



**The Uniting Church in Australia
Synod of NSW and the ACT**

BY-LAWS

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PART 1: GENERAL INFORMATION

1.1 Introduction

- 1.1 The By-Laws of the Synod of New South Wales and the ACT are made under the Constitution and Regulations of the Uniting Church in Australia as varied, amended or substituted from time to time.
- 1.2 The By-Laws are in addition to and are to be read in conjunction with the Constitution and Regulations and are only properly understood when so read.
- In the event of any inconsistency between any provision contained in these By-Laws and the Act, Constitution and Regulations, the order of precedence to resolve such inconsistency is as follows:
- (a) Act;
 - (b) Constitution;
 - (c) Regulations; and
 - (d) By-Laws.
- 1.3 In these By-Laws, words in the singular shall include the plural and vice versa.

1.2 Definitions

In the By-Laws of the Synod, unless the context or subject matter of the Constitution or Regulations of the Church requires otherwise:

“**Act**” means the *Uniting Church in Australia Act 1977 (NSW)*

“**Approved Placement**” means a placement that is designated an approved placement by the Advisory Committee on Ministerial Placements, whether full-time or part-time, and whether filled or vacant

“**Board**” means a board established under Part 4 of these By-Laws to carry out the responsibilities and functions of the institution established for each Ministry Area of the Synod

“**Body**” includes council, committee, department, college, board, agency or other institution of the Church

“**Church**” means The Uniting Church in Australia

“**Constitution**” means the Constitution of the Church

“**Executive Director**” means an executive officer appointed under Part 4 of these By-Laws

“**Ex-Moderator**” means the person who last held the office of Moderator prior to the Moderator for the time being unless the Synod or Synod Standing Committee shall determine otherwise

“**General Secretary**” means the person appointed as Secretary of the Synod pursuant to paragraph 35 of the Constitution and Regulation 3.6.3.3 and the Executive Officer of the Synod pursuant to By-Law 2.5.2(a) and shall include a person from time to time authorised to act in the office of the Secretary of the Synod when the General Secretary is unavailable or pending appointment of a General Secretary

“**GNRC**” means the Governance, Nomination & Remuneration Committee as appointed pursuant to Part 9 of these By-Laws

“**Minister**” includes Minister of the Word, Deacon and Deaconess

“**Ministry Area**” means an area of responsibility within the Synod specified in By-Law 4.1.1 and for which is established an institution

“Moderator Elect” means the person elected pursuant to Regulation 3.6.3.1 as the Moderator of the Synod for a forthcoming period, and designated as ‘Moderator-Elect’

“Past Moderator” means a person who has held the office of Moderator for any period since the inauguration of the Church other than the Moderator for the time being

“Property” (as referred to in Part 8 of these By-Laws) means property of whatever nature and shall include real property, buildings, infrastructure, money, investments, files, documents, intellectual property and rights relating to property

“Regulation” means a Regulation of the Church

“SROC” means the Synod Risk Oversight Committee as appointed by Part 9 of these By-Laws

“within the bounds of the Synod” means within the range of people, bodies, places and activities for which the Synod of NSW and the ACT has oversight and responsibility

The expressions **“member”** and **“member-in-association”** and **“adherent”** of the Church shall have the meanings set out in clause 3 of the Constitution of the Church

PART 2: THE SYNOD

2.1 Role of the Synod

- 2.1.1 The Synod is a Council of the Church, formed by the Assembly, whose responsibilities are set out in the Constitution (Division 3, Part C Synod) and in the Regulations.
- 2.1.2 The Synod or the Synod Standing Committee (subject to By-Law 2.3.5 and referred to in these By-Laws as the 'SSC') is responsible for determining all policy matters within the bounds of the Synod.

2.2 Ordinary Synod Meeting

Membership

- 2.2.1 The membership of the Synod shall consist of a maximum of 500 persons and shall include:
- (a) the President and Secretary of the Assembly;
 - (b) the Moderator, the Ex-Moderator, the Moderator-elect, the General Secretary and the Property Officer;
 - (c) two fifths (2/5) of the Ministers, Interns, Community Ministers, Lay Pastors and Youth Workers, who, being members of the Presbytery under Regulation 3.3.7, are elected by each Presbytery, the calculation being taken to the next whole number;
 - (d) two fifths (2/5) of confirmed lay members serving in Approved Placements within the bounds of the Presbytery who, being members of the Presbytery, are elected by the Presbytery, the calculation being taken to the next whole number;
 - (e) three (3) confirmed lay members appointed or elected by the Presbytery for every five (5) Approved Placements within the bounds of the Presbytery, the calculation being taken to the next whole number;
 - (f) any two of the officers of each Presbytery, provided that each shall be regarded as having been elected under either paragraph (c) (d) or (e) above, as the case may be, and shall be taken into account in determining numbers of persons to be elected under such paragraphs;
 - (g) the Executive Directors and Chairpersons of the Boards;
 - (h) two representatives of and elected by the accepted ministry candidates within the bounds of the Synod;
 - (i) two fifths (2/5) of the Ministers, Interns, Lay Pastors and Youth Workers who, being in Synod or Assembly placements or in other placements declared to be Approved Placements in accordance with Regulation 2.6.3(iii), are elected by the SSC, the calculation being taken to the next whole number;
 - (j) three lay confirmed members appointed by the SSC for every two persons elected by the SSC under the preceding paragraph, such persons being related to committees, councils or agencies of the Synod or the Assembly;
 - (k) such number of co-opted members appointed in accordance with Regulation 3.3.7(c) as shall bring the membership of the Synod up to the maximum number allowed by the Assembly or such lesser number as shall result from appointment of the maximum number of co-opted members permitted by Regulation 3.3.7(d).

