



# **Elders, Church Councillors and Council of Ministries in the Uniting Church**

**A guide to the creation,  
election and good ordering  
of Church Councils  
in the Uniting Church**

2015  
Updated 2024

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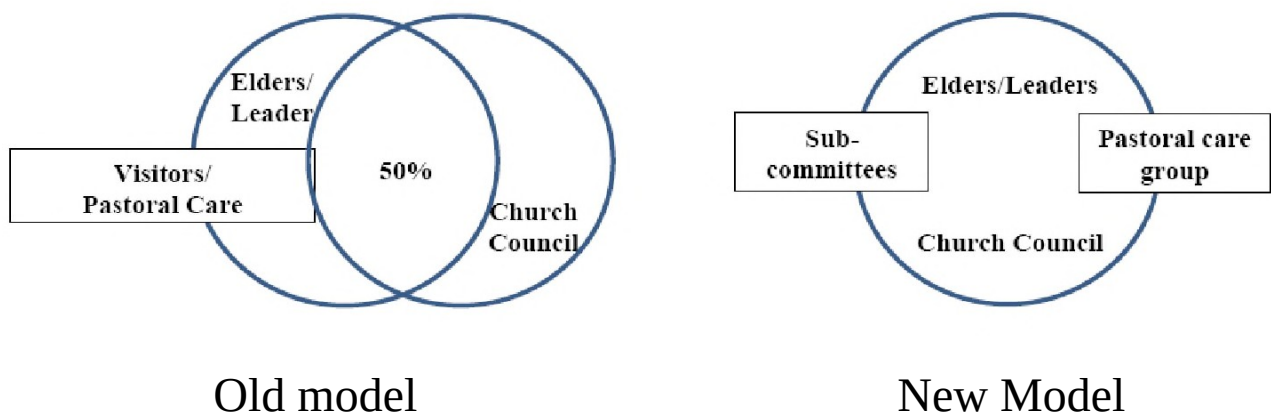
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# WHY IS THIS DOCUMENT NEEDED?

At the 14<sup>th</sup> Assembly in 2015, The Uniting Church created a new understanding of eldership within the UCA and how elders relate to church councils.

Below is what has basically been changed.



This new understanding is now codified in the regulations.

## WHY THE CHANGE?

In 2001, a report was produced to the Assembly, outlining issues arising in congregations concerning the proper use of the term, “elder” and how an elder relates to the church council. For many, it was seen that the pastoral and visiting role of an elder was being subsumed by the increasing complexity of the work of the church council through increased compliance requirements.

In 1997, the 7<sup>th</sup> Assembly introduced the move to one Church Council to overcome the unhelpful dichotomy between “spiritual” and “property/financial” councils in the life of congregations. Because it had become increasingly difficult to elect elders, the requirement for half of the church council to be elders meant many church councils were acting in breach of regulations and/or without

a proper quorum. This has real-world ramifications when decisions regarding the Synod Property Trust (i.e property and finances) were being determined as such decisions are open to secular legal challenge. While some congregations were valiantly holding onto to the twin councils of elders and councillors, increasingly, the two bodies were merging into one body within the life of the congregation.

This became even more noticeable when the Assembly changed regulation 3.1.2 so that it no longer mentioned visiting as a role of the church council and any references to an elder's council were deleted from the regulations. While some falsely believed the UCA had done away with elders, there was need for greater clarification to occur.

It should be noted that the regulations often refer to “elders and church councillors.” This remains in in the regulations, but the term “elder” is likely to disappear eventually.

## **UNDERSTANDING THE NEW REGULATIONS**

Put simply:

- All Elders are Church Councillors – all Church Councillors are Elders.
- Church Council may co-opt 2 other members of the Congregation to membership of Church Council for up to 2 years
- Once a church council is elected, members of that church council can decide if they are gifted and/or trained for pastoral care duties or not.
- A Congregation with less than 30 members or members-in-association may act as its own church council.

# **“CHURCH COUNCIL” OR “COUNCIL OF MINISTRIES”**

In 2000, the Presbytery of North Queensland (now the Carpentaria Presbytery) introduced the term “Council of Ministries” as a possible descriptor for Church Councils within its bounds operating under the these changed regulations. This term reflects the fact that all members of the church council undertake ministry in their roles.

While “Council of Ministries” is a valid descriptor within the Carpentaria Presbytery, there is no obligation for congregations to adopt that title for its Church Council<sup>1</sup>.

In 2014, the then Assembly General Secretary, Rev Terrence Corkin, produced a resource for the 14<sup>th</sup> Assembly called, “A fresh look at Elders/Leaders in the Uniting Church”. This paper conceded that there was no actual mechanism with in the regulations for the election of elders or an elder’s council and that the Basis of Union allows for the terms “elders” and “leaders” to mean the same thing.

