

STRUCTURE OF THE UNITING CHURCH IN AUSTRALIA

A BRIEF OVERVIEW

1. Key Documents:

- Basis of Union
- Uniting Church in Australia Acts 1977
- Constitution of the Uniting Church in Australia, including the Preamble
- Regulations of the Uniting Church in Australia

2. Introduction

The Uniting Church in Australia was inaugurated on 22 June 1977 by a union of the Congregational Union of Australia, the Methodist Church of Australasia and the Presbyterian Church of Australia. The inauguration was preceded by enabling legislation [*Uniting Church in Australia Act 1977*] in all State and Territory parliaments. [Not all entities of the Presbyterian Church or the Congregational Church became part of the new Church, and continued as the Presbyterian Church of Australia and the Congregational Union of Australia.]

In the State and Territory Acts “the Church” is defined as “The Uniting Church in Australia”. The legal status of the Church is therefore an unincorporated association comprising of individual members.

Prior to the inauguration the three uniting churches had approved a *Basis of Union* as the basis on which the union would occur. This *Basis of Union* is a schedule in the various State and Territory Acts that provided for the inauguration of the Church in each state of the Commonwealth. The *Basis of Union* is a foundational document which continues to guide the Church.

3. Church Structure defined in the Basis of Union

Among other things the *Basis of Union* provides for the structure of government of the church through inter-related councils specified in Paragraph 15 as follows:

- (a) The congregation
- (b) The Elders’ or Leaders’ Meeting (the council within a congregation or group of congregations)
- (c) The Presbytery (the district council)
- (d) The Synod (the regional council)
- (e) The Assembly (the national council)

Paragraph 15 of the Basis of Union outlines the framework in which these inter-related councils will operate.

The Uniting Church recognises that the responsibility for government in the Church belongs to the people of God by virtue of the gifts and tasks which God has laid upon them. The Uniting Church therefore so organises its life that locally, regionally and nationally government will be entrusted to representatives, men and women, bearing the gifts and graces with which God has endowed them for the building up of the Church. The Uniting Church is governed by a series of inter-related councils, each of which has its tasks and responsibilities in relation both to the Church and the world.

The Uniting Church acknowledges that Christ alone is supreme in his Church, and that he may speak to it through any of its councils. It is the task of every council to wait upon God’s Word, and to obey God’s will in the matters allocated to its oversight. Each council will recognise the limits of its own authority and give heed to other councils of the Church, so that the whole body of believers may be united by mutual submission in the service of the Gospel.

Government of the Uniting Church is unlike that of other churches, including its own predecessor denominations. Three particular features are noteworthy:

- (i) It is a non-hierarchical form of government;
- (ii) Decisions taken in one Council may bind the whole church (e.g. the decision of a presbytery to ordain a person must be accepted by the whole church) notwithstanding

- that in some areas more than one Council can make some aspect of the decision (e.g. property dealings).
- (iii) Decisions are made by councils not individuals

5. Congregations

The primary expression of the corporate life of the Uniting Church is the congregation [Constitution 22].

There are approximately 2500 congregations, preaching places and faith communities of the Uniting Church in Australia. Some are large with several hundred members others are very small. At least forty different languages are used in worship in the UCA each week. Some congregations are grouped together for the better exercise of their mission. Such groupings may be called clusters or parishes.

Each congregation or group of congregations has a Church Council. The Church Council gives priority in its life to building up the congregation in faith and love, sustaining its members in hope, and leading the congregation to a fuller participation in Christ's mission in the world [Reg. 3.1.2 (a)].

Congregations may form such committees or agencies as may be necessary or desirable. In some congregations this includes agencies providing care to children. In such cases the Church Council provides governance oversight of the agency.

6. Presbyteries

Each Synod determines the number and bounds of Presbyteries in its bounds. There are 14 in NSW&ACT; 8 in Victoria & Tasmania; 8 in Queensland; 2 in Northern Synod and 1 in each of WA and SA.