- 2.2.2 Before electing or appointing lay confirmed members pursuant to paragraphs (d) or (e), the Presbyteries shall invite the Congregations to submit nominations.
- 2.2.3 Lay members appointed by the Presbytery pursuant to By-Law (e) need not be elders or members of the Presbytery but it is desirable that they be members of Congregations or Faith Communities of the Presbytery.
- 2.2.4 Co-opted members shall be appointed by the SSC from lists of names submitted by the Presbyteries and the Boards to the General Secretary by a date determined by the General Secretary and notified to the Presbyteries and Boards.

2.3 Synod Standing Committee

Name

- 2.3.1 The Standing Committee referred to in paragraph 36 of the Constitution and in Regulation 3.7.4.1 shall be known as the "Synod Standing Committee" ('SSC').

Membership of Synod Standing Committee

- 2.3.2 The SSC shall be constituted by each ordinary meeting of the Synod and shall comprise the ex officio members as specified in By-Law 2.3.3, and other members appointed in the manner specified in By-Law 2.3.4.
- 2.3.3 The ex officio members of the SSC shall be:
- (a) the Moderator, ex-Moderator, Moderator-elect and the General Secretary [pursuant to Regulation 3.7.4.1(a)(i)];
 - (b) the Executive Director of each Board [pursuant to Regulation 3.7.4.1(a)(ii)] unless unable to attend in which case a person will be nominated by the respective Board; and
 - (c) the Principal of the United Theological College unless unable to attend in which case a person will be nominated by the Uniting Mission and Education Board.
- 2.3.4 The other members of the SSC shall include the following PROVIDED THAT each such person is a member of the Synod:
- (a)
 - (i) fourteen (14) people from nominations made by the Presbyteries with the names known to the Synod meeting in advance of the ballot for SSC;
 - (ii) one (1) member nominated to the Synod by the NSW Committee of the United Aboriginal and Islander Christian Congress (UAICC); and
 - (iii) one (1) member nominated to the Synod by the Multicultural Ministry Advisory Group.
 - (b) Presbyteries, UAICC and Multicultural Ministry Advisory Group may also name an alternate who must also be a Synod member.
 - (c) The Synod then elects the further 15 people based on the criteria required to achieve the necessary balances and in keeping with existing by-laws and Regulations as described in (i) – (iii) below:
 - (i) not less than one third (1/3) will be women;
 - (ii) not less than five (5) persons will be under the age of 35 years at the date of the ballot; and
 - (iii) not less than the minimum number of lay persons required to comply with paragraph 36 of the Constitution and Regulation 3.7.4.1(b).
 - (d) No Presbytery shall be permitted to have more than three (3) members on the SSC (excluding ex-officio, UAICC and Multicultural Advisory Group members).

- (e) Up to two (2) co-opted members [Regulation 3.7.4.1(a)(iv)] to bring any necessary skill balances that are needed once the elected membership is known.

Powers and Responsibilities

- 2.3.5 Pursuant to paragraph 36 of the Constitution and to Regulation 3.7.4.1(d) the SSC shall act on behalf of the Synod whenever the SSC deems it appropriate so to do between meetings of the Synod in respect of all matters which are the responsibility of the Synod except insofar as any meeting of the Synod from time to time specifically reserves any such matters for a meeting of the Synod.
- 2.3.6 Without limiting the generality of the powers or responsibilities of the SSC pursuant to Regulation 3.7.4.1 and By-Law 2.3.5, the SSC shall, subject to any determination of the Synod from time to time:
- (a) make recommendations to the Synod on policy matters;
 - (b) ensure that the policies and decisions of the Synod are implemented and adhered to by Boards and other bodies responsible to the Synod;
 - (c) be a forum in which members shall:
 - (i) meet for corporate concern and encouragement;
 - (ii) motivate and assist Presbyteries and Boards in their development of mission programmes
 - (iii) evaluate the ongoing work of mission and assess priorities in relation to resources, making recommendations to Synod accordingly;
 - (d) through consultation and planning, facilitate the work of Presbyteries and Boards;
 - (e) appoint such members of the working groups or committees or boards as require appointment by the Synod or SSC;
 - (f) receive reports from such committees and working groups as may be required so to report by Synod;
 - (g) report to the Synod on committees and working groups appointed by Synod or the SSC except such as the Synod may require to report to itself either directly or through one of the Boards;
 - (h) report to the next ordinary meeting of the Synod on its own activities and decisions;
 - (i) nominate to the Synod persons for appointment to The Uniting Church in Australia Property Trust (NSW); and
 - (j) deal with any other matters specifically referred to it by the Synod.
- 2.3.7 The SSC shall normally meet at least eight (8) times between the eighteen (18) monthly Synod meeting outside of normal business hours or as convened by the General Secretary if required.

Quorum

- 2.3.8 The number next above one-half the number of members of the SSC shall be a quorum.

Manual for Meetings

- 2.3.9 Meetings shall be conducted in accordance with "A Manual for Meetings in the Uniting Church".
- 2.3.10 Any matter coming before the SSC for determination may be dealt with by email or postal vote, provided that no such matter shall be deemed to be resolved in the

affirmative unless at least four-fifths (4/5) of the members of the SSC vote for the affirmative, and provided further that if within seven (7) days after the referral of such matters to the members of the SSC any three (3) or more members give written notice that they require the matter to be referred to a duly convened meeting of the SSC, the postal vote shall be of no effect.

