Church more adequately reflects the claims of the Basis of Union that we affirm the ministry of both women and men and enable them to exercise their gifts and graces in the life of the Church.

3. COOLAMON COLLEGE

Marelle Harisun, Chairperson of the Reference Committee, and Rob Bos, Principal, presented document 7 consisting of a proposal for moving the national office of Coolamon College to Adelaide in time for the 2003 academic year. Discussion followed.

- 01.92** **It was resolved to:**
- 01.92.01 receive the report;
- 01.92.02 approve the relocation of Coolamon College to Adelaide, and its linkage with Adelaide College of Divinity, subject to:

- (a) satisfactory financial forecasts
- (b) capital costings that demonstrate Coolamon College will not be financially disadvantaged by such a location and there are
 - (i) satisfactory memorandums of agreement and
 - (ii) acceptable risks for the Church;

- 01.92.03 request the Coolamon College Principal (or Acting Principal), Bruce Binnie, Stuart Cameron, and the Chairperson of the Reference Committee to prepare financial forecasts, and capital costings under-pinning the relocation of Coolamon College to Adelaide, and present such documentation to the March meeting of Standing Committee with the view that such a relocation shall proceed in time for the 2003 academic year or appropriate later date;
- 01.92.04 request the Principal of Coolamon College to bring any consequential amendments to the mandate to the Standing Committee during 2002.

4. APPOINTMENT OF NATIONAL DIRECTORS

(a) Theology and Discipleship

The General Secretary, convenor of the Nominating Committee, presented document 9A consisting of a report on the process followed to bring a nomination and accompanying rationale for the position of National Director, Theology and Discipleship, to this meeting of Standing Committee, as per ASC minute 01.62.

- 01.93** **It was resolved to:**
- 01.93.01 receive the report;
- 01.93.02 appoint Rev Dr Robert Bos to the position of National Director, Theology and Discipleship for three years commencing as early as possible in 2002;
- 01.93.03 thank and discharge the Nominating Committee.

(b) Social Responsibility and Justice

Wendie Wilkie, convenor of the Nominating Committee, presented document 9B consisting of a report on the process followed to bring a nomination for the position of National Director, Social Responsibility and Justice, to this meeting of Standing Committee, as per ASC minute 01.61.

- 01.94** **It was resolved to:**
- 01.94.01 receive the report;
- 01.94.02 appoint Rev Elenie Poulos as the National Director, Social Responsibility and Justice from 1 January 2002 for a period of three years, with housing and other allowances as agreed by the Assembly to be paid;
- 01.94.03 thank and discharge the Nominating Committee.

(c) UnitingCare Australia

Wendie Wilkie, convenor of the Selection Panel, presented document 9C consisting of a report on the process followed to fill the position of National Director, UnitingCare Australia, as per ASC minute 01.63.

- 01.95** **It was resolved:**
- 01.95.01 to receive the report;
- 01.95.02 to appoint Lin Hatfield Dodds to the position of National Director, UnitingCare Australia for a period of three years beginning 1 January 2002 to 31 December 2004, with the salary package to be negotiated with the Chairperson of UnitingCare Australia and the Associate General Secretary;
- 01.95.03 to thank and discharge the Selection Panel;
- 01.95.04 that Gregor Henderson continue as Acting National Director until 31 December 2001.

5. APPOINTMENT PROCESS RE NATIONAL DIRECTOR, SOCIAL RESPONSIBILITY AND JUSTICE

The General Secretary introduced document 18, consisting of correspondence from the Chairperson of the Reference Committee of Social Responsibility and Justice concerning the appointment process for the new National Director.

- 01.96** **It was resolved** that the correspondence be received.

6. LEGAL REFERENCE COMMITTEE

The General Secretary presented document 4 consisting of a report on three matters considered by the Legal Reference Committee, including a referral from Standing Committee concerning the Policy for dealing with a complaint of sexual misconduct against a member or adherent of the Uniting Church in Australia. The referral requested the LRC to draft words to enable a Presbytery to refer some aspects of the implementation of the policy to a Synod.

- 01.97** **It was resolved to:**
- 01.97.01 receive the report;
- 01.97.02 amend the Policy for dealing with a complaint of sexual misconduct against a member or adherent of the Uniting Church in Australia by the addition of the following section, with the amended section to be effective 1 January 2002:

POLICY FOR DEALING WITH A COMPLAINT OF SEXUAL MISCONDUCT AGAINST A MEMBER OR ADHERENT OF THE UNITING CHURCH IN AUSTRALIA

SECTION THREE: REFERRAL TO SYNOD

- 3.1 If a Presbytery refers all or any of its powers and responsibilities under this Policy to the Synod pursuant to paragraph 70(a) of the Constitution (either in respect of a specific matter or *complaint* or generally):-

- (a) the *Synod resource person* shall have the powers and responsibilities of the *Presbytery designated person* under this Policy;
- (b) the *Synod resource person* shall act on behalf of the Synod in processing the *complaint*;
- (c) the *Synod resource person* shall appoint the *complaint committee* which shall consist of a minimum of three (3) persons and a maximum of five (5) persons including at least two (2) persons who have been trained in the principles, policies and procedures of the *Church* in a matter of *sexual misconduct*;
- (d) it is desirable that the complaint committee include at least one (1) person but not more than two (2) persons from the Church Council of the Congregation where the *respondent* is a *member* or *adherent*;
- (e) a *complainant* or *respondent* may appeal to the Moderator against a decision of the *complaint committee* on the same basis as that described in clause 2.5, and the Moderator, in consultation with the *Synod resource person*, shall appoint a committee of three (3) persons to act as a Review Committee; and
- (f) the provisions in Sections One and Two of this Policy shall apply, so far as practical, having regard to paragraphs (a) to (e).

Note: See **Attachment A** for the ***Policy for dealing with a Complaint of Sexual Misconduct against a Member or Adherent of the Uniting Church in Australia*** approved per ASC minute 01.59.05 and including the above amended section.

