

**The Uniting Church in Australia**  
**CONSTITUTION**

# THE UNITING CHURCH IN AUSTRALIA

## PREAMBLE TO CONSTITUTION

The Uniting Church in Australia was formed on 22 June, 1977 by the union of the Congregational Union of Australia, the Methodist Church of Australasia and the Presbyterian Church of Australia after the approval of "The Basis of Union" by the Councils and Courts of those three churches, guided by the belief that they had been called by God into this union.

The Church in accordance with the Basis of Union accepts 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 and so organises its life that locally, regionally and nationally, government is entrusted to representatives, men and women, bearing gifts and graces, with which God has endowed them for the building up of God's Church and that therefore the Church shall be governed by a series of inter-related councils, each of which has its tasks and responsibilities in relation to the Church and the world.

The Church in accordance with the Basis of Union acknowledges that the demand of the Gospel, the response of the Church to the Gospel and the discipline which it requires are partly expressed in the formulation by the Church of its law, the aim of which is to confess God's will for the life of Christ's Church.

As the Church believes God guided it into union so it believes that God is calling it to continually seek a renewal of its life as a community of First Peoples and of Second Peoples from many land, and as part of that to

## RECOGNISE THAT

1. When the churches that formed the Uniting Church arrived in Australia as part of the process of colonisation they entered a land that had been created and sustained by the Triune God they knew in Jesus Christ.
2. Through this land God had nurtured and sustained the First Peoples of this country, the Aboriginal and Islander peoples, who continue to understand themselves to be the traditional owners and custodians (meaning 'sovereign' in the languages of the First Peoples) of these lands and waters since time immemorial.
3. The First Peoples had already encountered the Creator God before the arrival of the colonisers; the Spirit was already in the land revealing God to the people through law, custom and ceremony. The same love and grace that was finally and fully revealed in Jesus Christ sustained the First Peoples and gave them particular insights into God's ways.
4. Some members of the uniting churches approached the First Peoples with good intentions, standing with them in the name of justice; considering their well being, culture and language as the churches proclaimed the reconciling purpose of the Triune God found in the good news about Jesus Christ.
5. Many in the uniting churches, however, shared the values and relationships of the emerging colonial society including paternalism and racism towards the First Peoples. They were complicit in the injustice that resulted in many of the First Peoples being dispossessed from their land, their language, their culture and spirituality, becoming strangers in their own land.
6. The uniting churches were largely silent as the dominant culture of Australia constructed and propagated a distorted version of history that denied this land was occupied, utilised, cultivated and harvested by these First Peoples who also had complex systems of trade and inter-relationships. As a result of this denial, relationships were broken and the very integrity of the Gospel proclaimed by the churches was diminished.
7. From the beginning of colonisation the First Peoples challenged their dispossession and the denial of their proper place in this land. In time this was taken up in the community, in the

courts, in the parliaments, in the way history was recorded and told, and in the Uniting Church in Australia.

8. In 1985 Aboriginal and Torres Strait Islander members of the Uniting Church in Australia formed the Uniting Aboriginal and Islander Christian Congress.
9. In 1988 the Uniting Aboriginal and Islander Christian Congress invited the other members of the Church to join in a solemn act of covenanting before God.
10. After much struggle and debate, in 1994 the Assembly of the Uniting Church in Australia discovered God's call, accepted this invitation and entered into an ever deepening covenantal relationship with the Uniting Aboriginal and Islander Christian Congress. This was so that all may see a destiny together, praying and working together for a fuller expression of our reconciliation in Jesus Christ.

AND THUS the Church celebrates this Covenantal relationship as a foretaste of that coming reconciliation and renewal which is the end in view for the whole creation.

## CONSTITUTION

### NAME

1. The Church shall be known by the name of 'The Uniting Church in Australia'.

### BASIS OF UNION

2. The Church, affirming that it belongs to the people of God on the way to the promised end, lives and works within the faith and unity of the one holy catholic and apostolic church, guided by its Basis of Union.

### DEFINITIONS

3. In this Constitution unless the context or subject matter otherwise indicates or requires:

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

**Body** includes council, committee, department, college, board, agency or other institution.

**Bounds — within the bounds** means within the range of people, places and activities for which a council of the Church has oversight and responsibility.