2.4 Moderator

Nomination Process

- 2.4.1 A Moderator may be elected at each ordinary meeting of the Synod to hold office until the next succeeding Moderator is installed.
- 2.4.2 At a meeting of the SSC, which is held not less than nine (9) months prior to the ordinary meeting of the Synod at which a Moderator is required to be elected for a forthcoming period, the SSC shall determine a date by which all nominations need to be submitted to the Synod by the GNRC.
- 2.4.3 The GNRC shall be responsible for the nomination and election process for the office of Moderator.
- 2.4.4 The General Secretary shall have oversight of the manner in which nominations of all candidates for the office of Moderator shall be presented to the Synod before the ballot.

Term of Office

- 2.4.3 A person who is elected as Moderator shall:
 - (a) be designated Moderator Elect from the time of election until installation as Moderator;
 - (b) be installed as Moderator at the commencement of the ordinary meeting of the Synod after the meeting at which such person is elected; and
 - (c) hold office as Moderator, from the time of installation until the next Moderator is installed which shall, unless the Synod shall otherwise determine, be at the ordinary meeting of the Synod which is closest in time to the expiry of three (3) years from the date of the Moderator's installation.

Duties of the Moderator

- 2.4.4 The Moderator shall carry out the duties listed in Regulation 3.6.3.2 and any other such responsibilities as are given to the Moderator by these By-Laws or by the Synod or SSC.
- 2.4.5 The Moderator:
 - (a) shall be provided with a copy of the agenda, working papers and minutes of each meeting of each Board;
 - (b) may attend and speak at meetings of the Boards;
 - (c) may attend and speak at meetings of any committee, working group or other body appointed by the Synod or SSC; and
 - (d) may visit any centre or activity of the Church within the bounds of the Synod.

2.5 General Secretary

Designation of Office

- 2.5.1 The Secretary of the Synod referred to in paragraph 35 of the Constitution and in Regulation 3.6.3.3 shall be known as "General Secretary of the Synod".

Overall role, function and purpose of the General Secretary

- 2.5.2 The General Secretary is the Executive Officer of the Synod of NSW and the ACT and his/her primary role is to provide strategic leadership in developing and executing the Synod's strategies in mission and ministry in partnership with Presbyteries, Congregations and the Boards. The occupant of the position carries out the decisions of Synod and the SSC, and is not independent of those bodies but is the principal conduit and facilitator for the implementation and presentation of decisions made by Synod and the SSC.
- 2.5.3 The General Secretary exercises the responsibilities of Secretary to the Synod as determined by the Regulations and these By-Laws.
- 2.5.4 The General Secretary works closely with the Moderator, noting that the position of Moderator is primarily not an administrative position, whereas that of the General Secretary is. The General Secretary deals with pastoral matters; that is those pertaining to specified ministries, and, as with all Church appointments, shall conduct him/herself in a pastorally sensitive manner.

Appointment and Re-appointment

- 2.5.5 The appointment of a person to become General Secretary shall be made by the Synod on the recommendation of the SSC. The appointment shall be made at the next ordinary meeting before the appointment is to take effect and shall take effect from the date determined by the Synod when the appointment is made.
- 2.5.6 Unless the General Secretary who is in office has given indication of not being available for re-appointment, the SSC shall:
- (a) implement a review to enable it to recommend to the Synod whether the term of appointment be extended; and
 - (b) the review shall normally be commenced twelve (12) months prior to the meeting of the Synod at which a decision regarding any extension of appointment shall be made; and
 - (c) the review shall be conducted with procedures which shall be approved by the SSC.
- 2.5.7 If the SSC shall recommend to the Synod that the term of appointment be extended, it shall also recommend the length of such extension.
- 2.5.8 If the SSC shall determine not to recommend that the term of appointment be extended, it shall implement procedures for recommending a new appointee.
- 2.5.9 Not less than six (6) months prior to the meeting of the Synod at which the appointment of the General Secretary is to be made or such lesser period as the SSC may determine, the SSC shall determine a date by which all nominations need to be made by the GNRC to a meeting of the SSC.
- 2.5.10 The SSC shall recommend not more than one name to the Synod for appointment as General Secretary.
- 2.5.11 When the SSC brings to the Synod its recommendations for appointment of a General Secretary the matter shall be dealt with in closed session and in a manner that will avoid debate that may be unfair to the interests of the nominee.
- 2.5.12 If the meeting of Synod rejects the nomination submitted under By-Law 2.5.11 it shall thereafter appoint a General Secretary in whatever manner may be determined.

Reporting Relationships

- 2.5.13 The General Secretary is appointed by the Synod and shall be responsible to the Synod meeting and the SSC.
- 2.5.14 The General Secretary shall convene and chair the Synod Executive Directors' Meetings pursuant to By-Law 3.4 to ensure that individual Board strategic directions are consistent with those of the Synod as a whole and to assist Boards in achieving

compliance to SSC objectives, strategies, policies and governance requirements in a co-operative and co-ordinated manner under 'best practice' outcomes.

- 2.5.15 The General Secretary shall act as Chief Executive Officer and the Synod Associate Secretary (Ministry) and the Executive Directors of the Boards shall be accountable to the General Secretary.