7. GENERAL SECRETARY RE DEVELOPING STRATEGIC DIRECTIONS FOR THE ASSEMBLY

The General Secretary presented document 11 consisting of a report acting on ASC minute 01.50.06, to provide guidance as to how the Assembly may develop a strategic plan for its life. Much discussion followed both in table groups and plenary session.

- 01.98** **It was resolved to:**
- 01.98.01 receive the report;
- 01.98.02 recognize the input from the Strategic Planning Unit, both in the discussions of this meeting and in the papers it presents from time to time, as providing the Standing Committee with resources that help it better understand the context of its ministry;
- 01.98.03 request the General Secretary to convene a group of four members of Standing Committee to identify the issues that need to be addressed by the ASC in order to enable the separation of policy and management to be suitably expressed. In particular the group should revisit the Allsop Report, identify the resources and procedures that are presently available and identify what additional tools and resources are required.

8. MINISTERIAL EDUCATION COMMISSION

Jenny Byrnes, Chairperson of the Ministerial Education Commission, presented document 12 consisting of a report on steps the MEC is taking since the 9th Assembly to fulfill the Code of Ethics' goals in the area of

Professional Supervision for Ministers. These steps include the development and distribution of Guidelines to assist Presbyteries and Ministers to fulfill Professional Supervision requirements, designing a training manual and conducting a training workshop in August 2002. It was noted that the Beneficiary Fund and the Synods are being approached to assist with the significant financial costs required.

01.99 **It was resolved** to receive the report.

9. TASK GROUP ON THE 10TH ASSEMBLY

On behalf of the Task Group, Kylie Crabbe and Jenny Byrnes presented document 14 consisting of a summary of information, ideas and reports received previously from the Task Group. This was followed by a powerpoint presentation and discussion in table groups.

01.100 **It was resolved:**

01.100.01 to receive the report;

01.100.02 that the Design Team membership be: President-elect, General Secretary, Associate General Secretary, Jennifer Byrnes, Kylie Crabbe, John Emmett, Dave Hall, Robert Johnson, Jason Kiao and Alistair Macrae, subject to the agreement of each person;

01.100.03 that the Design Team, in consultation with the General Secretary and President, plan for the meetings of the Standing Committee over the next 18 months to be an intentional process of modelling and exploring
(a) effective agency reporting,
(b) the agenda being influenced by the rhythm of worship, and
(c) the exploration of an 'eldership' / resource function within the life of the Standing Committee;

01.100.04 that the Design Team will work with the theme "Witness the glory of God", and a final decision will be made on a theme at the March meeting of Standing Committee.

10. UCA 25TH ANNIVERSARY CELEBRATIONS

Wendie Wilkie presented document 15, consisting of a report to investigate ways for the Uniting Church to mark its 25th anniversary in June 2002 with a national celebration, as requested in ASC minute 01.78.01. Due to the difficulties in putting on a national celebration, several other ways are suggested to encourage Synods, Presbyteries and Congregations to reflect the national nature of the church and celebrate the national character and life of the Uniting Church in their particular activities.

01.101 **It was resolved:**

01.101.01 to receive the report;

01.101.02 that Synods be asked to invite Assembly officers and staff to their 25th anniversary celebrations where appropriate and possible, and reflect something of the national life of the church in their celebrations;

01.101.03 that Congregations and Presbyteries be encouraged to reflect something of the national life of the church by using resources and people involved nationally;

- 01.101.04 to urge all members to reflect on the past 25 years of the UCA, its present and future mission, in particular by a new appreciation of the Basis of Union; and recommend the book, *Where did the Joy come from?* by Andrew Dutney as a helpful resource;
- 01.101.05 that Bill and Sue Emilsen be approached to edit a book that gathers together the reflections of the UCA Presidents on the Church during their term, with other arrangements to be made for those who have died;
- 01.101.06 to note that liturgical resources will be available through Theology and Discipleship early next year appropriate for the 25th anniversary and encourage Congregations to use them.

11. REFUGEE ISSUES / MINISTRY AMONG REFUGEES

The General Secretary presented document 16, consisting of a report prepared by representatives from various Synods and relevant Assembly Agencies to consider a range of issues around the emerging ministry in Detention Centres, as requested in ASC minute 01.67 (a).

01.102

It was resolved to:

- 01.102.01 (a) receive the report;
- (b) remove the sentence "Refugees have become the modern day equivalent of the leper – the not wanted" if ever this document has wider use;
- 01.102.02 (a) request the General Secretary, as a matter of urgency, to negotiate with the Synod Secretaries, and other appropriate parts of the church and community, with a view to identify sufficient funds to ensure chaplaincy services at each of the detention centres;
- (b) encourage the General Secretary and Synod Secretaries as they develop placements to make every effort to work ecumenically;
- (c) authorise the General Secretary, in negotiation with the Synods, to establish the priority for the placement of chaplains;
- (d) request Frontier Services to provide an appropriate pastoral support structure for chaplains based in remote areas;
- 01.102.03 request national Social Responsibility and Justice to investigate the need to provide establishment / seed funding for a refugee support network in each Synod and report to a later meeting of the Standing Committee;
- 01.102.04 request NSR&J to establish a refugee working group under their auspices, recommending that the membership of the working group comprise a nominee from each of Unity and International Mission, Frontier Services, UnitingCare, Relations with Other Faiths, Multicultural Ministry and each Synod, and that the terms of reference be
- (a) to monitor the implementation of the resolutions of the Standing Committee and
- (b) to contribute to the development of alternative policy positions as a contribution to community debate around refugee issues;
- 01.102.05 request the General Secretary, in consultation with NSR&J, to identify sources of funds to enable access to research that can resource the Assembly, the National Director SR&J and Synods.

12. UNITING CHURCH OVERSEAS AID WEBSITE AND ECUMENICAL APPEALS

The General Secretary reported on correspondence received from the Victorian Synod Secretary on the Uniting Church Overseas Aid website and ecumenical appeals.

The Victorian Synod had resolved to:

- express regret to the Standing Committee that the Uniting Church Overseas Aid website provides neither an acknowledgment of Uniting Church relationship and commitment to the NCCA Christian World Service, nor an explanation of how the agency will relate to the latter in the future;
- request the Standing Committee to encourage Uniting Church members in continuing commitment to and support of the ecumenical appeals of the NCCA Christian World Service, the Christmas Bowl, Force Ten and other emergency appeals.