Presbyteries exercise such oversight as is necessary to the life and mission of the Church in the area committed to it. This oversight extends to both ministers and congregations. Presbyteries also have a responsibility to promote the wider aspects of the Church, including setting up agencies where appropriate.

[The term "oversight" needs comment, as it is used in the Basis of Union with reference to several councils. In his Commentary on the Basis of Union the Rev Dr Davis McCaughey, the inaugural President of the UCA explained that the Greek word "episcopos" means oversight. He wrote, "the UCA is episcopal in order: the functions often performed in other Episcopal churches such as the Anglican, Roman Catholic and Orthodox Churches by individual bishops are exercised by a council in the UCA. They include supremely what the apostle Paul called "the daily pressure of anxiety for all the churches" (2 Corinthians 11:28)] (McCaughey, J.D., Commentary on the Basis of Union, p 91)

Each Presbytery elects a Chairperson [Reg.3.6.2 (a)]. This office may be filled by either a lay or ordained persons. The duties of a Chairperson are primarily to constitute, preside over and generally direct the business of the meetings of the Presbytery, and to exercise pastoral oversight.

7. Synods

The Uniting Church has six synods:

- Northern Synod
- Synod of New South Wales and the ACT
- Synod of Queensland
- Synod of South Australia
- Synod of Victoria and Tasmania
- Synod of Western Australia

(The Synod of Victoria and Tasmania was formed on 22 June 2002 by an amalgamation of the former Synod of Victoria and the former Synod of Tasmania. The remaining synods have operated since the inauguration of the Church in 1977)

The bounds of no synod exactly correlate to state or territory boundaries. For example several congregations and other Uniting Church entities on the northern side of the River Murray are in the State of NSW but within the Synod of Victoria and Tasmania. Similarly the Kimberly region and much of northern Western Australia is in the Northern Synod. There are other such examples.

Each Synod elects a Moderator, usually for a term of three years. Both lay and ordained persons are eligible for election. The Moderators have a pastoral and advisory leadership role in their synod. The Moderators have considerable moral and relational influence, but limited formal powers.

Each Synod appoints a General Secretary who fulfils the responsibilities of a chief executive officer of the Synod operations [Reg. 3.6.3.3]. This is a full time position and there is no maximum length of tenure.

The Constitution of the Uniting Church provides as follows:

“...the Synod shall have general oversight, direction and administration of the Church’s worship, witness and service within its bounds. It shall exercise executive, administrative, pastoral and disciplinary functions over the Presbyteries within its bounds, shall be the council to hear and deal with appeals and requests from Presbyteries and shall establish and maintain such boards, institutions, committees and agencies as are appropriate to the furtherance of its responsibilities...” [Constitution 32].

8. The Assembly

From the time of its inauguration the Assembly (the national council) has had determining responsibility for matters of doctrine, worship, government and discipline, and makes the guiding decisions on the tasks and authority to be exercised by other councils [Basis Para 15 (e)].

In its exercise of the responsibility for government, and empowered by the Acts to adopt a Constitution consistent with the Basis of Union, the inaugural Assembly approved a *Constitution* for the Church. Subsequent meetings of the Assembly have approved amendments to the Constitution, but to take effect such amendments must be approved by a majority of the Synods and two-thirds of the Presbyteries.

Further, in its exercise of responsibility for government the Assembly has approved *Regulations* which govern the ways in which the tasks entrusted to each council are to be exercised.

The Constitution and Regulations of the Church constitute a compact or contract between each of the Church’s members that operate to both define and regulate the rights and responsibilities of the members.

The Assembly meets once in each three years. A Standing Committee elected by members of each Assembly meets three times per year and has the authority of the Assembly between meetings of the Assembly.

Each ordinary meeting of the Assembly elects a President who holds office until the next meeting of the Assembly [Reg. 3.6.4.1 (a)]. Both ordained ministers and laypersons are eligible for election as President. The duties of the President are “to give spiritual leadership and encouragement to the Church generally, to represent the Church as appropriate, to give counsel as occasion requires and to do such other things as may be requested or advised by the Assembly” [Reg. 3.6.4.2]. Whilst the President has considerable moral and relational influence the position has very limited formal powers.