**Church** means The Uniting Church in Australia.

**Church Council** means the body established in each Congregation to have oversight of its total life and mission.

**Confirmed member** is a member who is recognised as having affirmed the faith, and as sharing the right and responsibility of participation in the work and government of the Church.

**Congregation**, as the embodiment in one place of the one holy catholic and apostolic church, means those people (members and adherents) who worship, witness and serve as a fellowship of the Spirit in Christ, meeting regularly to hear God's Word, to celebrate the sacraments, to build one another up in love, to share the wider responsibilities of the Church, and to serve the world, and who are recognised as a Congregation by the Presbytery.

**Congregational Church** means the Congregational Union of Australia, the Congregational Unions in each of the States of Australia, and Congregational Churches which have approved entering into union with the Methodist Church of Australasia and the Presbyterian Church of Australia.

**Covenantal relationship** is the relationship which exists between the Uniting Aboriginal and Islander Christian Congress and the Assembly, which began in the invitation of 1988 and response of 1994, in which both groups commit themselves to developing more just, inclusive and equal relationships in the

Church that recognise the place of First Peoples, the difficult history of this nation since invasion, and the particular responsibility of the Uniting Aboriginal and Islander Christian Congress for ministry with and among Aboriginal and Islander peoples.

**Deacon** is a person recognised by the Church and set apart by ordination as a Deacon or a person who was set apart by commissioning or ordination as a Deaconess and was accredited as a Deacon in accordance with decisions of the Assembly or a person who was set apart by ordination and accredited as a Deacon in accordance with decisions of the Assembly.

**Deaconess** is a person recognised by the Church and set apart by commissioning or ordination for the specified form of service known as Ministry of Deaconess in accordance with decisions of the Assembly.

**Elder** means a person elected as such in the prescribed manner and a person who, at the date of the first Assembly, is recognised as an Elder by reason of holding the office of Deacon, as being an Elder who is a member of a session, or a Leader elected to assist in exercising spiritual oversight or, in the case of a Joint Parish, a corresponding spiritual leader, and who in each case adheres to the Basis of Union.

**First Peoples** are the Aboriginal and Islander peoples of Australia who are the indigenous peoples of this land. These peoples are a diverse group with many languages and communal identities.

**Lay Pastor** is a person recognised by the Church as a Lay Pastor and set apart by commissioning for a particular placement.

**Lay Preacher** means a person who, having passed prescribed tests, is authorised to preach and is accredited.

**Leader** means a person who in the Methodist Church was appointed to assist the Minister in exercising spiritual oversight over members of a Congregation.

**Member** is a baptised person recognised by the Church Council as being within the pastoral responsibility of the Church.

**Member-in-association** is a person who participates in the life of a Congregation of the Church while maintaining membership in another denomination and is recognised as having such rights and responsibilities as may be prescribed.

**Methodist Church** means the Methodist Church of Australasia within the Commonwealth of Australia.

**Minister** means a Minister of the Word, Deacon or Deaconess.

**Minister of the Word** is a person recognised by the Church and set apart by ordination as a Minister of the Word or a person who was set apart by ordination and accredited as a Minister of the Word in accordance with decisions of the Assembly.

**Ministries** are specified forms of service for which the Church sets persons apart.

**Pastoral Charge** means a Congregation or Congregations, department, college, or other institution or activity to which a Minister is, or may be, called.

**Placement** means the position of responsibility for the regular discharge of the duties of the ministerial office to which a Minister is or may be called.

**Presbyterian Church** means the Presbyterian Church of Australia comprising the Presbyterian Church of Australia in the State of New South Wales, the Presbyterian Church of Queensland, the Presbyterian Church of South Australia, the Presbyterian Church of Victoria, the Presbyterian Church of Tasmania and the Presbyterian Church in Western Australia.

**Prescribe** means prescribe by Regulation, rule, or by-law made pursuant to this Constitution.

**Second Peoples** are all those peoples who have come after the First Peoples and who are beneficiaries in some way of the invasion and dispossession of the lands of the First Peoples. Among Second Peoples within the Church are many whose racial, cultural and linguistic backgrounds, experiences and expression of Christian faith are not those originating in Western forms of thought and theological expression.