The General Secretary advised that there are now clear links from the UCOA website to the CWS website, and that the Christmas Bowl has extensive endorsement on the UCOA website.

01.103 **It was resolved** to note the resolutions from the meeting of the Synod of Victoria and to receive the report of the General Secretary.

13. HOUSING RE NATIONAL DIRECTOR, SOCIAL RESPONSIBILITY AND JUSTICE

The General Secretary drew the Standing Committee's attention to the Assembly's need to provide housing for the newly appointed National Director, Social Responsibility and Justice.

01.104 **It was resolved:**

01.104.01 to authorise the General Secretary, in consultation with the Chairperson of the National Finance Committee, to purchase or lease a residence for the use of the National Director, Social Responsibility and Justice;

01.104.02 that the title of any property purchased be vested in the Uniting Church Council of Mission Trust Association;

01.104.03 that the property be administered by the Secretariat.

GENERAL BUSINESS

1. PRESIDENTIAL RULING NUMBER 21

The General Secretary presented Document 4A consisting of a report on a request to the President for a ruling.

01.105 **It was resolved** to confirm Presidential Ruling Number 21 (see **Attachment B**).

2. REPORT ON "STRATEGIES FOR THE FORMATION OF YOUNG ADULTS"

On behalf of the Consultation Task Group, Wendie Wilkie presented document 10 consisting of a report on a consultation convened at the request of the Standing Committee per ASC minute 00.125, to determine

practical strategies for the formation of young adults in Christian discipleship, cross-cultural experience, and deep engagement and solidarity with the poor and oppressed of our world. The report included two diagrams showing the way in which the two proposed elements ('Flame' Network and the church structure) could work alongside each other. Bill Fischer, on behalf of Unity and International Mission and the People in Mission Administrator, contributed to the discussion which followed.

01.106

It was resolved to:

01.106.01

receive the report;

01.106.02

refer the paper on the Consultation on cross-cultural ministry to Unity and International Mission and the People in Mission Administrator for their ongoing conversation with the 'Flame' Network to pick up the issues.

3. THE NATURE AND PURPOSE OF THE CHURCH – A UCA RESPONSE

The General Secretary presented the following documents:

- document 13 consisting of a report on the process undertaken by the Uniting Church following the WCC Faith and Order Committee's invitation to respond to the discussion paper no. 181, *The Nature and Purpose of the Church*;
- document 13A consisting of the Uniting Church's response, prepared by the Doctrine Working Group.

01.107

It was resolved:

01.107.01

to receive the report of the Doctrine Working Group on the WCC Faith and Order Paper no. 181, *The Nature and Purpose of the Church*;

01.107.02

that the Doctrine Working Group paper be submitted to the World Council of Churches as the Uniting Church response to the Faith and Order Paper no. 181.

4. PUBLICATION OF THE 2001 EDITION OF THE UCA REGULATIONS

The General Secretary reported the accidental removal of a Duty of a Minister due to amendments adopted by the Standing Committee in July, and action taken to include it in the 2001 edition of the UCA Regulations.

01.108

It was resolved to:

01.108.01

note the action of the General Secretary in including the regulation approved by the Standing Committee at 00.122.02 in the 2001 edition of the Regulations, notwithstanding the ASC minute 01.159.03;

01.108.02

endorse the action of the General Secretary in this matter.

5. DISCUSSION ON ELDERS IN THE UNITING CHURCH

The General Secretary reported that the Church Polity Reference Committee has almost finalised the discussion paper it was requested to prepare by the 10th Assembly (Assembly minute 00.60) and will shortly distribute it for comment to Presbyteries. Disappointment was expressed by Allan Thompson representing the former Task Group on Church Structures at Church Polity's minimal consultation with both that task group and Theology and Discipleship.

- 01.109** **It was resolved to:**
- 01.109.01 receive the report;
- 01.109.02 request the Church Polity Reference Committee to provide a copy of the discussion paper to enable feedback from the Standing Committee;
- 01.109.03 indicate that when they have produced the final report in response to feedback, the Standing Committee will take responsibility for forwarding the report to the 10th Assembly.

6. ASSEMBLY OFFICE LOCATION

The General Secretary reported that the Assembly Administrative Services Manager has had this matter before him in 2001 following ASC minute 00.127.02. However, no further work is being done until information is available on several relevant issues but the matter remains in front of the General Secretary and a report will be brought to a meeting of Standing Committee in 2002.

- 01.110** **It was resolved** to receive the report.

7. APPOINTMENT TO UNITING EDUCATION REFERENCE COMMITTEE

- 01.111** **It was resolved** to appoint Mr Brad Fenner to fill the vacancy on the Uniting Education Reference Committee created by the resignation of Rev Andrew Syme.

8. ASSEMBLY PROPOSALS WITH BUDGET IMPLICATIONS

- 01.112** **It was resolved** to determine that proposals submitted to the 10th Assembly will be forwarded to the relevant Agency to consider the cost and other impacts upon their work.

THANKS

At the close of the meeting the President expressed the thanks of Standing Committee to Ken Neill and Marelle Harisun for their years of service as Synod Secretaries and as participants in ASC meetings and to Ed Walker for his contribution to the National Finance Committee over many years, wishing them God's richest blessings for the future.

CLOSURE

The meeting closed at 3.40pm with prayer led by Jim Mein.

MEETING DATES FOR 2002

15 – 17 March
19 – 21 July
15 – 17 November



Policy for dealing with a Complaint of Sexual Misconduct made against a Member or Adherent of the Uniting Church in Australia

Status of this document:

The definitions at the commencement of the Regulations of the Uniting Church in Australia (“the Church”), refer to “Policies for the Prevention of Sexual Misconduct”, which are those approved by the Assembly or its Standing Committee. The policies deal with allegations of *sexual misconduct* made against lay staff, *members* and volunteers and against *members* in positions of leadership or responsibility. Regulation 7.2.7 refers to allegations of *sexual misconduct* against *adherents* as well as *members*.