The Assembly elects a General Secretary [Reg. 3.6.4.4 (a)]. This is a full time position and there is no maximum tenure. The duties of the General Secretary, as executive officer of the Assembly, are to give general leadership to the Church, to ensure execution of Assembly policy, to co-ordinate Assembly activities, to oversee the management of Assembly staff, and to do such other things as the Assembly may require [Reg. 3.4.6.4 (b)].

9. Uniting Aboriginal and Islander Christian Congress (UAICC)

The Congress was established in 1985, with responsibility for oversight of the Church’s life and mission with and for the Aboriginal and Islander people of Australia.

The Congress is governed by its National Conference which meets no less frequently than once every four years [Reg. 3.2.3 (a)].

A Regional Committee of Congress has been established in each Synod, and in the Synod of Victoria and Tasmania there is one for each of the two States involved.

Clause 49 (a) of the Constitution provides:

“A Synod may at the request of a Regional Committee of the Uniting Aboriginal and Islander Christian Congress prescribe that the Regional Committee may have and exercise all or specific rights, powers, duties and responsibilities of a Presbytery under this Constitution and the Regulations ... for the purpose of fulfilling any responsibility of the Regional Committee for Uniting Church work with Aboriginal and Islander people within the bounds of the Synod.”

This provision expresses the Assembly’s commitment to enter into an ever deepening covenantal relationship with the Congress [Constitution Preamble 10].

10. Legal entities

As previously mentioned the State and Territory Acts define “the Church” as “The Uniting Church in Australia” which is an unincorporated association. As the unincorporated association comprises its individual members it would be unwieldy, for example, for property to be owned in the name of every member of the association. The legislation therefore needed to deal with the ownership of property, contractual relations and the ability to take legal action. The 1977 enabling legislation passed by the State and Territory parliaments provided for “the constitution and functions of the UCA Property Trusts, and for the vesting of certain property in that trust and for related purposes”.

Accordingly there is a body corporate (known as the Property Trust) for each State and Territory in Australia, and the legal title to all Uniting Church property is vested in the appropriate Property Trust.

It is only the Property Trust that may sue or be sued on behalf of the Church or any agency of the Church or in relation to trust property [Reg. 4.9.1 (a)].

UCA Assembly Ltd is the legal entity used by the Assembly. It differs significantly from the legal entities of the Synods which are statutory corporations. UCA Assembly Ltd is a corporation under the Corporations Act.

11. Ecumenical Relationships

The Uniting Church is a member of the World Council of Churches, the Christian Conference of Asia, the World Methodist Council, the World Communion of Reformed Churches, the National Council of Churches in Australia (NCCA) and the council of churches (however named) in each State.

The Uniting Church is committed to work together with other churches, and this commitment is expressed in a variety of ways through working with one or more other denominations in areas including some joint parishes/congregations, theological education, training of ministers, some schools and some short-term projects.

12. Institutions

For decades the Uniting Church has established and maintained institutions such as schools, university colleges, hospitals, children’s homes, child care centres and aged care facilities. Many of these offered a variety of both residential and non-residential services to the community. The origins and contemporary roles of these institutions in the Church and community are based on theological and missiological rationales.

The Constitution of the Uniting Church (Section 32) provides that the Synod “shall establish and maintain such boards, institutions, committees and agencies as are appropriate to the furtherance of its responsibilities.” This statement of general responsibility is particularised in the Regulations which prescribe the Synod’s authority over its institutions. Institutions are defined as “any body whether incorporated or unincorporated established by or on behalf of the Church or any of the uniting churches or in which the Church participates for a religious, educational, charitable, commercial or other purpose” [Reg.3.7.4.7].