**Uniting Aboriginal and Islander Christian Congress** means the Aboriginal and Islander body which is recognised by the Assembly as having responsibility for oversight of the ministry of the Church with the Aboriginal and Islander people of Australia.

**Uniting churches** means the Congregational Church, the Methodist Church and the Presbyterian Church.

Words importing any gender shall include any other gender and words in the singular shall include the plural and vice versa.

Whenever a power is conferred upon any body by this Constitution such power may be exercised from time to time as that body thinks fit.

#### **PURPOSES**

4. The purposes of the Church are to provide for the worship of God, to proclaim the Gospel of the Lord Jesus Christ, to promote Christian fellowship, to nurture believers in the Christian faith, to engage in mission, to assist in human development and toward the improvement of human relationships, to meet human need through charitable and other services and to do such other things as may be required in obedience to the Holy Spirit.

### **DIVISION 1**

#### **MEMBERSHIP**

##### **MEMBERS**

5. The members of the Church shall be:
  - (a) those persons who at the date of the first Assembly are members of any of the uniting churches except those persons who decline to be recognised as such; and
  - (b) those persons who at a later date are recognised as members by baptism or on transfer in the manner prescribed.

##### **CONFIRMED MEMBERS**

6. The Church will recognise as confirmed members:
  - (a) those members who were confirmed members in one of the uniting churches;
  - (b) such baptised persons as affirm their faith in Jesus Christ, accept the responsibilities of membership and acknowledge the discipline of the Church and are confirmed in the manner prescribed;
  - (c) those who having been confirmed members of another church are accepted on transfer from that church.

##### **MEMBERS-IN-ASSOCIATION**

7. The Assembly shall make provision for the recognition, rights and responsibilities as members-in-association of persons who for the time being participate in the life of a Congregation of the Church while maintaining their membership in another denomination or another Congregation of the Church.

##### **ADHERENTS**

8. (a) Persons not being members or members-in association but who share in the life of a Congregation may be recognised as adherents and continued as such by the Church upon such conditions as the Assembly may prescribe.
- (b) The rights and responsibilities of adherents shall be as prescribed.

#### **ADMISSION, TRANSFER AND TERMINATION OF MEMBERSHIP**

9. The Church Council shall be responsible for:

- (a) admission to membership by baptism;
- (b) recognition of such members as in the manner prescribed become confirmed members;
- (c) transfer of members in the manner prescribed;
- (d) admission of members on transfer from another church;
- (e) termination of membership.

#### **OVERSIGHT OF MEMBERS AND ADHERENTS**

10. (a) The Congregation with the Ministers and the Church Council shall make provision for the spiritual oversight and pastoral care of its members and adherents.
- (b) Church Council shall be responsible for the maintenance and review of the rolls of members.
- (c) The Presbytery shall have responsibility for discipline of members and adherents in relation to matters of sexual misconduct.

#### **APPEAL**

11. The Assembly shall make Regulations providing for any person whose membership has been terminated by a Church Council to appeal against such termination.

## **DIVISION 2**

### **MINISTRY**

#### **MINISTRIES**

12. Recognising that ministry is a function of the whole Church to which all baptised persons are called, provision shall be made by Congregations, Presbyteries and Synods for the development and exercise of the gifts of all members. Provision shall also be made by the Assembly for the selection, education, training and setting apart of persons for forms of ministry specified by the Assembly.

#### **RECOGNITION OF MINISTRIES FROM THE UNITING CHURCHES**

13. (a) **Ministers of the Word**

The Church shall recognise as Ministers of the Word all ordained Ministers of the Word of the uniting churches who are in good standing at the date of the first Assembly, and who by the time of the first Assembly have expressed their adherence to the Basis of Union in a manner prescribed by the uniting churches, or who at some later date being in good standing express their adherence in a manner prescribed by the Assembly.

(b) **Deaconesses**

Deaconesses of the uniting churches who are in good standing at the date of the first Assembly, and who by that time have expressed their adherence to the Basis of Union in a manner prescribed by the uniting churches, shall be recognised as Deaconesses.

(c) **Lay Pastors**

All accredited Lay Pastors of the Congregational Church and Home Missionaries of the Methodist and Presbyterian Churches who are in good standing at the date of the first Assembly, and who by that time have expressed their adherence to the Basis of Union in a manner prescribed by the respective uniting churches, shall be recognised as Lay Pastors.