The Carpentaria Presbytery, along with most other presbyteries, in accordance to the new regulations, now allows congregations to assign the term “elder” to mean a person who is elected onto the Church Council or Council of Ministries and is subsequently assigned pastoral care duties on behalf of that council.

As such, regulation 3.3.1(b) and Paragraph 19 of the Constitution are not required to be adhered to in the Carpentaria Presbytery.

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<sup>1</sup> Indeed, as of 2021 most congregations in Carpentaria refer to the council as the church council. This reflects the fact that most of those serving on the church council come from non-UCA backgrounds where Church Council is a much more common and understood term.

# WHAT DOES A CHURCH COUNCIL DO?

## RESPONSIBILITIES OF THE CHURCH COUNCIL

(See Para 24, Constitution)

3.1.2 (a) The Church Council shall give priority in its life to building up the Congregation in faith and love, sustaining members in hope, and leading the Congregation to a fuller participation in Christ's mission in the world. This priority shall be reflected in the agenda of its ordinary meetings.

(b) The responsibilities of the Church Council include:

- (i) sharing with the Minister(s) in mission and in the pastoral care and spiritual oversight of the Congregation;
- (ii) nurturing the members and adherents in their growth in grace;
- (iii) making decisions in accordance with the Regulations concerning baptism, confirmation and membership, and the keeping and reviewing of the rolls of the Congregation; (See Part 1 of these Regulations)
- (iv) assisting the Minister(s) in the conduct of worship and in the administration of the sacraments;
- (v) determining the time and place of services of public worship;
- (vi) carrying out its functions in accordance with the Regulations concerning applicants for the specified ministries;

- (vii) managing the financial affairs and the general administration of the Congregation including the reception, preparation and presentation of all necessary budgets, statements and reports;
- (viii) arranging for audit, presentation and examination of the accounts of all the funds of the Congregation;(See Reg. 3.8.7)
- (ix) managing and controlling property in accordance with the Regulations; (See Reg. 4.4.1)
- (x) preparing and presenting to a meeting of the Congregation an annual report concerning the life and work of the Congregation including its worship, mission and service, and making recommendations with regard to the program for the ensuing year;
- (xi) exercising oversight of the appointment of officers and leaders of Congregational organisations;
- (xii) referral of matters to Presbytery as prescribed;
- (xiii) discipline of members(See Reg. 5.1.2 – 5.2.5);
- (xiv) carrying out its functions in relation to Ministers-in-Association (See Reg. 2.11.1).

# **WHO CAN SIT ON CHURCH COUNCIL?**

## **FORMATION OF THE CHURCH COUNCIL OF A CONGREGATION**

- 3.4.5 (a) The Congregation shall form a Church Council and make such other fulfilment provisions as are appropriate for the fulfillment of its responsibilities.
- (b) In determining the composition of the Church Council or any committee or other body, the Congregation shall have regard to the principle that in accordance with the call and gifts of the Spirit each member shall have a part in the ministry of the Church, and that government of the Church will be “entrusted to representatives, men and women, bearing gifts and graces with which God has endowed them for the building up of the Church” (Basis of Union Para. 15).

It is vitally important that a church council is not formed as the result of a “popularity contest”, rather that those who sit on the council are willing and able to live up to the high ideals and responsibilities entrusted in leadership within the Uniting church.

## **MEMBERSHIP OF THE CHURCH COUNCIL**

- 3.3.1 (a) The membership of the Church Council shall consist of:
- (i) the Ministers, Youth Workers and Lay Pastors who are serving in approved placements in the Congregation;
  - (ii) subject to Regulation 2.9.4(b), Pastors serving within the Congregation;



- (iii) Community Ministers and candidates for Community Minister who are serving in community ministry in the Congregation;
- (iv) Ministers, being members of the Congregation, who are Ministers-in-Association in accordance with Regulation 2.11.1;
- (v) subject to paragraph (b), Elders;
- (vi) other confirmed members or members-in-association elected by the Congregation (See Reg. 3.9.1(b) and (c))

Subject to paragraph(b),the Church Council may co-opt not more than two other confirmed members or members-in-association of the Congregation to membership of the Church Council for such term not exceeding two years as the Church Council shall determine.

- (b) Unless the Presbytery authorises otherwise, Elders shall be members of the Church Council and shall comprise at least one half of the membership of the Church Council<sup>2</sup>.

## **HOW IS A CHURCH COUNCIL ELECTED?**

### **ELECTIONS OF ELDERS AND CHURCH COUNCILLORS**

- 3.3.2 (a) In electing Elders and Church Councillors, the Congregation shall recognise and appoint confirmed members or members-in-association who are endowed with gifts fitting them for the responsibilities of the office.

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<sup>2</sup> The Carpentaria Presbytery has authorised congregations within its bounds to operate without this requirement.