This policy is approved by the Assembly Standing Committee as a Policy for the Prevention of Sexual Misconduct by both *members* and *adherents*.

In addition, Regulations 7.2.1 – 7.2.6 and 7.3.1 outline the disciplinary process for dealing with complaints made against *members* and officers of the *Church* in cases where the complaint is not a complaint of *sexual misconduct*.

SECTION ONE: PRINCIPAL VALUES

1.1 Vision Statement

The *Church* believes that all people are made in the image of God, and as such we accept every individual regardless of race, age, creed or gender. As a Christian community we believe that God reaches out to us in love and acceptance, and that our relationships with each other should express love and respect and not be abused. As a community of faith we are committed to providing a place in society where human beings can explore what it means to be made in the image of God. As an expression of this commitment, the *Church* recognises its responsibility to provide worshipping and pastoral communities and community services that are free from abuse; and that provide a safe environment for all people to explore and express their faith in Jesus Christ.

1.2 Value Statements

The *Church* is committed to:

- (a) modelling behaviour that values each individual as made in the image of God;
- (b) ensuring that its worship, pastoral care, services and structures are free from *sexual misconduct*;
- (c) ensuring that the boundaries of *relationships of responsibility* are maintained;
- (d) recognising *sexual misconduct* when it occurs and dealing with it;
- (e) enabling all Congregations, Councils and agencies of the *Church* to implement the policies and practices in place for dealing with complaints of *sexual misconduct*;
- (f) assisting *members* and *adherents* to be aware of the *Church's* Policies for the Prevention of Sexual Misconduct and of their rights and responsibilities;
- (g) working towards making the policies and practices accessible to migrant ethnic and aboriginal groups who experience language and cultural barriers;
- (h) encouraging reporting of any wrongful behaviour;
- (i) encouraging and promoting the use of legal process when appropriate;

- (j) the principles of justice-making.¹

1.3 Other forms of, and complaints of abuse

Sadly, there are many forms of abuse where power is used to exploit another person. Abuse can be experienced in any setting or circumstance. While this policy focuses on how to respond to complaints of *sexual misconduct*, the *Church* acknowledges that *sexual misconduct* is not the only type of abuse or misconduct that may be experienced within the community of faith or community services.

In establishing this Policy to deal with complaints of *sexual misconduct*, the *Church* does not deny that other forms of abuse take place. However, should allegations of other forms of abuse be made, this Policy may provide a basic framework for a response. Advice may be sought from other agencies or professions on dealing with such allegations.

1.4 Prevention

The *Church* is committed to the prevention of *sexual misconduct* within its Congregations and Councils and will endeavour to ensure that:

- (a) each Church Council has a copy of the Policy available; and
- (b) leaders are aware of their responsibilities.

1.5 Definitions

In this Policy, unless the context or subject matter otherwise indicates or requires:

Adherent means a person who is not a baptised or confirmed member or a member-in-association but is recognised as sharing in the life of a Congregation of the *Church* and within the pastoral responsibility of the *Church*.

Adviser means a person appointed to assist the *complainant* or the *respondent* during the *complaint* process. This person shall be adequately trained, and shall offer support and assistance to either the *complainant* or the *respondent*.

Church (capital ‘C’) refers to the Uniting Church in Australia.

church (small ‘c’) refers to the Christian church generally.

Complainant means the person making a complaint of *sexual misconduct* against a *member* or *adherent*.

Complaint means an allegation of *sexual misconduct* against a *member* or *adherent* by a *complainant*, which is made in writing and signed by the *complainant*.

Complaint Committee means the appointed committee which is responsible for investigating and responding to a complaint of *sexual misconduct* made against a *member* or *adherent*.

Confidentiality is not about secrecy, but is an assurance that written and spoken information is protected from being shared with unauthorised persons, or used for a purpose other than that for which it was collected.

¹ The seven elements of justice-making, developed by the Rev Dr Marie Fortune from the Center for Prevention of Sexual and Domestic Violence, USA are included in the UCA's training material for the Prevention of Sexual Misconduct. This training material has been provided to each synod. Justice Making includes truth-telling, acknowledging the violation, compassion, protecting the vulnerable, accountability, restitution and vindication.

Confidentiality is of utmost importance in dealing with an allegation of *sexual misconduct*. It is not about keeping the incident secret, but it is about ensuring that only those people “who need to know” know. *Confidentiality* is about protecting the rights and interests of all parties.

Contact Person is a person appointed by the *Presbytery designated person* to provide assistance to a particular person concerned about *sexual misconduct* before a *complaint* is made. The *contact person* will have similar responsibilities in relation to this Policy to the responsibilities of a *contact person* under Regulation 7.7.7.

Investigation is the process of inquiring into the *complaint* which has been made. It will normally involve speaking with the *respondent* and the *complainant*, as well as others who can provide information about the events in question, or who may have observed or participated in the alleged incident. It may also involve the collection of other information relevant to the allegation. The *investigation* should enable the *complaint committee* to make a determination in response to the *complaint*.

Member includes any baptised member, confirmed member and member-in-association of the *Church*.

Natural Justice refers to a specific group of common law principles that are designed to ensure that a person is given a fair hearing before a decision is made that might adversely affect their livelihood or status.

In general *natural justice* refers to two broad principles:

1. An adequate opportunity must be given to a person to present their case to the *complaint committee* before a decision is reached that might adversely affect them. This includes providing reasonable notice and time to prepare and sufficient information about the matter to be decided to enable the person to prepare their case.
2. The *complaint committee* must be free from bias or the appearance of bias. This requirement means that a person who has a close personal or family relationship with any of the parties is precluded from being a member of the *complaint committee*. It also precludes a person who might have a pecuniary interest in the outcome of the decision from being involved in the decision.

Pastoral Strategy is the strategy established by the *Presbytery designated person* and the chairperson of the Presbytery Pastoral Relations Committee after the receipt of a complaint of *sexual misconduct*.

Presbytery Designated Person means a trusted and appropriately trained person who is appointed by the Presbytery or by another Presbytery to whom the Presbytery has delegated the responsibility of the appointment.