(d) **Elders**

The Church will recognise all Elders, Deacons and Leaders appointed to exercise spiritual oversight, or in the case of a joint Parish a corresponding spiritual leader, who actively hold such office in any of the uniting churches at the date of the first Assembly, who are in good standing at that time and who have expressed adherence to the Basis of Union, such adherence being in a manner prescribed by the respective uniting churches. Those so recognised shall be known as Elders, and shall have such responsibilities as may be prescribed.

#### **ORDINATION**

14. Ordination (being the setting apart of persons for ministry as Ministers of the Word or Deacons) shall be conducted by the Presbytery by prayer and laying on of hands, and in accordance with requirements and procedures determined by the Assembly.

#### **RESPONSIBILITY TO PRESBYTERY**

15. Ministers and Lay Pastors will be responsible to a Presbytery and Synod in matters of faith and discipline and to the Presbytery or other appointing body for the exercise of their ministry.

#### **REQUIREMENTS AND PROCEDURES FOR ACCEPTANCE AND OVERSIGHT OF MINISTERS**

16. The Assembly shall determine the requirements, standards and procedures for:
- (a) acceptance and education of persons as Ministers;
  - (b) acceptance and education of persons for other specified ministries;
  - (c) appointment, maintenance, general direction, oversight and discipline of Ministers and of persons exercising other specified ministries.

#### **TRANSFERS FROM OTHER DENOMINATIONS**

17. The Assembly shall prescribe the conditions upon which a Minister of another denomination may be admitted as a Minister of the Word or Deacon in the Church, and the conditions upon which a Deaconess or other person recognised by another denomination for the exercise of another specific ministry may be admitted to exercise a ministry in the Church.

#### **PLACEMENT OF MINISTERS**

18. (a) The Assembly shall make provision whereby:
- (i) Congregations and other bodies may call a Minister;
  - (ii) Ministers may be called by the Presbytery at the request of Congregations or other bodies or on the initiative of the Presbytery;
  - (iii) placements may be filled by call of the Assembly, a Synod or Presbytery to an office or body of the Church;
  - (iv) placements in other forms of ministry may be filled as prescribed;
  - (v) ministry in a placement may be terminated;
- subject to such conditions as the Assembly may prescribe.
- (b) (i) Each Synod shall establish an Advisory Committee on Ministerial Placements consisting of persons appointed respectively by the Synod and each Presbytery, a majority being appointed by the Presbyteries.
- (ii) The power of a Congregation or Presbytery or Synod to call Ministers to placements may be delegated in whole or in part to an Advisory Committee on Ministerial Placements.

#### **ELDERS**

19. Unless the Presbytery shall authorise otherwise:-

- (a) each Congregation shall recognise and appoint confirmed members or members in association as Elders to share with the Minister in oversight and building up the Congregation in faith and love, sustaining its members in hope and leading them into a full participation in Christ's mission in the world; and
- (b) the Elders shall be members of the Church Council and shall comprise at least one half of its membership.

Elders may be called 'Elders' or 'Leaders'.

#### **LAY PREACHERS**

- 20. All accredited Lay Preachers and Local Preachers in any of the uniting churches who at the date of the first Assembly are in good standing and have expressed adherence to the Basis of Union in a manner prescribed by the respective churches shall be recognised as Lay Preachers.
- 21. The Assembly shall prescribe the conditions for the recognition of Lay Preachers (other than those referred to in clause 20), the method of selection, the standards of education and training and the manner in which the office of Lay Preacher shall be exercised.

### **DIVISION 3**

#### **GOVERNMENT AND ADMINISTRATION**

- 22. The powers and responsibilities of government and administration in the Church shall be vested in the Congregation, the Presbytery, the Synod and the Assembly, each of which shall be constituted and have the rights, powers and responsibilities hereinafter provided. The primary expression of the corporate life of the Church shall be the Congregation.

#### **PART A – THE CONGREGATION**

##### **FORMATION AND RESPONSIBILITIES OF CONGREGATIONS**

- 23. Congregations shall be formed, recognised, governed and continued or disbanded in such manner and have such responsibilities as may be prescribed.