Duties of the General Secretary – Major Responsibilities

- 2.5.16 The General Secretary shall co-ordinate Synod strategic and mission initiatives. In so doing, the General Secretary shall:
- (a) Provide leadership to the Church by actively engaging in strategic thinking about the life, direction, vision and mission of the Church.
 - (b) Facilitate the processes by which strategic discussions about the direction, vision and mission can occur in the broader context and life of the Church.
 - (c) Ensure the implementation of key directional, strategic and mission imperatives and initiatives of the Synod.
 - (d) Ensure that the work and strategic direction of the Boards is consistent with that of the Synod as a whole.
 - (e) Maintain communication with Boards and their Executive Directors in order to foster the implementation of decisions and policies of Synod and the SSC.
 - (f) Undertake change management processes and practices which enable the Church's members to participate in and engage with key directional, strategic and mission imperatives and initiatives of the Synod.
 - (g) Meet with Presbytery officers at least twice-yearly to ensure there is clear understanding of SSC objectives, strategies, policies and governance requirements, while listening and reporting on Presbytery issues, concerns and recommendations for improving the mission of the Church, the relationships between various bodies and groups within Synod and in the general well being of such groups in the life of the Church.
 - (h) Provide support to the Moderator on pastoral issues with specific reference to the administration and governance of the Church and Synod.
 - (i) Act as the key contact point for the Synod for the wider Church and community.

Duties of the General Secretary - The Synod in Session

- 2.5.17 The General Secretary shall fulfil the following duties and responsibilities in relation to the business and decisions of the Synod in Session.
- (a) Make arrangements for any meeting of the Synod, including the recording of all proceedings and preparation, publications and distribution of agendas [Regulation 3.6.3.4(a)].
 - (b) Attend to the proper conduct of the business of the Synod to advise the Moderator and members of the Synod on business procedures (c) Ensure that a correct entry of the decisions of the Synod is kept in the minutes [Regulation 3.6.3.4(b)].
 - (c) Convey the resolutions of the Synod to those concerned, and to act as the liaison officer of the Synod with the Presbyteries and other bodies within the bounds [Regulation 3.6.3.4(d)and(e)].
 - (d) Keep copies of reports and other documents furnished to the Synod by the Committees, Council and Boards of the Synod [Regulation 3.6.3.4(c)].
 - (e) Furnish electronic copies of the printed minutes to all persons entitled to receive them unless paper copies are specifically requested [Regulation 3.6.3.4(b)].
 - (f) Be a member of the Synod [Regulation 3.3.7(a)(i)].

- (g) Ensure the implementation of decisions of the Synod and the SSC.
- (h) Communicate decisions of the Synod where necessary both within and outside the Church.
- (i) Correspond with and on request supply information concerning the business of Synod to presbyteries, congregations, ministers, elders or leaders.

Duties of the General Secretary - Synod Administration

2.5.18 The General Secretary shall fulfil the following duties and responsibilities in Relation to Synod Administration;

- (a) Be an ex officio member of the SSC and to be Secretary of the SSC and discharge all other duties set out in Regulation 3.6.3.4 and as may be prescribed by the Synod or the SSC.
- (b) Provide secretarial facilities for the SSC.
- (c) Identify and make recommendations for the reduction of overlaps and bureaucracy which hinders the work of the Church.
- (d) Convene and chair Executive Directors' Meetings.
- (e) Co-ordinate the activities of the Boards.
- (f) Be an ex-officio member and Secretary of the Advisory Committee on Ministerial Placements, and advise Ministers, Congregations, Presbyteries and other bodies in matters concerning placements as requested.
- (g) Oversee the handling of complaints made against Ministers in accordance with Regulations and facilitate the discipline processes referred to in Part 5 of the Regulations.
- (h) Oversee the administration of matters relating to Ministers' Support Funds.
- (i) Act as Nominating Authority for marriage celebrants, and to maintain a register of marriage celebrants.
- (j) Be an ex-officio member of the Property Trust (Uniting Church in Australia).
- (k) Deal with matters relating to the admission of ministers from other denominations.
- (n) Oversee any other matters, and make executive decisions as necessary, which arise in the operation of the position of General Secretary.

Duties of the General Secretary – The Assembly and other churches

2.5.19 The General Secretary shall fulfil the following duties and responsibilities in Relation to the Assembly and other Church Activities:

- (a) Maintain close liaison with the executive staff of the Assembly, attend (as a non-voting member) meetings of the Assembly Standing Committee, and deal in the first instance with all Assembly remits affecting the Synod of NSW and the ACT [Regulation 3.7.5.1(j)].
- (b) Be a representative to the Assembly [Regulation 3.3.8(a)(iii)(1)].
- (c) Be the official Synod link with the Assembly and its agencies, including the Beneficiary Fund and such other authorities as necessary
- (d) Be available as a point of reference for contact between the Church and other churches in New South Wales, the media, government and the community in matters of public relations in conjunction with the Moderator.
- (e) Maintain an active ecumenical presence and involvement at State level on behalf of the Church in conjunction with the Moderator.

Duties of the General Secretary - Miscellaneous

2.5.20 The General Secretary shall fulfil the following duties

- (a) Inform Synod and the SSC on matters affecting or likely to affect the Church.
- (b) Provide pastoral support and counsel to Ministers and Presbyteries as may be appropriate.

Committee Membership and Representation

2.5.21 The General Secretary is an ex officio member of the following:

- Synod
- Synod Standing Committee
- Executive Directors' Meetings (Convenor and Chairperson)
- Governance, Nomination and Remuneration Committee
- Advisory Committee on Ministerial Placements
- Boards of the Synod
- Reception of Ministers Committee
- Korean Presbytery
- Ministers Support Fund
- Constitutions Committee
- Synod Mission Resource Fund
- Synod Fund Management Committee
- Ministry of Pastors Committee
- Assembly Standing Committee (observer)
- Synod Risk Oversight Committee.

2.5.22 Following discussion with the Synod Associate Secretary, the General Secretary shall determine the allocation of specific Committee and Board responsibilities relating to By-Law 2.5.21.

2.6 The General Secretary's Office

2.6.1 There shall be a General Secretary's Office which shall be responsible for providing support to the General Secretary in fulfilment of his/her duties and shall consist of any units of the Synod's work which the Synod or the SSC shall resolve to be under the direct oversight of the General Secretary.