Relationship of Responsibility is a relationship of a *member* or *adherent* with another individual in any circumstance where the *member* or *adherent* is in a position of leadership, providing pastoral care or other responsibility in the *Church* with associated or perceived power in relation to that individual.

Respondent is a *member* or *adherent* of the *Church* against whom a complaint of *sexual misconduct* is made and who is not a Minister of the Word, Deacon, Youth Worker or Lay Pastor or a lay staff person or voluntary worker for the purpose of the Guidelines (Policy) of the *Church* for dealing with a complaint of *sexual misconduct* against a lay staff person or voluntary worker.

Sexual Misconduct includes:

- (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;** or
- (d) **sexualisation of a *relationship of responsibility*:** any interaction, consensual or otherwise, in which the *member* or *adherent* engages in sexualised behaviour with or towards a person with whom he or she is in a *relationship of responsibility*.

Support person is a person chosen by the *complainant* or a *respondent* to provide personal assistance and support during the investigation and determination of an allegation of *sexual misconduct*. This person is for support only and has no official role within the process.

Synod Resource Person/s means a person appointed by the Synod and adequately trained to assist and support Presbyteries in dealing with allegations of *sexual misconduct* made against *members* or *adherents*.

1.6 Legislation to be considered

In responding to a complaint of *sexual misconduct* the *Church* should endeavour to ensure that it does not interfere with due legal process. This includes ensuring that any *investigation* does not interfere with criminal investigations. Similarly the *Church* has a right to ensure that it is able to fully investigate matters which impact on *members* or *adherents* or those individuals within its care. It is therefore important that each Synod or Agency takes into consideration the relevant State Crimes Act, the commitment of that State to the Commonwealth Criminal Code, State care and protection legislation and anti-discrimination legislation in dealing with an allegation of *sexual misconduct*. Advice on such requirements can be sought from statutory bodies, police, or the *Church's* legal advisers.

1.7 The Complaint Committee

- (a) The *Presbytery designated person* in consultation with the *Synod resource person* shall appoint a committee to investigate a complaint of *sexual misconduct* upon receipt of the *complaint*.
- (b) **The *Presbytery designated person* shall not appoint himself or herself to the committee but may be appointed in a case where he or she is not acting as the *Presbytery designated person*.**
- (c) The *complaint committee* shall consist of a minimum of three persons and a maximum of five to comprise:
 - (i) two persons nominated by Presbytery who have been trained in the principles, policies and procedures of the *Church* in a matter of *sexual misconduct*. These persons need not be members of the Presbytery;
 - (ii) one person from the local Church Council, if available;
 - (iii) additional persons at the discretion of the *Presbytery designated person* to provide additional expertise to the *complaint committee*.No more than two members of the *complaint committee* shall be from the local Church Council of the Congregation where the *respondent* is a *member* or *adherent*.

- (d) The *Presbytery designated person* shall appoint a chairperson of the *complaint committee* at the time of its appointment, taking into consideration the skills and experience of the *complaint committee* members.

1.8 Legal Representation

This Policy does not prescribe a formal legal process. Neither the *complainant* nor the *respondent* has a right to legal representation during the *investigation* or determination process.

1.9 Advisers

- (a) Each Presbytery shall ensure that a number of persons are trained by the Synod as *advisers*. *Advisers* from any Presbytery may be accessed through the Synod Convenor of Contact Persons and Advisers.
- (b) An *adviser* will seek to:
- (i) assist the *complainant* in processing the *complaint*; or the *respondent* in facing a *complaint* through the process of *investigation* and determination of the *complaint*;
 - (ii) encourage the *complainant* or *respondent* to enquire and become aware of available legal and community resources as appropriate;
 - (iii) ensure that the *complainant* or *respondent* is adequately informed regarding the process at all stages of the progress of the *complaint*;
 - (iv) be available, if the *complainant* or *respondent* so wishes, to speak at any meeting regarding the *complaint* that the *complainant* or the *respondent* is required to attend.

1.10 Synod Resource Person/s

- (a) The Synod Standing Committee shall appoint a person or persons as *resource persons*. The Synod shall provide for their training.
- (b) The Synod Standing Committee shall appoint as many persons as they believe are necessary to fulfil the demand on this role.
- (c) The *Synod resource person* shall, but is not limited to:
- (i) assist a Presbytery in processing a *complaint*;
 - (ii) assist in the appointment of the *complaint committee*;
 - (iii) be aware of persons available and trained to be members of *complaint committees* within each Presbytery;
 - (iv) ensure that the *complaint committee* and Presbytery are adequately aware of resources and information available to them;
 - (v) endeavour to ensure that a *pastoral strategy* is developed in accordance with this Policy;
 - (vi) inform the Moderator and Synod Secretary when additional support is required by the Presbytery.
- (d) A Synod, in consultation with another Synod, may delegate the responsibility of this appointment to another Synod and shall ensure that adequate resources are provided.