- (b) Election shall be by written ballot in a meeting of the Congregation. Prior notice of intention to hold such a ballot must be given and the names of nominees shall be publicly announced at least two weeks prior to the ballot being held<sup>3</sup>.
- (c) The meeting shall declare to be elected only such persons as receive the support of a majority of those participating in the ballot, or such higher percentage of those participating in the ballot as the Congregation may have determined prior to the call for nominations.
- (d) The maximum number of Elders and other Church Councillors to be elected, in addition to any Elders holding life tenure, shall be determined by the Congregation from time to time after advice from the Church Council.
- (e) Elders and other Church Councillors shall be set apart by prayer in a service of worship conducted by the Minister of the Congregation, or if unavailable, by another person appointed by the Presbytery to perform this duty.
- (f) The term of office of an Elder and an elected Church Councillor is for such period from one to five years as is stipulated by the nominee and for which period the person is then elected by the Congregation. At the expiry of the term the Elder or Church Councillor shall be eligible for re-election.

Common practice within the Uniting Church is for the Church Council to determine the eligibility of those nominated to have their names placed on any ballot for election.

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<sup>3</sup> The Carpentaria Presbytery allows names to come both one week before the election and also to allow nominations to be taken from the floor of the meeting. This reflects the sometimes transient nature of numerous congregational members due to family, social and work commitments (I.e FIFO, sport travel, family visitations etc)

While the Church Council has no especial veto against any particular eligible candidate for Church Council, if there are sound reasons (i.e the person is leaving town, the person has a history of inappropriate behaviour or is likely to cause disruption, or the person appears to not fully engage in the life of the congregation), the Church Council should act in such a way as to maintain the unity, dignity and operational stability of the Church Council into the future.

Some churches appoint a nominating committee, elected by the congregation. This committee calls for confidential nominations or actively encourages certain people to nominate. It then interviews the nominees and brings to the congregation for vote only the names of those they recommend. The number of nominees brought normally equates the number of vacancies. In this way, the culture, philosophy of ministry and direction of the church are not disrupted. It also is commensurate with the notion that the office of Church Councillor, which in many congregations is also the office of Elder, is in reality in response to God's call which needs to be tested and processed in a very responsible manner.

# WHO CAN VOTE IN AN ELECTION?

Under the current Uniting Church regulations, only those who are confirmed members or members in associated are able to vote at congregational meetings (budgets, elections, calling of new ministers, approving building projects) or be able to be elected onto the Church Council. Regulation 1.1.2.

Prior to the 9<sup>th</sup> Assembly (2000), the Assembly President, Rev Prof. James Haire presented a paper on the issue of membership within the Uniting Church. This paper recognised the changing nature of denominationalism and belonging in Christian Churches, particularly the Uniting Church. This began a debate in the church concerning issues of membership and voting rights.

Using Acts 2:42-47, it can be argued that it is incompatible with the Gospel for members who had not attended a congregation, in some instances for years, to have a right to overturn or influence the votes of the faithful regular attendees of the congregation.

Many in the Uniting Church have concluded that only those who hold membership, either as a full member or a member-in-association AND regularly attended worship in the congregation are eligible to vote on congregational matters. It is argued that many people leave the UCA without resigning membership and that merely holding membership should never be a priority over those who “regularly participate in the life and witness of the congregation.”

What this debate clearly indicates is that it is imperative that congregations maintain accurate and up-to-date membership lists.

It should also be noted that the Manual for Meetings makes clear that meetings within the Uniting Church are constituted in a context of “worship and belonging”.

The position taken by the Carpentaria Presbytery on this matter is that it is a matter of the congregation to decide before an election whether members who are no longer regular attendees (i.e. at least once a month) have the right to vote on congregational matters.

However, it must be reiterated that the current regulations allows ALL members and members-in-association to have a right to vote on congregational matters and that a decision for voting rights can only ever be made for a particular vote and circumstance. Good practice would be for the Presbytery to be informed of the congregation's decision and to seek Presbytery approval.

NOTE: In 1997, a vote for amalgamation of congregations on the Atherton Tablelands failed when members, some of whom had not attended a worship service in over 10 years, attended the meeting and swayed the vote. This caused a great deal of anguish for members who were faithfully looking to the future at the time. A similar situation occurred in Cairns a few years later.

# HOW MANY ON CHURCH COUNCIL?

Common practice or “Rule of Thumb” is to elect a church council at a ratio of 1 to 10 of members and adherents. However, it is good practice for there to be no less than 5 members of the Church Council (including the minister in placement).

If the membership of the congregation falls below 30 members and members-in-association, regulation 3.9.3 may be of help. This regulation basically makes the whole congregation the church council.

Currently (2021) in the Carpentaria Presbytery the numbers on an average church council across the Presbytery look like this.