PART 3: EXECUTIVE DIRECTORS

3.1 Overview

- 3.1.1 The Synod shall appoint an executive officer for each Board in accordance with the procedures set out in By-Law 3.2.
- 3.1.2 The executive officer appointed for a Board shall, unless the Synod otherwise determines, be designated "Executive Director".

3.2 Appointment of Executive Directors

- 3.2.1 The appointment of a person to become Executive Director shall be made by the SSC and shall take effect from the date determined by the SSC when the appointment is made.
- 3.2.2 The SSC shall, not less than six months prior to the meeting at which the appointment of the Executive Director is to be made or such lesser period as the SSC may determine, determine a date by which all nominations need to be made by the GNRC to a meeting of the SSC.
- 3.2.3 At the meeting of the SSC at which the appointment is to be made the GNRC shall submit the name of one candidate only. The matter shall be dealt with in closed session and in a manner that will avoid debate that may be unfair to the interests of the nominee. Voting shall be by written ballot conducted in such a manner as to give freedom to the SSC to reject the name presented by the GNRC.
- 3.2.4 If the SSC rejects the nomination submitted under By Law 3.2.2 it shall thereafter appoint an Executive Director in whatever manner may be determined.

3.2.5 Appointment of a Minister as Executive Director

- (a) A call to a Minister to be Executive Director shall be issued by the SSC for an initial period of five (5) years.
- (b) Subsequent extensions of up to five (5) years may be approved after review by the SSC— such reviews to be documented in accordance with procedures approved by the SSC [see also By-Law 3.3.2].
- (c) The Terms of Placement for a Minister called to be Executive Director shall be prepared by the General Secretary in consultation with the relevant Board and signed by the General Secretary.

3.2.6 Appointment of a Lay person as Executive Director

- (a) The appointment (and termination) of a lay person as Executive Director will be made by the SSC and the employer will be the members of the relevant Board.
- (b) An offer of employment to a lay person to be Executive Director shall be on the basis of ongoing employment, normally with the following requirements regarding termination:
- (i) Where the termination is at the instigation of the SSC for reasons other than as shown in 3.2.9(b)(ii) below, the SSC shall provide three (3) month's notice of termination or the payment of three (3) months remuneration in lieu.
- (ii) Summary termination, without notice, shall apply where the Executive Director:
- engages in any act or omission constituting serious misconduct;
 - in the reasonable opinion of the SSC fails or neglects to perform or carry out their powers or Duties in a manner satisfactory to the SSC;

- is convicted of a criminal offence which in the reasonable opinion of the SSC might tend to injure the reputation or the business of the Synod;
- refuses or neglects to comply with any lawful and reasonable order given to them by the SSC; or
- is bankrupt or makes an arrangement with their creditors.

(c) Where the termination is at the instigation of the Executive Director, one (1) month's notice of termination shall apply or the forfeiture of one (1) month's remuneration in lieu.

- 3.2.7 If an Executive Director is for any reason temporarily unable to act or the position otherwise becomes vacant, the Board in conjunction with the General Secretary may appoint a person to act while such inability subsists or until the SSC makes a new appointment.
- 3.2.8 Any person appointed to act in place of an Executive Director shall during the period of the appointment have all the powers and authorities of the Executive Director.

3.3 Review of Executive Directors

- 3.3.1 The relevant Board in consultation with the General Secretary shall conduct an annual performance review of each Executive Director and shall report to the SSC.
- 3.3.2 Where the Executive Director is a Minister, the five (5) year review set out in By-Law 3.2.5(b) shall also incorporate a review of the role by the SSC, in consultation with the relevant Board and in accordance with procedures approved by the SSC.
- 3.3.3 Where the Executive Director is a lay person, there shall be a review of the role each three (3) years by the SSC, in consultation with the relevant Board and in accordance with procedures approved by the SSC.
- 3.3.4 A review conducted in terms of 3.3.2 and 3.3.3 shall incorporate the annual review otherwise required in 3.3.1.

3.4 Responsibilities of Executive Directors

- 3.4.1 The Executive Director shall liaise with the General Secretary to ensure the effective functioning of the Synod and that individual Board strategic directions are consistent with the mission of the Church and the strategic directions adopted by the Synod.
- 3.4.2 The Executive Director shall be responsible to the Board for the administration of the affairs of the Board in accordance with the policy and decisions of the Board and these By-Laws.
- 3.4.3 The Executive Director is empowered to make executive decisions necessary to manage the work of the Board and associated funds from day to day.
- 3.4.4 The Executive Director shall confer regularly with the General Secretary, the Chairperson of the Board, the Executive Directors of the other Boards and such other persons as the Board shall direct.
- 3.4.5 Unless the Board shall otherwise determine the Executive Director shall be convenor of all committees or other Bodies appointed by the Board. The Executive Director with Board approval may delegate such responsibility.