##### **COUNCILS OF THE CONGREGATION**

- 24. For the effective exercise of their responsibilities and for the better ordering of the life of the Congregations:-
  - (a) each Congregation shall form a Church Council; or
  - (b) where authorised by the Presbytery, more than one Congregation may form a joint Church Council; and
  - (c) one, or more than one, Congregation may form such other committees or agencies as may be necessary or desirable.

The Church Councils and other committees or agencies shall have such membership, responsibilities and relationships to one another as may be prescribed.

#### **PART B — THE PRESBYTERY**

##### **FORMATION**

- 25. A Presbytery shall be a council of the Church formed or dissolved by the Synod which shall determine its name, fix its bounds and arrange for its first meeting.

##### **RESPONSIBILITIES**

26. The Presbytery shall have such oversight as is necessary to the life and mission of the Church in the area committed to it; it shall stimulate and encourage the Congregations within the bounds, providing them with opportunities for counsel in the strengthening and assistance of one another and in their participation in wider aspects of the work of the Church. The Presbytery shall also have such further responsibilities as may be assigned to it by the Assembly or Synod and may do such other things as are consistent with the purposes of the Church, not being the exclusive responsibility of any other council or body within the Church.

#### **MEMBERSHIP**

27. The members of the Presbytery shall be such Ministers and persons in other ministries as may be prescribed, and such confirmed lay members as are elected to represent the Congregations within the bounds and as may be otherwise appointed together with such confirmed lay members as may be prescribed. The lay members of the Presbytery shall be not fewer in number than the ministerial members, and the lay persons elected to represent the Congregations shall be not fewer than half the total number of lay members.

#### **OFFICERS**

28. The Presbytery shall elect a Chairperson and other officers as may be necessary.

#### **MEETINGS**

29. The Presbytery shall meet at such intervals as may be prescribed, and at such other times as it may determine.

#### **COMMITTEES AND DELEGATION OF RESPONSIBILITIES**

30. The Presbytery shall appoint a Standing Committee and may appoint other committees or other bodies for such purposes and for such term as it may determine and may assign to them or to other councils of the Church such of the responsibilities of the Presbytery as may be so delegated for the better fulfilment of those responsibilities.

### **PART C — THE SYNOD**

#### **FORMATION**

31. A Synod shall be a council of the Church formed by the Assembly which shall determine its name, fix its bounds, prescribe its responsibilities and its relationship to other councils of the Church and arrange for its first meeting. A Synod may be dissolved by the Assembly in accordance with procedures as prescribed.

#### **RESPONSIBILITIES**

32. Subject to the direction of the Assembly, 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. A Synod may do other things as are consistent with the purposes of the Church and not the exclusive responsibility of any other council or body within the Church.

#### **MEMBERSHIP**

33. Subject to the maximum number determined by the Assembly, the membership of each Synod, unless determined otherwise by the Assembly, shall consist of:
- (a) such proportion of the number of Ministers of the Presbyteries within the bounds appointed by the Presbyteries as may be prescribed;
  - (b) ex-officio members as prescribed by the Synod;
  - (c) confirmed lay members appointed by the Presbyteries as prescribed, the number of such persons being not fewer than the number of Ministers appointed in accordance with section (a) hereof;

- (d) such other members being confirmed members of the Church as the Synod may determine and appointed in such manner as the Synod shall prescribe, provided that the ministerial and lay representatives so appointed shall not exceed the number of ministerial and lay representatives appointed by the Presbyteries in accordance with sections (a), (b) and (c) hereof, and provided further that the total number of lay members of the Synod be not fewer than the number of ministerial members;
- (e) such other members being confirmed members of the Church as may be prescribed.

#### **MODERATOR**

34. The Synod shall elect, in accordance with such rules and procedures and for such term as the Synod may determine, a Moderator who shall have such powers as may be prescribed and such further powers as may be determined by the Synod.

#### **OTHER OFFICERS**

35. The Synod shall appoint a secretary and may appoint a treasurer and such other officers as it shall determine. Each appointee shall hold office for such time and shall have such responsibilities as may be prescribed.

#### **STANDING COMMITTEE**

36. The Synod shall appoint from among its members a Standing Committee which shall be empowered to act on behalf of the Synod between meetings of the Synod in respect of any of the responsibilities of the Synod except such as the Synod may determine. The Standing Committee may co-opt additional members of the Synod to act on the Standing Committee. The Standing Committee shall consist of no fewer lay members than ministerial members.