Number of Members	Members on Church Council
<b>0-30</b>	<b>5</b>
<b>31-50</b>	<b>5</b>
<b>50-75</b>	<b>6</b>
<b>75-100</b>	<b>7</b>
<b>100+</b>	<b>8</b>
Average number of Church Council members (including minister in placement)	

It is the role of the Secretary of the Church Council to determine if the current size of the Church Council is “fit for purpose” and to make such recommendations to the congregation before elections are held.

# WHAT ABOUT THE CHAIRPERSON, SECRETARY AND TREASURER?

The Chairperson, Secretary and Treasurer are NOT directly elected by the congregation. Regulation 3.6.1 refers to this:

## OFFICERS OF THE CHURCH COUNCIL

### 3.6.1 Chairperson

- (a) The Church Council shall elect annually one of its members as chairperson.
- (b) If the elected Chairperson is not present at a meeting, the Church Council may appoint another of its members to act as Chairperson of that meeting.

### Secretary

- (c) The Church Council shall appoint annually from among its members a secretary who shall:
  - (i) keep minutes of meetings of the Church Council,
  - (ii) take care of all records and papers of the Congregation, except such as are within the specific responsibility of any other body or officer, and
  - (iii) carry out other duties as the Church Council may require.

### Treasurer

- (d) The Church Council shall appoint annually from among its members a treasurer;

- (e) The treasurer shall receive all moneys on behalf of the Church Council and pay them into a bank account of an approved financial institution . (See Reg. 3.8.7), keep proper books of account and furnish financial statements to the Church Council and Congregation at the end of each year and at such other times as the Church Council or Congregation may require.

## **CAN THE MINISTER BE THE CHAIRPERSON?**

The minister is a member of the church council as prescribed in regulation 3.3.1(a)(i) and is an equal member of that council. As such, the minister can be elected by the church council as Chairperson, Secretary or Treasurer.

However, good practice would usually exclude the minister from the role of Treasurer due to the inherent conflict of interest as a stipended officer of the church.

In many smaller congregations where election of officers is difficult, the minister may request the church council to elect them as chairperson or secretary in order to streamline the ever increasing burden of administration within the congregation.

In all cases the minister must bear in mind his or her inherent power as outlined in the Code of Ethics for Ministry practice and the Minister should confer with the Presbytery before requesting an executive position or give notice to the Presbytery when they have been elected into these roles.



# **CAN THE MINISTER AND THEIR SPOUSE OR FAMILY MEMBER SIT TOGETHER ON CHURCH COUNCIL?**

If the spouse or family member of the minister in placement is a member of the congregation, they are free to be elected onto the church council. However, the Uniting Church discourages this practice as it creates a voting block which has inherent power.

Likewise, the spouse or family member of a minister who is serving in another placement or the spouse or family member of a minister who used to serve in the placement should be dissuaded from serving on a church council in order to dispel any accusations of interference or conflict of interest.

The Code of Ethics for ministers should guide this process and ministers are responsible for understanding how members of a congregation perceive their spouse or family member.

## **CAN LAY SPOUSES OR FAMILY MEMBERS SIT TOGETHER ON CHURCH COUNCIL?**

Any member of the congregation is free to be elected onto the church council. Unlike the case with ministers, a husband and wife or other sibling groups do not necessarily hold the inherent power of a minister and their family.

Also, it is recognised that most congregations, naturally, are made up of inter-related people and family groups. If the congregation, having been made aware of the relationships, elects related groups to the church council then they are free to serve.

# **CAN A MINISTER SERVING IN ANOTHER PLACEMENT SERVE ON CHURCH COUNCIL?**

Sometimes, congregations include ministers or pastors worshipping amongst them who are in placement in another setting. For example a hospital or aged-care placement, or a defence force, police or bush chaplaincy.

Such ministers and pastors are ineligible to sit on or be elected to a church council unless they are in placement in both settings or they are, by the request of the minister in placement and approval of the Presbytery, made a minister-in-association (2.11.1).

However, once the minister in placement leaves, the minister-in-association must step down from all leadership positions until invited by the next minister in placement.

The only exception is where the placement of the minister is a Community Minister role (regulation 3.1.1(iii)) created and exercised under the oversight of the congregation and the Presbytery.

An example would be a minister or pastor directly employed in a placement overseeing a community kitchen or drop-in-centre etc. Wesley Mission, which operates as a Parish Mission (regulation 3.9.1) of Albert Street Uniting Church is such an example.

# CAN RETIRED MINISTERS SERVE ON CHURCH COUNCIL?

Retired Ministers who continue to hold their Ordination within the life of the Uniting Church are in an unique relationship with the church as they continue to be under the discipline of the Presbytery and are therefore not free to exercise ministry without this oversight.