3.5 Executive Director's Meetings

- 3.5.1 The General Secretary shall meet regularly with Meetings. the Executive Directors, such meetings to be known as Executive Directors'.
- 3.5.2 The functions of the Executive Directors' Meetings shall include:
- (a) Maintaining communication among Boards and the General Secretary's Office concerning issues, developments, policies and decisions affecting the Church.
 - (b) Sharing information, experience and advice.
 - (c) Reporting, consulting and making recommendations on matters of common concern and interest.
 - (d) Providing support, encouragement and assistance to the General Secretary and Executive Directors; and
 - (e) Discussing any other matters which the General Secretary or any Executive Director considers appropriate.
- 3.5.3 Executive Directors' Meetings shall normally take place at least monthly and shall be convened by the General Secretary by at least 48 hours' notice in writing accompanied by a draft agenda delivered to each Executive Director.
- 3.5.4 Minutes shall be kept of proceedings at Executive Directors' Meetings; shall be circulated to all members; and shall be signed by the Chairperson of the succeeding meeting. A minute secretary shall be elected by the meeting from among those present.
- 3.5.5 The General Secretary shall chair all Executive Directors' Meetings but in the absence of the General Secretary the Executive Directors may elect one of their number to chair the meeting.
- 3.5.6 Executive Directors' Meetings shall normally act in an advisory capacity. Where matters require a decision and this cannot be achieved on a matter considered by the Chairperson to be of importance or urgency, it shall be promptly referred to the SSC for determination.
- 3.5.7 The quorum for Executive Directors' Meetings shall be three (3).

PART 4: BOARDS OF THE SYNOD

4.1 Ministry Areas

- 4.1.1 For the effective conduct of the Church's worship witness and service within the Synod, there shall be recognised the following areas of responsibility which are referred to as 'Ministry Areas':
- Mission & Education
 - Social Responsibility
 - Finance and Property
 - Treasury & Investment
- 4.1.2 Pursuant to clause 32 of the Constitution and Regulation 3.7.4, and by these By-laws;
- (a) the Synod establishes and constitutes an institution for each Ministry Area of the Synod, each institution having the objects set out in these By-laws;
 - (b) a Board is established and will be continued and maintained for each of the institutions.
- 4.1.3 Each Board shall ensure that due weight is given to the following principles:
- (a) The whole Church is called to share in Christ's mission.
 - (b) Each Body of the Church has its own integrity and its particular role to play within the mission of the Church.
 - (c) The engagement of the Boards in the mission of the Church will be guided by strategic directions adopted by the Synod.
 - (d) The Boards shall co-operate with one another wherever possible in order to further the ministry of the whole Church.
 - (e) The whole Church, including the Boards, will be responsible for making resources available where they are needed.
- 4.1.4 The Board of each institution is a separate decision-making body that determines policy and carries out its responsibilities and functions in a manner that is consistent with the purposes of the Church and its Constitution & Regulations, these By-laws, and the policies and decisions of the Synod, as made or varied from time to time.

4.2 Reporting to Synod

- 4.2.1 Each Board shall furnish a report to the Synod as the Synod determines and shall report to the SSC as may be required by the SSC.

4.3 Appointment of Board Members

- 4.3.1 The appointment of Board Members shall be the responsibility of the Synod which shall request nominations from the GNRC.
- 4.3.2 No person shall be elected member of more than one Board.
- 4.3.3 A person who receives sufficient votes to be elected to more than one Board shall be required to indicate the one Board on which the member will serve. The member's name shall then be removed from the list of those receiving sufficient votes to serve on the other Board(s) and the person receiving the next greatest number of votes shall be declared an elected member of that Board.

- 4.3.4 Persons elected to fill vacancies in each ballot shall be appointed in order of votes obtained, regardless of whether they are Ministers or lay persons.
- 4.3.5 Each of the members elected by the Synod pursuant to this By-Law shall hold office for a term of three (3) years unless a shorter term is specified at the time of election.
- 4.3.6 Casual vacancies in the members elected by Synod that occur between meetings of the Synod shall be filled by the SSC on the recommendation of the GNRC. Any member so appointed:
- (a) shall retire when the previously elected member whose vacancy is being filled, would have retired; and
 - (b) shall be eligible for re-election.
- 4.3.7 Elected members of Boards are to observe their duties of good faith including through avoiding actual conflict of interests and the perception, whether founded or not, of a conflict of interest. All actual or identified potential conflicts of interest must be declared by Board members at all meetings.

4.4 Accounts and Audit

- 4.4.1 Subject to the direction of Uniting Resources, each Board shall prescribe and keep such books of account, records and registers as are necessary to maintain proper custody, compliance with statutory requirements and financial control over the assets and funds of the Synod for which it is responsible.
- 4.4.2 Unless otherwise approved by Uniting Resources, each Board and any funds and other entities for which the Board is directly responsible, shall adopt an accounting period ending on 30 June of each year.
- 4.4.3 Unless otherwise approved by Uniting Resources, the annual accounts of the Boards and any fund or entity for which it is directly responsible, will be audited by the Synod Auditor approved by the SSC on the recommendation of the Synod Risk Oversight Committee.
- 4.4.4 Uniting Resources may require or request information in a prescribed format from each Board and any funds and other entities for which the Board is responsible so as to compile a combined Annual Financial Report to present to the Synod or the SSC.

PART 5A: UNITING MISSION AND EDUCATION

Replacing Part 5 Board of Education and Part 6 Board of Mission

- 5A.0.1 Uniting Mission and Education (UME) is established under **By-Law 4.1** of the Synod of NSW and the ACT (the Synod) of the Uniting Church in Australia (the Church).
- 5A.0.2 Some of the ministry areas placed within this Division arise from the Synod's particular responsibility for "general oversight, direction and administration of the Church's worship, witness and service within its bounds" (**Regulation 3.5.11**). Other areas arise from the Synod's inter-conciliar and shared responsibilities, and involve multiple and complex accountabilities. The Board of the Division has varying responsibilities and authority depending on the tasks designated to it by the Synod.