1.11 Presbytery Designated Person

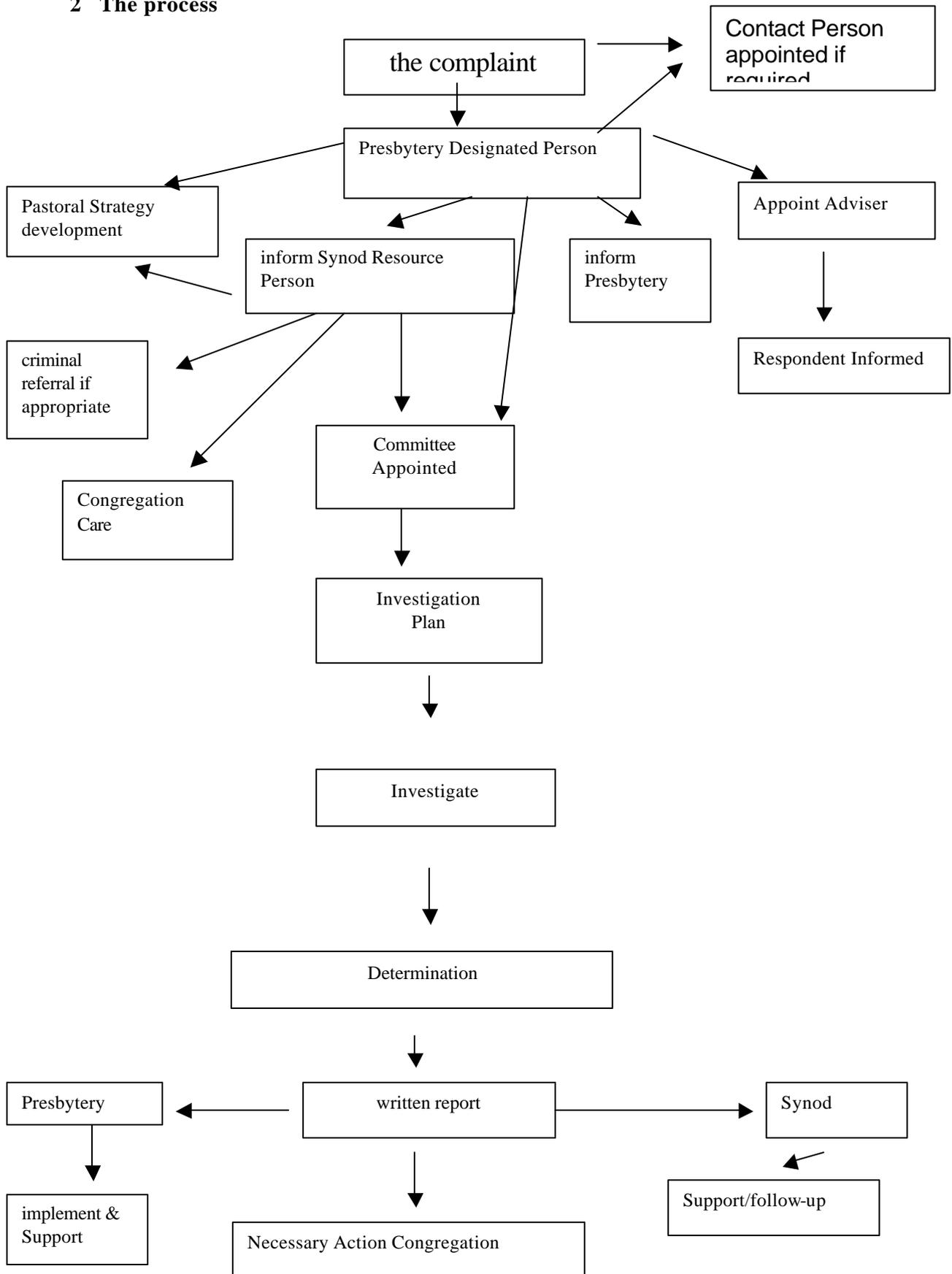
- (a) The Pastoral Relations Committee shall appoint a person or persons as *Presbytery designated persons*. The Synod shall provide for the training of such persons. No more than three persons shall be appointed.
- (b) The *Presbytery designated person* shall be a person who has been trained for the exercise of the responsibilities of the *Presbytery designated person* under this Policy. The appointing Presbytery and the Presbyteries of the *respondent* and *complainant*, if either of them is a different Presbytery, shall support the *Presbytery designated person* in the exercise of his or her responsibilities.
- (c) The *Presbytery designated person* shall:

- (i) appoint *contact persons* when appropriate;
 - (ii) act on behalf of the Presbytery in processing the *complaint*;
 - (iii) appoint the *complaint committee* in consultation with the *Synod resource person*;
 - (iv) be aware of persons available and trained to be members of the *complaint committee* within the Presbytery;
 - (v) inform the *respondent*;
 - (vi) appoint *advisers* in consultation with the Synod Convener of Contact Persons and Advisers; and
 - (vii) develop a *pastoral strategy* in conjunction with the chairperson of the Presbytery Pastoral Relations Committee.
- (d) A Presbytery, in consultation with another Presbytery, may delegate the responsibility of this appointment to another Presbytery.

1.12 Pastoral Strategy

- (a) Upon receipt of a *complaint*, the *Presbytery designated person* shall establish a *pastoral strategy* in conjunction with the Chairperson of the Presbytery Pastoral Relations Committee. The purpose of the *pastoral strategy* is to plan for the pastoral care, *confidentiality* and management of the *complaint* process and the impact upon the Congregation or faith community.
- (b) A *pastoral strategy* should be developed within two weeks of notification of the *complaint*.
- (c) The *pastoral strategy* shall address, but is not limited to:
 - (i) issues of *confidentiality*, as related to *natural justice*;
 - (ii) consultation with the Minister(s) in placement(s) in any Congregation which may be affected by the *complaint* and, where appropriate, Ministers-in-association;
 - (iii) what *members* of the Congregation are told and when;
 - (iv) issues of safety for the *complainant*, *respondent*, and *members* of the Congregation;
 - (v) education required relating to the matter within the Congregation;
 - (vi) strategy for pastoral care, healing, counselling within the Congregation;
 - (vii) strategy for pastoral care of the individuals affected, ie. *complainant*, *respondent*, their family members and friends;
 - (viii) critical incident response if a number of people involved;
 - (ix) legal advice;
 - (x) consultation where appropriate (including the Church Council for the Congregation in which the respondent is a member or adherent) required with other Councils of the Church;
 - (xi) management and care of the Congregation during the investigation;
 - (xii) overall management strategy;
 - (xiii) the keeping of appropriate records.

2 The process



SECTION TWO: OPERATIONAL GUIDELINES

2.1 Making a Complaint

- (a) Anyone who wishes to make a *complaint* may do so to a *Presbytery designated person*, *Synod resource person*, or Chairperson of Presbytery.
- (b) When a *Presbytery designated person* becomes aware that a person has a concern about *sexual misconduct* and may wish to make a *complaint*, the *Presbytery designated person* may appoint a *contact person* to assist in the preparation of a *complaint*. The *Presbytery designated person* shall contact the Synod Convener of Contact Persons and Advisers regarding the making of the appointment.
- (c) A *complaint* must be made in writing and signed and include a request that the *complaint* be investigated.
- (d) The *complaint* shall be referred to the *Presbytery designated person* as soon as possible in any case where the *complaint* is made to the *Synod resource person* or Chairperson of Presbytery.