#### **MEETINGS**

37. The Synod shall meet at least once every three years between normal meetings of the Assembly, and at such other times as are determined in such manner as may be prescribed.

### **PART D — THE ASSEMBLY**

#### **RESPONSIBILITIES OF THE ASSEMBLY**

38. (a) The Assembly shall have determining responsibility in matters of doctrine, worship, government and discipline, including the promotion of the Church's mission, the establishment of standards for theological education and the reception of Ministers from other denominations, and is empowered to make final decisions on all matters committed to it by this Constitution.
- (b) Without limiting the generality of the preceding clause, the Assembly shall have the power:
- (i) to make guiding decisions on the tasks and authority to be exercised by the other councils of the Church;
  - (ii) to create or dissolve Synods, to determine the bounds of the Synods, to divide or alter the number or bounds of Synods;
  - (iii) to make provisions for and in respect of calls and appointments of Ministers;
  - (iv) to make provision for the transfer of Ministers between Synods and/or Presbyteries;
  - (v) to disallow any by-law, rule or decision of a Synod or Presbytery or any other body which contravenes this Constitution or Regulations of the Assembly;
  - (vi) subject to the provisions of this Constitution to provide for the control and management of the property and funds vested in the Church;
  - (vii) generally to provide for the control, management and discipline of the Church;

- (viii) to act in all matters in respect of which exclusive authority is not vested in any other council by this Constitution;
- (ix) to delegate to any other council any of the authorities vested in the Assembly for such period and on such terms as the Assembly shall think fit;
- (x) to affiliate with ecumenical and other bodies;
- (xi) to prescribe for the association of the Church or any council or other part of the Church with any other churches, activities of other churches, or congregations of other churches;
- (xii) to receive into union any other denomination or any congregation or activity of any other church which in each case adheres to the Basis of Union;
- (xiii) to negotiate and to unite with any other denomination of the Christian Church.

**39.** 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.

(a) 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.”; and

(b) (i) If within six months of a decision of the Assembly, or its Standing Committee, at least half the Presbyteries within the bounds of each of at least half the Synods, or at least half the Synods, notify the President that they have determined that in their opinion

- a decision includes a matter vital to the life of the Church; and
- there was inadequate consultation prior to the decision the President shall notify the Church that the decision is suspended until the Assembly has undertaken further consultation;

(ii) Following this consultation, the Assembly shall determine whether to affirm, vary or revoke the original decision and report its decision and reasons to the Church;

(iii) No action taken in reliance on a the original decision of the Assembly prior to the President’s notification to the Church under clause 39(b)(i) shall be invalid by virtue of that notification;

(iv) This sub-clause can only be used a second or subsequent time on the same matter if the Assembly determines to vary the original decision.

#### **MEMBERSHIP OF THE ASSEMBLY**

**40.** The membership of the Assembly, unless otherwise determined by it, shall consist of:

- (a) one Minister and one confirmed lay member appointed by each Presbytery;
- (b) Ministers appointed by the Synods, the total number appointed by each Synod being equal to the number appointed by its Presbyteries;
- (c) confirmed lay members appointed by the Synods, the total number appointed by each Synod being no fewer than the number of ministerial representatives appointed under (b) hereof;
- (d) such ex-officio members as may be prescribed by the Assembly;

- (e) other members being confirmed members of the Church as are appointed thereto in accordance with provisions prescribed by the Assembly;
- (f) alternates as may be prescribed.

In no case shall the representatives appointed pursuant to (d) and (e) above exceed the number pursuant to (a), (b) and (c) above. The Assembly shall make provision, in such manner as it shall think fit, to provide that there shall be no less lay members than ministerial members of the Assembly by reason of the number of the ex-officio members and may increase but not reduce the number of members appointed by the Presbyteries and Synods in accordance with clauses (a), (b) and (c) hereof, provided that the number of lay members shall not be less than the number of ministerial members.

#### **MEETINGS**

- 41. The Assembly normally shall meet at least once every three years and a special meeting may be convened at any time by the President or Standing Committee for urgent business in the manner prescribed.