This is the reason that a retired ordained minister can only exercise leadership as a minister-in-association (regulation 2.11.1). This unique position is a direct relationship with the minister in placement and only exists whilst that minister remains in placement within the congregation.

A retired minister cannot be elected onto a church council or the executive positions within a congregation (chairperson or secretary). However a minister-in-association may be invited by the minister in placement to express leadership where required (Minister's Code of Ethics 3.1(g))

Once a minister ceases placement, the position of minister-in-association no longer exists and the retired minister is automatically removed from all leadership positions.

A retired minister must only exercise their ministry with the full knowledge and acceptance of the minister in placement. Where there is no minister in placement, the retired minister must only exercise ministry under the direct oversight of the church council. The Presbytery must also agree to the ministry being undertaken by a retired minister in these circumstances.

In circumstances, such as required (for example regulation 3.5.1(d) (ii)), the Presbytery may ask a retired minister who is not a minister-in-association to convene a special meeting of the congregation as the Presbytery chairperson's nominee.

It is a requirement that any retired minister who wishes to continue to exercise ministry within a congregation remain current in the prescribed training of the Qld Synod concerning “Safe Ministry with Children” and “Ministerial Code of Ethics”. This training occurs annually.

## **CAN THE PRESBYTERY HAVE A PLACE ON CHURCH COUNCIL?**

### **RESPONSIBILITIES OF THE PRESBYTERY**

(See Para 26, Constitution)

3.1.3(n) in the exercise of its responsibility for the oversight of congregations during periods when the Congregation does not have a Minister in placement:\

- (i) appointing one or more Presbytery Liaison Persons who shall have the right to attend and speak at any meeting of the Congregation or its Church Council, and who shall liaise with the Congregation on behalf of the Presbytery. When a Congregation is seeking to fill a vacancy, this role will normally be given to one or more of the Presbytery-appointed members of the Joint Nominating Committee.

# WHAT IF WE CAN'T ELECT A CHURCH COUNCIL?

There can be numerous reasons that a church council cannot be elected. Usually, this falls into 2 categories:

1. a lack of nominees,
2. nominees fail to receive at least half of the support of the congregational meeting

The regulations provide for such provisions.

The two alternatives are:

## CHURCH COUNCILS IN SMALL CONGREGATIONS

- 3.9.3 (a) Where a Congregation has no more than 30 confirmed members and members-in-association (as listed in Regulation 1.6.1), the Presbytery may, at the request of the Congregation, authorise the Congregation to determine that all those who are members of the Congregation shall comprise the Church Council.

or:

## FAITH COMMUNITIES

- 3.9.2 (a) A Presbytery may recognise as a Faith Community a grouping of people who;
- (i) are seeking to explore the implications of faith in God, gathering in order to serve the community and/or nurturing one another in faith;
  - (ii) are worshipping together and seeking to relate to the Church for nurture and support, and
  - (iii) apply to the Presbytery to be recognised as a Faith Community.

# HOW CAN BECOMING A FAITH COMMUNITY HELP?

While Faith Communities order their life under the oversight of the Presbytery (regulation 3.9.2(c)), it is the Presbytery that takes all responsibilities for any property. Usually, a Memorandum of Understanding between the Faith Community and the Presbytery outlining their relationship is put in place which can include provisions whereby the Faith Community can ensure that the Presbytery does not act on any property issue that is contrary to the wishes of the Faith Community.

A faith community can remain as a placement within the Uniting Church which means Ministers can still be placed just like a normal congregation.

The big advantage of a faith community is that the ordering of the church, i.e., the leadership group are not bound by the regulations concerning church councils and a constitution in partnership with the Presbytery can be created which allows for more freedom and scope to reenergize, refocus or reequip members of the faith community in reforming as a congregation in the future.

Members of the faith community can remain full members of the Uniting Church and continue attending Presbytery and/or Synod meetings.

While, at the time of writing, the Carpentaria Presbytery has not utilised these provisions, numerous Presbyteries across Australia have used regulation 3.9.2 as an interim measure to allow congregations to act in alternative ways or to rebuild their internal leadership before being re-recognised as a congregation (regulation 3.9.3 (e)).

# **CAN THE MINISTER CALL A SPECIAL CHURCH COUNCIL MEETING?**

The Minister in placement has no special authority to call a Church Council meeting, unless they themselves are the chairperson of the Church Council.

Having said this, the Minister holds a special place within the life of the congregation and their authority should be respected by the church council chairperson. During the Induction service of a minister the congregation and the church council both make promises to honour the minister as “pastor and leader.”

If a Minister requests the Church Council chairperson to call a meeting and the chairperson refuses to do so, the Minister can contact the Presbytery and outline their reason for the special meeting. The Presbytery chairperson can then call a special meeting of the congregation. Regulation 3.5.2.