2.2 Complaint principles

- (a) Every complaint of *sexual misconduct* by a *member* or *adherent* is to be taken seriously.
- (b) The *complainant* and the *respondent* must be at all times be treated with dignity.
- (c) In the event that a *complaint* is received involving a person under the age of consent the police or the appropriate child protection agency shall be contacted.
- (d) In the event that a *complaint* alleges behaviour of a criminal nature the *complainant* shall be encouraged to consider contacting the police. The *Presbytery designated person* may seek legal advice on action to be taken by the *Church* after consulting with the *Synod resource person* or the Synod General Secretary.

2.3 Investigation and Determination

- (a) The *Presbytery designated person* shall inform the Pastoral Relations Committee that a matter is under *investigation*. *Confidentiality* will be observed during this process.
- (b) The *Presbytery designated person* shall appoint a *complaint committee*.
- (c) The *complaint committee* shall inform the *respondent* of the details of the *complaint* in a manner which enables the *respondent* to respond.
- (d) The *complainant* and the *respondent* each shall be offered an *adviser* arranged by the *Presbytery designated person* after consultation with the Synod Convener of Contact Persons and Advisers, as soon as possible after a *complaint* is made.
- (e) The process for *investigation* and determination shall be outlined to the *complainant* and the *respondent* by the *complaint committee* Chairperson.
- (f) The *complaint committee* shall investigate the *complaint* providing both the *complainant* and the *respondent* with opportunity to be heard. Determination shall be made of the appropriate action to be taken, taking into consideration the views of the *complainant*, *respondent*, and the values and responsibilities of the Church. Investigation of the *complaint* shall be as expeditious as possible.
- (g) The *complaint committee* shall develop an *investigation* plan for responding to the *complaint*.

- (h) The plan and process shall include:
 - (i) a summary of the *complainant's* issues;
 - (ii) conferring with each of the complainant and respondent, and with other persons as considered appropriate;
 - (iii) identification of other persons to be interviewed and consulted;
 - (iv) an indication of issues to be addressed in the *pastoral strategy*;
 - (v) an expected target date for completion of *investigation* and determination;
 - (vi) a management strategy to ensure that all parties are adequately informed of the process.
- (i) In making a determination:
 - (i) the *complaint* shall be dealt with by the *complaint committee* with a view to determining the appropriate response to the *complaint*;
 - (ii) the nature of the *investigation* and determination shall be by inquiry and not adversarial;
 - (iii) at any stage the *complaint committee* may determine that the *complaint* warrants no further action;
 - (iv) at any stage the *complaint committee* may refer the *complaint* to the police as a criminal matter and will not deal with the *complaint* while it is under police investigation;
 - (v) after consultation with the *complainant* and the *respondent* about possibilities for addressing the *complaint*, the *complaint committee* shall determine the action/s in relation to the *complaint*. This may include a number of strategies and agreement on how they will be implemented;
 - (vi) the final determination shall be recorded and signed. Copies shall be provided to both parties and the original shall include signed and dated statements that the copies have been received.
- (j) A written report of the *investigation* and findings shall be made to the Presbytery Pastoral Relations Committee. Full documentation shall be kept in a confidential file by the Synod.
- (k) The Chairperson of the *complaint committee* shall notify the complainant and respondent when any decision is made relating to the *complaint* and advise them of any right of appeal.
- (l) The determination shall be implemented and overseen by the relevant Presbytery.
- (m) A statement may be made by the Chairperson of the Presbytery or the Moderator to the *Church* or public if it is felt that this is appropriate, after consultation with all parties.
- (n) Appropriate healing liturgies and strategies shall be developed for the *complainant*, *Congregation* and others as required as outlined in the *pastoral strategy*.

2.4 Support

- (a) The *complainant* and the *respondent*, attending any meeting of or arranged by the *complaint committee*, may be accompanied by their *adviser* and by a *support person*.
- (b) The *support person* shall not have the right to speak at any meeting of the *complaint committee* unless at the request or with the consent of the person supported, and invited to do so by the Chairperson.

2.5 Review of a Complaint

- (a) A *complainant* or *respondent* may appeal to the Presbytery Chairperson against a decision of the *complaint committee* within 14 days of the decision of the *complaint committee* being reached:
 - (i) against a finding that the *complaint* does/does not relate to *sexual misconduct* as defined in this Policy or that the *complaint* does not warrant *investigation*; or
 - (ii) on the ground that there has been a breach of *natural justice*.

- (b) The Presbytery Chairperson, in consultation with the *Synod resource person* or *Presbytery designated person*, shall appoint a committee of three persons to act as a Review Committee. Members of the Review Committee shall be persons who have received training relating to the Regulations or Policies of the Church for Prevention of Sexual Misconduct. When dealing with a review under 2.5(a)(i) the Review Committee may dismiss the appeal or remit the *complaint* to the *complaint committee* to reconsider the *complaint*. When dealing with a review under 2.5(a)(ii) the Review Committee may dismiss the appeal or recommend that a new *complaint committee* be established to hear the *complaint*.

2.6 Reporting Child Abuse

Child Abuse is a criminal offence which the *Church* takes seriously. Allegations of sexual abuse or misconduct involving a child under the age of consent² should be reported to the Child Care and Protection Agency in your State or Territory. Contact phone numbers for these agencies can be found in the white pages of your local telephone book. Allegations of child abuse should be made to your local child protection agency.

NOTE: In some states and territories, ministers and *church* employees are mandatory notifiers of child abuse, in other states there are no statutory obligations. The Uniting Church condemns all child abuse. Allegations of child abuse that arise within a UCA agency should be reported to the appropriate authority.

SECTIONS ONE AND TWO: EFFECTIVE 1 OCTOBER 2001

**Approved by Assembly Standing Committee
July 2001**

² The following are the ages of consent for each Australian State and Territory as at 1 June 1997.