#### **SPECIAL MEETINGS**

- 42. In the event of the Assembly being specially convened, the members thereof shall be the same persons and office holders as were members of the preceding Assembly without the necessity of further election. Written notice shall be given specifying the date, time and place of the Assembly, and the nature of the business to be transacted shall be given as prescribed. No other business shall be dealt with unless the taking of the business is approved on a three-fourths majority vote of those present.
- 43. The Assembly may make provision for alternates to attend any Assembly specially convened by the President or Standing Committee in the place of any members who are unavailable or who have died since the preceding Assembly.

#### **PRESIDENT**

- 44. The Assembly shall elect from among its members in the prescribed manner a President who shall hold office until the installation of a successor at the next ordinary Assembly. The President shall have such powers as may be conferred by or under the authority of the Assembly. The Assembly may make provision for an acting President in the event of the President dying, resigning or being unable to act.

#### **OTHER OFFICERS**

- 45. The Assembly may appoint such other officers and confer upon them such powers and responsibilities as it may determine.

#### **COUNCILS AND COMMITTEES**

- 46. The Assembly may establish such institutions and agencies and appoint such councils and committees for such purposes and for such time as it deems necessary or desirable.

#### **STANDING COMMITTEE**

- 47. Each Assembly shall appoint from among its members a Standing Committee which shall be empowered to act on behalf of the Assembly between meetings of the Assembly in respect of any of the responsibilities of the Assembly except such as the Assembly may determine. The Standing Committee may co-opt additional members of the Assembly to act on the Standing Committee. The Standing Committee shall consist of no fewer lay members than ministerial members,

#### **QUORUM**

- 48. A quorum shall consist of not less than one half of the members of the Assembly representing at least half the number of Synods.

### **DIVISION 4**

## **UNITING ABORIGINAL AND ISLANDER CHRISTIAN CONGRESS**

49. (a) 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 (including ordination and other rights, powers and responsibilities relating to Ministers) 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.
- (b) Any such prescription may be
- (i) made subject to such limitations as may arise from the nature of the Congress or the Regional Committee and such limitations or conditions as may be required by the Synod and
  - (ii) withdrawn or varied from time to time by the Synod.

## DIVISION 5

### FUNDS AND PROPERTY

50. The beneficial ownership of all property whether real or personal shall be vested in the Church.
51. There shall be created in each Synod a body corporate (herein referred to as the Synod Property Trust) in which the legal title to all property, except such as may be prescribed, shall be vested.
52. All property vested in a Synod Property Trust shall be held, managed and dealt with in accordance with the rules, regulations, by-laws and resolutions made by or under the authority of the Assembly in that regard.
53. The Assembly may at its discretion delegate to any Synod power to make by-laws with respect to any property within the bounds or under the control or management of the Synod.
54. No interest in real estate shall be created or leased except in such manner as may be prescribed by the Assembly.
55. Pending the creation of a Synod Property Trust in any Synod, the Assembly or the Synod, if so authorised by the Assembly, may appoint any person or any body corporate to act as trustee of any property for the Church and in that event the rules, regulations, by-laws and resolutions of the Assembly and Synod relating to Synod Property Trusts shall apply to such trustee or trustees and the property vested in them, so far as they are relevant and appropriate.
56. The Assembly shall either appoint trustees or create a body corporate to hold property which is under the direct control or management of the Assembly.

## DIVISION 6

### INTERIM PROVISIONS

57. (a) Where, at the date of the inauguration of the Church, there is an existing arrangement between a Minister and a Congregation, such arrangement shall be deemed to be binding on the Church until its terms are fulfilled or the parties agree to its earlier termination or variation.
- (b) All Ministers settled in a pastoral charge or holding an appointment at the time of inauguration of the Church may so continue until the expiry of the period of the settlement or till the normal time for review in accordance with the original terms of settlement, or till a variation of the period and conditions thereof has been mutually agreed.