5A.1 Objects

- 5A.1 The objects of UME are to:
- 5A.1.1 Assist the Church and equip the Synod to provide education, theological insight, strategy, research and resources for leadership, discipleship, ministry and mission to serve Christ who rules and renews the Church and seeks the reconciliation of creation";
- 5A1.2 promote theological, missional and spiritual reflection and activity across the life of the Synod;
- 5A1.3 encourage and advocate for creative and life- giving mission and ministry practice appropriate to the context;
- 5A1.4 advocate on educational issues and oversee the provision of educational services;
- 5A1.5 engage in research, resource development and education for mission and ministry;
- 5A1.6 actively promote collaboration in mission and education across the Synod and the councils of the Church.

5A.2 Responsibilities and Functions

- 5A.2.1 UME will seek to encourage and grow the Church's witness to the gospel of Jesus Christ, and, in the exercise of its objects, will:
- (a) work with other boards, Church agencies and networks, Presbyteries, Congregations, faith communities, other Synods, the Assembly and other denominations to serve Christ and further the participation of the Church in the mission of God;
 - (b) seek to develop a comprehensive vision of what is required for ministry in the ongoing life of the Synod;
 - (c) assist the Synod to engage in serious and ongoing theological and missiological reflection to grow disciples and leaders who have the capacity to reflect deeply on faith and life and develop initiatives where the gospel can speak creatively into different local contexts;
 - (d) provide, in collaboration with other groups of the Church and other partners, educational resources, facilities, processes and consultancy to equip, challenge and support the people of God personally and corporately with innovative programs, skills and attitudes so that they will grow in wisdom and live out their faith by exercising their particular ministries within the Church and the world;
 - (e) facilitate leadership development opportunities, support and networks for lay and ordained leaders, focusing on current theological, mission, evangelism, discipleship and leadership issues for the Church and community, in consultation with Presbyteries and other partners;

- (f) develop and implement Synod policy and strategy on issues relating to mission and education, discipleship and leadership formation;
- (g) provide facilities for mission and education through the ministry of Uniting Venues including the Centre of Ministry;
- (h) oversee and consult with Church schools in their continuing provision of educational opportunities and advocate in relation to Church schools and public education;
- (i) provide education for lay and ordained ministries;
- (j) create space and opportunity to develop respectful relationships between the various bodies which are involved in mission and education to allow the Church to respond through theological conversation and shared practice to emerging needs in mission and education;
- (k) provide services to applicants and candidates for Specified Ministry;
- (l) assist and encourage the Church in the development of policies and practices that promote and enhance cross-cultural relationships and the development of a multicultural and multilingual church;
- (m) support the work of the Uniting Aboriginal and Islander Christian Congress and ministry with Aboriginal people;
- (n) be responsible for the work of the United Theological College (The College);
- (o) as much as is possible, collaborate with other bodies of the Church in planning, policy development and the performance of its tasks;
- (p) enhance the mission and education work of the Church and, in particular, the Synod;
- (q) manage, on behalf of the Synod, such funds as the Synod may determine and undertake such other tasks as the Synod may direct.

5A.2.2 On behalf of the Synod UME will:

- (a) service the Synod Mission Resource Fund and the Synod Promotions Fund Committee in conjunction with other related agencies of the Synod.
- (b) oversee the management of the National Church Life Survey (NCLS) in conjunction with its other partners.
- (c) oversee the ongoing work and development of the Synod Mission Resource Fund program, Special Religious Education (SRE), Vulnerable Persons Protection, new initiatives and congregational development, theological education, lay ministry and discipleship formation, continuing education, leadership development, rural, multicultural, youth and children's ministries and Uniting Venues.
- (d) oversee the operation of Church schools, Wesley College, the United Theological College, Camden Theological Library, Church Archives, The Pastoral Counselling Institute, Tertiary Ministry, Uniting Network, Uniting Church Adult Fellowship, the Rural Ministry Unit, Synod Multicultural Ministries, the Leadership Institute and the Day Mission Support Group.

5A.2.3 UME will appoint a Relationship and Resourcing Team to assist in the operation and co-ordination of its activities and responsibilities.

5A.2.4 The Executive Director, Relationship and Resourcing Team Leader and the Principal of the College shall constitute the Co-ordination Team which may be convened as determined from time to time by the Executive Director to ensure collaboration and coordination across the work of UME.

5A.3 UME Board

5A.3.1 The board of UME Board will comprise:

- (a) the Executive Director;
- (b) six (6) members of the Church elected by the Synod with one half retiring at each successive Synod but being entitled to re-election and with those retiring at the first Synod after establishment being chosen by lot;
- (c) the Synod General Secretary ex-officio;
- (d) four (4) persons appointed by UME for up to three (3) years each for particular or specified reasons whose appointment shall thereupon be notified to the next meeting of the Synod Standing Committee for confirmation;
- (e) members of staff may be invited to attend meetings as required by the Board.

Cessation of Board Membership

5A.3.2 If a member of the board of UME:

- (a) dies;
- (b) resigns and that resignation is accepted by the board;
- (c) ceases to hold a qualification which is a prerequisite for the person's membership;
- (d) is convicted of an offence that would in a comparable case of a director of a company result in disqualification of the director under the Corporations Act 2001 (Cth), or become bankrupt;
- (e) is absent without leave of the board for three consecutive meetings of the Board;
or
- (f) has a material personal interest in any matter before the board and fails to disclose the interest to the Board and/or votes on the matter and the person's position is declared vacant by the Board

that membership shall thereupon cease and the place shall become vacant.

Casual Vacancies

5A.3.3 Casual vacancies among the members elected by the Synod shall be filled by the Synod Standing Committee, for the balance of the relevant terms.

5A.4 Appointment of Officers

5A.4.1 (a) From among its members, the board of UME shall annually appoint a Chairperson.

- (b) No person shall be Chairperson for a period of more than six consecutive years.

5A.4.2 The board may elect annually a Deputy Chairperson or Chairpersons from among its members.