## **CAN ORDINARY MEMBERS OF A CHURCH COUNCIL CALL A SPECIAL CHURCH COUNCIL MEETING?**

### **SPECIAL MEETINGS OF THE CHURCH COUNCIL**

3.5.3 The chairperson shall convene a special meeting of the Church Council within fourteen days of being so requested by five or more members of the Council or by no fewer than half in number of the membership of the Council, which ever is the less. The business of the special meeting shall be restricted to the matters listed in the notice convening the meeting.

# HOW ARE CHURCH COUNCIL MEETINGS RUN?

## CONDUCT OF MEETINGS

- 3.8.4 (a) Meetings of a congregation, council or a standing committee shall be conducted in accordance with “A Manual for Meetings in the Uniting Church” unless the congregation, council or standing committee has adopted other standing orders or meeting procedures.
- (b) Decisions made by a council or standing committee other than in a meeting, by electronic means, shall be conducted in accordance with the procedures outlined in 5.18 of “A Manual for Meetings in the Uniting Church” unless the council or standing committee has adopted other standing orders or meeting procedures.
- (c) If the presiding officer of a meeting of a congregation or council (or its standing committee) is unavailable then the meeting shall elect a chairperson for that meeting.

A copy of “A Manual for Meetings in the Uniting Church” is available on the Presbytery website.

Training is available for church council chairs through the Presbytery.



# **CAN A DECISION BE MADE WITHOUT A QUORUM?**

## **QUORUMS FOR MEETINGS**

- 3.8.5 (a) If a quorum is not present the meeting shall be reconvened by the chairperson and if the chairperson be unavailable by the secretary.

If a quorum be not present at the reconvened meeting the business of the meeting may be conducted by those present.

### **Congregation**

- (b) A quorum for a meeting of the Congregation shall consist of eight voting members or one-tenth of the voting members of the Congregation whichever number is the greater, unless otherwise determined by the Presbytery in respect of a particular Congregation.

### **Church Council**

- (c) A quorum for a meeting of the Church Council shall consist of one half of the total membership of the Church Council.

# **CAN THE PRESBYTERY DISMISS A CHURCH COUNCIL?**

Simple answer; No.

There are no provisions in the regulations for a Presbytery to dismiss a church council. The only possibilities are:

1. The Congregational chairperson and secretary call for a special congregational meeting in order to re-elect the church council (regulation 3.5.1(d)(i)); or
2. The chairperson of the Presbytery calls for a special meeting of the congregation to request re-election of the church council. (regulation 3.5.1(d)(ii)).
3. The church council resolves to dissolve itself and thereby force reelection of the church council.

# **CAN A MEMBER OF THE CHURCH COUNCIL BE REMOVED?**

There are sometimes circumstances in which a member of the church council is no longer serving the congregation in terms of regulation 3.1.2 or their presence on the church council are such to impede the good ordering or function of the church council.

## **TERMINATION OF OFFICE OF ELDER AND CHURCH COUNCILLOR**

- 3.3.3 (a) An Elder and a Church Councillor respectively shall relinquish office in the Congregation and cease to be recognised if he or she:
- (i) resigns from the particular office by notice in writing to the secretary of the Congregation;
  - (ii) declines to carry out the responsibilities of the particular office; or
  - (iii) transfers membership to another Congregation.
- (b) If in the opinion of the Church Council an Elder or Church Councillor is no longer:
- (i) conforming to the standards of a member of the Church; or
  - (ii) complying with its discipline (in circumstances other than in Regulation 3.3.3(d)) ; or

- (iii) carrying out the responsibilities of the particular office, the Church Council may recommend to a meeting of the Congregation that the Elder or Church Councillor be removed from office and the Elder or Church Councillor shall be removed from office if the recommendation is supported by a determination of a meeting of the Congregation.
- (c) An Elder or Church Councillor who is removed from office by a decision of the congregation, shall have a right of appeal to the Presbytery. The decision of the Presbytery to confirm removal or re-instate the Elder or Church Councillor shall be final.
- (d) If in the opinion of the Church Council there are concerns about the behaviour of an Elder or Church Councillor whether in person or through cyberbullying (with reference to paragraph 1.6 of the Manual for Meetings) the Church Council may refer the matter to the Presbytery Pastoral Relations Committee to determine if the Elder or Church Councillor shall be removed from office. The decision of the Presbytery Pastoral Relations Committee shall be final.

One of the greatest areas of dispute within the Presbytery is around the conduct of members of church councils. This, unfortunately, also includes ministers. Too often church councils and congregations become paralysed because of internal disputes amongst church councillors.

While the Presbytery clearly has a role to play in this area, the regulations require for the church council to act for the sake of the good ordering of the church council and, more importantly, the congregation which it serves.