58. (a) Until such time as the various Church councils can be established in accordance with this Constitution the relevant councils, committees, courts, organisations and agencies of the uniting churches may and if so instructed shall continue so far as is practicable to carry out similar functions to those carried out by them prior to union, having regard to this Constitution and any relevant regulations, rules and by-laws of the Church.
- (b) Any provisional arrangements made to prepare for or facilitate the entry of the uniting churches into the Church may be continued for such time as considered expedient by the relevant council of the Church.
59. Until otherwise determined by the Assembly the orders for the celebration of the sacraments of Baptism and the Lord's Supper, and the several orders of worship and other rites, and hymn books which were authorised or recognised for use in the uniting churches at the time of union shall be recognised for use in the Church.
60. For the purpose of dealing with and settling any question or disputes which may arise in the transition from the uniting churches to the Church, the Assembly may appoint one or more committees with such powers as the Assembly may confer or delegate, provided that in the event of the Assembly delegating to any such committee power to make, rescind or vary any Regulation, no Regulation so made or any rescission or variation of any Regulation shall take effect until approved by the Standing Committee of the Assembly.
61. For the purpose of effectively inaugurating the Church the Assembly at its first meeting may establish or appoint or make provision for the establishment or appointment of provisional Synods, Presbyteries, Parishes or other bodies and matters incidental thereto, including the appointment of officers.

## DIVISION 7

### REGULATIONS, BY-LAWS, RULES AND STANDING ORDERS

62. The Assembly may make Regulations not inconsistent with this Constitution prescribing all matters which by this Constitution are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Constitution or for the life of the Church.
63. A Synod may make by-laws not inconsistent with this Constitution or with Regulations made by the Assembly prescribing all matters which by this Constitution are required or permitted to be prescribed in connection with a Synod or which are necessary or convenient to be prescribed for the carrying out or giving effect to this Constitution or for the life of the Church within that Synod.
64. A Presbytery may make rules not inconsistent with this Constitution or with any relevant Regulations and by-laws prescribing all matters which are required, permitted, necessary or convenient to be prescribed for carrying out or giving effect to the Constitution in respect of all matters within the oversight and responsibility of the Presbytery.
65. Any such Regulations, by-laws or rules may delegate to any specified body power to make regulations, by-laws or rules for any of the purposes for which regulations, by-laws or rules may be made under this Constitution.
66. Any Regulation, by-law or rule may be rescinded or varied by the body by which it was made in such manner as may be prescribed, but any such rescission or variation shall not affect any act, matter or thing done prior to the rescission or variation.
67. The Assembly may prescribe for the giving of notice of any proposed Regulations, by-laws, rules and standing orders and any amendment thereof.
68. The Assembly and other bodies within the Church may adopt, amend or repeal standing orders regulating procedures at their respective meetings.

69. Subject to this Constitution each council or other body within the Church may make such provisions for the better ordering of its life and fulfilment of its responsibilities as it sees fit.

## DIVISION 8

### MISCELLANEOUS

#### TRANSFER AND DELEGATION OF POWERS AND RESPONSIBILITIES

70. On such terms and conditions as may be agreed by the councils concerned:

- (a) a Presbytery may refer any of its powers and responsibilities to the Synod or to another Presbytery with the consent of the Synod or Presbytery concerned;
- (b) a Synod may refer any of its powers and responsibilities to the Assembly with the consent of the Assembly;
- (c) a Synod may delegate any of its powers and responsibilities to a Presbytery with the consent of the Presbytery;
- (d) a Synod may transfer any of its powers and responsibilities to another Synod with the consent of the other Synod and shall do so if required by direction of the Assembly;
- (e) a Presbytery or a Synod may delegate powers and responsibilities to a Congregation;
- (f) a Congregation may refer powers and responsibilities to a Presbytery or to such other body as the Presbytery shall approve; and
- (g) a Church Council may refer powers and responsibilities to a Presbytery or to such other body as the Presbytery shall approve.

#### INTERPRETATION

71. All rulings as to the interpretation of this Constitution or any of the Regulations made by the Assembly shall be made by the President after taking appropriate advice, and noting the Preamble, provided however that any such ruling may be confirmed, varied, modified, rescinded or over-ruled by the Assembly or by the Standing Committee on its behalf.

#### AMENDMENT OF CONSTITUTION

72. This Constitution or such later Constitution as may be adopted may be amended by the Assembly from time to time provided that no amendment shall have effect unless the amendment is approved by a majority of the Synods and two-thirds of the Presbyteries.

73. In the event of any Synod or Presbytery, after having been notified in writing of any amendment, failing to inform the President or such other person as the Assembly may nominate for that purpose that it does not approve of any amendment or amendments within such period as is prescribed by the Assembly, such Synod or Presbytery shall be taken to have approved the proposed amendment or amendments.