Jurisdiction	Age of consent
New South Wales	16 years for heterosexual; 18 years for homosexual
Victoria	16 years
Queensland	16 years and 18 years dependent on the nature of the offence.
South Australia	18 years
Tasmania	17 years
Western Australia	16 years for heterosexual; 21 years for homosexual
Northern Territory	16 years for heterosexual; 18 years for homosexual
Australian Capital Territory	16 years

SECTION THREE: REFERRAL TO SYNOD

- 3.1 If a Presbytery refers all or any of its powers and responsibilities under this Policy to the Synod pursuant to paragraph 70(a) of the Constitution (either in respect of a specific matter or *complaint* or generally):-
- (a) the *Synod resource person* shall have the powers and responsibilities of the *Presbytery designated person* under this Policy;
 - (b) the *Synod resource person* shall act on behalf of the Synod in processing the *complaint*;
 - (c) the *Synod resource person* shall appoint the *complaint committee* which shall consist of a minimum of three (3) persons and a maximum of five (5) persons including at least two (2) persons who have been trained in the principles, policies and procedures of the *Church* in a matter of *sexual misconduct*;
 - (d) it is desirable that the complaint committee include at least one (1) person but not more than two (2) persons from the Church Council of the Congregation where the *respondent* is a *member* or *adherent*;
 - (e) a *complainant* or *respondent* may appeal to the Moderator against a decision of the *complaint committee* on the same basis as that described in clause 2.5, and the Moderator, in consultation with the *Synod resource person*, shall appoint a committee of three (3) persons to act as a Review Committee; and
 - (f) the provisions in Sections One and Two of this Policy shall apply, so far as practical, having regard to paragraphs (a) to (e).

**SECTION THREE: EFFECTIVE
1 JANUARY 2002**

**Approved by Assembly Standing Committee
November 2001**

PRESIDENTIAL**RULING****NUMBER****21**

I have been requested by the Moderator of the Synod of New South Wales acting on behalf of a member within the bounds of the Synod to give rulings under Uniting Church Regulation 3.6.14 in response to questions numbered 1 to 3 in the Moderator's letter to me.

I will refer to the two (2) questions in the paragraph numbered 1 in the Moderator's letter as questions 1A and 1B. The questions are set out below.

Question 1A

"... does the definition of 'complaint' in Regulation 7.7.12(a) indicate a broad definition of jurisdiction that it not limited exclusively to sexual misconduct as defined in Regulation 7.7.4?"

Question 1A cannot be answered by a simple "Yes" or "No".

The question whether a complaint is a complaint of sexual misconduct initially requires a determination by the chairperson of the Synod Sexual Misconduct Complaints Committee ("SSMCC") whether the allegations contained in the complaint amount to a complaint of sexual misconduct against the Minister (Regulation 7.7.4(b)). This is the threshold test of "jurisdiction". A complaint cannot be investigated and dealt with by the SSMCC as a complaint of sexual misconduct if the chairperson determines (and the chairperson's determination is not set aside on appeal), or, on appeal under Regulation 7.7.17(a)(i) an appeal committee determines, that the allegations contained in the complaint do not amount to a complaint of sexual misconduct against a Minister. In such a case, the complaint should be dealt with under Regulations 7.5.1 to 7.7.3.

Where the threshold test is satisfied, the SSMCC is obliged to investigate and deal with the complaint with a view to facilitating a response that takes into account the interests of the complainant, the interests of the respondent, and the values by which the Church lives (Regulation 7.7.12(a)).

Regulation 7.7.12(e)(ii) and (iv) refer to matters that arise out of a complaint. These are matters which come to the attention of the SSMCC while it is undertaking its primary task of investigating and dealing with the complaint, and which are related in some way to its primary task. In a case where the SSMCC decides that the complaint is substantiated, the SSMCC may be able to deal with those matters or it may consider that they should be dealt with by referral under the Regulation.

If the SSMCC determines that the conduct which is the subject of the complaint is not sexual misconduct, it may nevertheless determine that a matter arising out of the complaint warrants further action and refer that matter under paragraph (e)(ii) or (e)(iv) of Regulation 7.7.12.

For example, in a case where the SSMCC determines that sexual misconduct has not been substantiated but its investigation indicates that the Minister has committed a breach of the Code of Ethics, it may be appropriate for the SSMCC to refer this matter to the Pastoral Relations Committee of the Presbytery under Regulation 7.7.12(e)(iv) because the Presbytery has primary responsibility for advising and disciplining ministers in relation to breaches of the Code of Ethics (Regulation 7.7.1(f)) except in cases of sexual misconduct (para 8(b) of the Code of Ethics). At the time of making the referral, the SSMCC could make reports to such persons as it thinks fit under Regulation 7.7.16. It could also make recommendations concerning counseling, professional supervision, training or other appropriate responses arising out of the complaint and investigation (Regulation 7.7.12(e)(iv)).

Question 1B

"If so, does this jurisdiction include non sexualised behaviour that occurred before any alleged incidence of sexual misconduct, or would such jurisdiction only include behaviour that could be regarded as occurring later and allegedly having a 'flow-on, effect from the alleged sexual misconduct?"

Question 2

"... can the SSMCC take the view that sexual misconduct as defined under Reg 7.7.4(d) includes the situation of a minister entering a 'particular relationship' with a person who is formerly a member of the congregation within a few months of that person's breaking a relationship with a current member of the congregation?"

Question 3

"In a situation where a minister's 'particular relationship' with a former member of the congregation impacts adversely upon a current member of the congregation, what are the requirements of the Code of Ethics in response to the situation?"

I have decided that it would not be in the interests of the Church for me to give a ruling on these questions.

A respondent in a particular case has prepared the questions. I consider that it is not appropriate to make a Presidential Ruling that will operate, in effect, as an appeal from the SSMCC or an appeal committee.

In my judgment, a Presidential Ruling should not be the means of determining parameters for the manner in which the SSMCC may investigate and deal with complaints and matters arising from complaints. Nor is it appropriate that a Presidential Ruling should explicate the requirements of the Code of Ethics concerning a particular case.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'James Haire', written in black ink.

**Rev Professor James Haire
PRESIDENT**

***Confirmed by Assembly Standing Committee
November 2001***