People should matter more than regulations. The way church councillors (and congregation members) treat one another is even more important than the decisions they make. A church council meeting should be a place of hospitality and generosity where all people are valued and affirmed. Confidence must be maintained – what happens at Church Council stays at Church Council.

Each person is expected to contribute – not dominate the conversation, nor shrink away from speaking at all. The Uniting Church's Code of Conduct for Lay Leaders describes the behavioural expectations of all voluntary leaders within the Uniting Church.

## **CAN A CHURCH COUNCIL REMOVE SOMEONE'S MEMBERSHIP**

The area of discipline within the church is an area that many church councils tend to shy away from for the sake of "keeping the peace". However, membership within the church comes with certain privileges and obligations in order to build the body of Christ.

### **PASTORAL CARE OF MEMBERS**

5.2.1 (a) In cases where:

- (i) in the opinion of the Church Council, any member of the Church appears to disregard the privileges and obligations of membership or to disregard the discipline of the Church; or
- (ii) a formal complaint has been received about a member by a member of the Church Council;

the Council shall endeavour by visitation and pastoral counsel to restore the relationship of the member to the life of the Church.

## **SUSPENSION OR TERMINATION OF MEMBERSHIP**

5.2.2 Where the Church Council has determined that the member has failed to respond to the pastoral care and invitation to renew a satisfactory relationship with the life of the Church, the Church Council may:

- (a) suspend the rights and privileges of membership; or
- (b) remove the name of the member from the membership roll.

The member shall be notified in writing of any such action. The member can appeal the decision to the church council and subsequently the Presbytery (regulation 5.2.3(a))

## **CAN A CHURCH COUNCIL BAN SOMEONE FROM ATTENDING THE CHURCH?**

Relationships don't always find resolution and some people can be disruptive purely by their own presence. People have a right to be feel safe at church.

In Regulation 4.4.1 the Church Council is given final say on most matters concerning property, its usage and policies regarding it.

### **RESPONSIBILITY FOR PROPERTY**

4.4.1 Subject to the Regulations, the by-laws of the Synod and the rules of Presbytery, the Church Council shall be responsible for the management and administration of all property of the Church acquired or held for the use of the Congregation, and without limiting the generality of the foregoing shall:

- (g) do such other things as are necessary or appropriate for the use and management of all property acquired or held for the Congregation.

The “other such things” can include things like the:

- the consumption of alcohol
- determining what groups may hire or use the buildings
- Whether same-gender marriages can be performed on the property.
- Use of gaming funds for property projects etc
- Who can have access to the buildings.

While it can be argued that members of the Congregation have certain “rights” these rights do not include being a disruptive presence within the fellowship of the church.

The ability to physically bar someone from attending the church is also covered under civil law, namely the Queensland Summary Offences Act (2005), section 11, which deals with laws pertaining to trespass.

The church is a private organisation, under the Uniting Church in Australia Property Trust Qld. As such, the Church Council has delegated authority to act on behalf of the Property Trust and the Congregation itself in such matters.

The Church Council have a right to demand someone vacate or not enter the property and also have a right to call the police if required.

# **IS THERE A CODE OF ETHICS FOR LAY LEADERS IN THE UNITING CHURCH?**

Ministers and lay leaders of the Uniting Church are both expected to act, serve and witness to building up of the body of Christ as referred to in the Basis of Union.

Lay leaders hold a sacred trust with those who have elected them to act in the best interest of the congregation and wider Uniting Church.

## **UNITING CHURCH IN AUSTRALIA - CODE OF CONDUCT FOR LAY LEADERS**

### **1. Introduction:**

- 1.1 The Uniting Church in Australia is committed to providing safe places where people are cared for, nurtured and sustained. In order to fulfil this commitment, the church needs to have accountability and consistency, across Presbyteries and Synods, in all our services and activities.
- 1.2. A Code of Conduct is an important document for communicating the kinds of behaviours expected from people in the life of the Church. The existence of a Code of Conduct, when it is known and applied, gives confidence to the wider community and assists the witness of the Christian community. It is an instrument to raise awareness within the Church of what is expected and what kinds of behaviour it does not condone.



- 1.3. This Code of Conduct for Lay Leaders (Code of Conduct) outlines the behaviours expected of persons who participate in the life of the Uniting Church in Australia as leaders. It applies to all the Church's lay leaders, including but not exclusively Church Councillors, elders, worship leaders, chairs of committees, team / activity leaders. That is, any lay person who accepts a leadership role within a Congregation, Presbytery, Synod or Assembly. It does not apply to those holding paid positions as it is expected that employment contracts will bind employees to the organisation's code of conduct.
- 1.4. Lay leaders within a Congregation, Presbytery, Synod or Assembly should be recognised in that role through a short commissioning service, to be held within the normal worshipping life of that Council of the Church. This is so that everyone, including the leader, understands that they have formally taken on a leadership role and are subject to the discipline of this Code of Conduct.
- 1.5. Ministers of the Word, Deacons and lay people serving in an approved Ministry of Pastor role are bound by the national Code of Ethics and Ministry Practice for Ministers of the Uniting Church in Australia.