Regulation 3.7.4.7 prescribes the Synod’s authority over its institutions including

- To determine what institutions shall be continued, established, conducted or discontinued, including those established conjointly with another person;
- To approve the participation of the Church in, or the association of the Church with, any institution;
- To make any determination, authorisation, approval or requirement;
- To authorise separate incorporation;
- Vesting of property in the appropriate Synod Property Trust;

- Overseeing, reviewing, and intervening as it considers necessary or proper in the interests of the church;
- Imputing responsibility and accountability by institutions for their proper management
- Approving constitutions, including providing for effective representation of the Synod, the Presbytery, or the Church Council.

In most (but not all) cases the Synod approves the constitution and either approves or appoints all or a proportion of members of the governing body, sometimes through an ex-officio membership e.g. The Moderator or nominee is a member of many Boards, and in the Synod of NSW & ACT the Director of Schools Ministry is a member of the Board of each school associated with the Uniting Church. In this way the Church influences rather than directs the governance and management of such associated bodies.

Some of the institutions associated with the Uniting Church are now separately incorporated (i.e. as companies limited by guarantee) and therefore regulated by the Corporations Act and/or the Australian Securities and Investments Commission and/or the Australian Charities and Not for Profits Commission, so oversight is shared by the Church and statutory authorities.

Because of the nature of the Uniting Church's inter-conciliar form of government, and the authority given to synods to make their own arrangements with institutions there is a lack of consistency across synods. For example, in some synods UnitingCare has a centralised model of governance and in other synods a de-centralised model is in place. So, for example, all UnitingCare programs in Queensland are governed by one Board, in Victoria and Tasmania there are separate Boards for individual agencies.

All schools associated with the Uniting Church have their own Board of Governance, however named. Schools, too, are obligated to comply with all relevant State and Federal Regulations and legislation.

Across Australia, and even within individual synods particular missional considerations result in different approaches to governance. For example, some schools are incorporated under Letters Patent, some as Companies limited by Guarantee, and others are not incorporated but have the various Synod Property Trusts as their legal entity. In the Synod of Queensland there is a Schools Commission responsible to the Synod for the relationship with its schools. Some schools are established under a partnership agreement with other churches.

To accommodate individual circumstances the legal relationship with institutions of the synod is defined by the constitution of each school or agency. In those synods which have a "model constitution" there are variations on the model constitution. The constitutions detail the delegated power of the Board and the reporting relationship to the Synod.

Synods exercise their limited power or control mostly through the appointment of Board members as per the constitution. In some cases the Synod is able to remove Board members or exercise the rights of Visitor. However the authority of a council of the Church to unilaterally discontinue an institution or to terminate the membership of Board members has rarely been exercised.

Each institution is financially independent, and although historically there have been some instances of cross-institutional support at a time of crisis, this has been rare and cannot be required of an agency.

Whilst most agencies and schools are associated with and relate to the respective Synod there are some congregational-based community service agencies, and many of these may relate to and be accountable to the respective Church Council at the local congregational setting. Depending on the nature or size of the program there may or may not be a constitution in place.

There are also some institutions associated with and relating directly to the Assembly. The various remote area programs of Frontier Services are governed by a national Board appointed by the Assembly and responsible to the Assembly. The Assembly is the successor body to the entities of the uniting churches that had responsibility for aboriginal missions, but has not provided oversight of any missions in the time since the 1977 union.

13. Code of Ethics and Ministry Practice

There is a national Code of Ethics and Ministry Practice for Ministers of the Uniting Church in Australia. The Code, last amended by the Assembly in 2009, is binding on all Ministers of the Word,

Deacons, and Pastors, whether in an approved placement or not, and Ministers from another denomination serving in an approved placement.

Breaches of the Code of Ethics and Ministry Practice are grounds for formal disciplinary proceedings under the processes for dealing with Complaints against ministers [Regs. 5.1 – 6.7].

In at least one Synod there is a Code of Ethics for Lay Preachers.

Most Institutions and offices of the Uniting Church have developed Codes of Conduct for staff, and any breach of the respective code attracts discipline procedures.

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