## **2. Leadership within the Church**

Lay leaders are called to minister out of a relationship with God by:

- joining regularly in the life and ministry of the Church
- studying the Scriptures in private and in groups
- praying regularly in private and in fellowship with and for the people and ministry of the Church

- treat all people of the Church, including those engaged in Church activities and programs, with respect, courtesy, honesty and fairness, and have proper regard for their interests, rights, safety and welfare.
- act according to the legislative requirements, policies and ethical codes that apply to their areas of leadership
- make decisions fairly, impartially and promptly, considering all available information, legislation, policies and procedures
- be aware of and careful not to abuse any social or professional power that comes with any personal attribute, or role or position held in the Church or professionally or in the community
- show others what healthy relationships look like by modelling them
- avoid behaviours that could be experienced as bullying, emotional abuse, harassment, physical abuse, spiritual abuse, sexual abuse or any kind of sexual misconduct
- be sensitive to the particular needs and vulnerability of children and young people.

## **Confidentiality**

- treat as confidential any personal or sensitive information acquired through their work or other involvement in the Church, other than as required by law or where proper authorisation is given.
- adhere to legal requirements, policies and all other lawful directives regarding the use of personal or sensitive information.
- use personal information only for the purpose stated or understood when the information is gathered.

## **Relationship with the Law**

- Obey Australian laws while recognising that the long standing Christian tradition of political resistance and civil disobedience may lead to exceptions.
- Not act violently or intentionally provoke violence when engaging in civil disobedience.
- Not take property belonging to others, including intellectual property (copyright).
- Not knowingly make false, misleading, deceptive or defamatory statements.
- Disclose to the Church leadership if they are or have been investigated for any criminal offences or have any knowledge of serious criminal activity.
- act with financial integrity, including having accountable and transparent systems in place in financial matters.
- be responsible in their use of addictive substances and services (for example, medications / alcohol).

## **Conflict of interest**

- ensure personal or financial interests do not conflict with Church related roles and responsibilities to be undertaken or in which a leader is involved.
- manage and declare any conflict between personal interests and Church duty.
- where conflicts of interest do arise, seek the support of the relevant Council (Congregation, Presbytery, Synod or Assembly) to ensure they are managed in the public interest, according to community standards of the highest order.

### **3. When the code is breached**

This code will only be effective if it is widely known and available throughout the Church, practised consistently and implemented justly. All lay leaders have a responsibility to ensure that personal behaviour and practices that are not consistent with this code are neither tolerated nor covered up.

- If there is knowledge or reason to believe that another lay leader of the Church has not followed this code, then that person should be approached and the concern identified.
- If the lay leader can be considered as persisting in disregarding the code without good reason and a person has suffered or is at risk of suffering harm, then the behaviour should be reported to the council of the Church with responsibility for the member.
- If in doubt, seek advice from a colleague or Minister.

# RESOURCES

- 2019 Basis of Union, Constitution and Regulations of the Uniting Church:  
[www.ucacarpentaria.com.au/nextcloud/index.php/s/gPiryXLkF3KQkcM](http://www.ucacarpentaria.com.au/nextcloud/index.php/s/gPiryXLkF3KQkcM)
- A Report to the Eldership Task Group 2014:  
[www.ucacarpentaria.com.au/nextcloud/index.php/s/J69AtNcmbzLF2eS](http://www.ucacarpentaria.com.au/nextcloud/index.php/s/J69AtNcmbzLF2eS)
- Code of Ethics and Ministry Practice:  
[www.ucacarpentaria.com.au/nextcloud/index.php/s/fsp2X8xaZRWdcn3](http://www.ucacarpentaria.com.au/nextcloud/index.php/s/fsp2X8xaZRWdcn3)
- A Manual for Meetings:  
[www.ucacarpentaria.com.au/nextcloud/index.php/s/aTn6b4SLFoTqyS9](http://www.ucacarpentaria.com.au/nextcloud/index.php/s/aTn6b4SLFoTqyS9)
- Code of Conduct for Lay leaders:  
[www.ucacarpentaria.com.au/nextcloud/index.php/s/zWqfxSytoKDwbxN](http://www.ucacarpentaria.com.au/nextcloud/index.php/s/zWqfxSytoKDwbxN)
- Elders, Church Councillors and Council of Ministries in the Uniting Church (THIS PAPER)  
[www.ucacarpentaria.com.au/nextcloud/index.php/s/PHYwJdwR7o4zYgT](http://www.ucacarpentaria.com.au/nextcloud/index.php/s/PHYwJdwR7o4zYgT)