5A.4.3 UME may appoint a Treasurer and such other officers as it may require including the Chairpersons of permanent committees or other committees or bodies appointed by it.

5A.4.4 The Chairperson shall preside at general meetings provided that in the Chairperson's absence or with the Chairperson's consent a Deputy Chairperson shall preside at a meeting or if at any meeting neither the Chairperson nor a Deputy Chairperson is present, the members present may elect from among them an Acting Chairperson to preside at that meeting.

Standing Committee

- 5A.4.5 (a) The board may appoint from among its members a standing committee which shall be empowered to act on its behalf between general meetings in respect of any of its responsibilities except where it has otherwise determined.
- (b) Such standing committee shall not take any action contrary to or in conflict with any policy of UME or of the Synod.
- (c) Until such time as the board shall otherwise determine, the standing committee shall consist of the Chairperson, the Executive Director and such other members as the board may appoint.
- 5A.4.6 The Chairperson or Executive Director may at any time, and the Executive Director shall on the requisition of any other two members of the standing committee, summon a meeting of the standing committee.
- 5A.4.7 If present, the Chairperson shall preside at meetings of the standing committee. Otherwise, chairing of a meeting shall be determined in the same manner as chairing of a general meeting.
- 5A.4.8 The board shall determine the quorum for a meeting of its standing committee.

5A.5 General Meetings

- 5A.5.1 The board shall meet at least once every quarter and notice shall be given to members.
- 5A.5.2 The board may meet, adjourn and otherwise regulate its meetings as it thinks fit.
- 5A.5.3 The Chairperson, Executive Director or the Synod General Secretary may at any time, and the Synod General Secretary shall on the requisition of any three members of the board, summon a general meeting.

Voting

- 5A.5.4 (a) In making decisions the board is to follow, as far as practicable, the procedure set out in the *Manual for Meetings in the Uniting Church* published by the Church.
- (b) If a resolution by formal majority is necessary, each member personally present is entitled to one vote. The chairperson may not exercise a deliberative vote but, if the voting is equal, may exercise a casting vote.

Quorum

- 5A.5.5 The quorum for meetings of the board shall be not less than one half of the members.

Minutes

- 5A.5.6 The Executive Director shall cause minutes to be kept of all proceedings at general meetings and meetings of the standing committee and any other committees appointed by UME.

5A.6 Staffing

- 5A.6.1 Staff other than the Executive Director will be appointed on such terms and conditions as the board may determine having due regard to:
- (a) general terms and conditions which may be prescribed by the Assembly or Synod or other appropriate agencies.
- (b) the approved budget provision for staff.
- 5A.6.2 (a) The board will appoint a Relationship and Resourcing Team Leader who will be responsible to the Executive Director to carry out such duties as the board may determine.
- (b) Lay staff positions will be appointed by the Executive Director on behalf of UME.

- (c) The board may determine that an appointment that would otherwise be made by the Executive Director shall be made by it. Where an appointment is made by the board, the power to suspend or terminate the appointment is reserved to it.
- 5A.6.3 (a) All placement positions offered to persons in Specified Ministry will be made by the board, in line with Synod policies, on the advice of the Executive Director.
- (b) Normally, when a position is created that is suitable for a person in Specified Ministry, a request will be made to the Advisory Committee on Ministerial Placements for the position to be declared a placement, prior to advertising.
- (c) A placement of an ordained person may be terminated by the board, in accordance with the normal Regulations for termination of placements.
- 5A.6.4 The board may suspend or terminate the appointments of other staff in accordance with the Synod's employment policy and procedures subject to the matters mentioned in **By-Law 5A6.2(b)**.
- 5A.6.5 The board shall determine in what ways staff may attend and be involved in its general meetings.

5A.7 Accounts and Audit

- 5A.7.1 UME shall be responsible to the Synod for its finances and shall meet all Synod financial and accounting requirements.
- 5A.7.2 UME shall prepare and submit to a general meeting of the board all such budgets and financial statements as it may reasonably require having regard to the Regulations of the Church and the requirements of the Synod.
- 5A.7.3 The accounts of UME shall be audited annually within the Synod audit.

5A.8 Committees/Service Groups

- 5A.8.1 UME may delegate any of its powers (except this power to delegate) to a committee or such other body as it shall choose to appoint. Any such committee or body shall in the exercise of the powers so delegated be accountable to UME and conform to any rules and requirements which may be imposed upon it.
- 5A.8.2 Normally one member of any such committee or other body appointed by UME shall be a UME board member.
- 5A.8.3 UME shall, unless it is considered inappropriate in the particular circumstances, appoint a UME board member to be Chairperson or convenor of any such committee or other body.

5A.9 Ministries

- 5A.9.1 UME shall staff and support such ministries for which it is responsible pursuant to these by-laws as reflect the vision and directions of the Synod, UME and the Church.
- 5A.9.2 From time to time UME shall review these staffed & resourced ministries in consultation with the Synod to ensure satisfactory adherence to the theological vision of the Synod and its consequent priorities.
- 5A.9.3 Where appropriate, UME may appoint a reference or consultative committee including a board member or staff member of UME to support any such ministry areas, but such committees shall have no power to direct the work of any appointed staff member.
- 5A.9.4 The mandate of each such committee shall be approved by UME and thereafter reviewed from time to time as part of its responsibilities for these ministries.

5A.10 Ministerial Education Board

- 5A.10.1 The Synod has determined that the Board of Uniting Mission and Education shall act as the Ministerial Education Board and assume the responsibilities set out in Regulation 3.7.4.3.
- 5A.10.2 In regard to its MEB responsibilities the UME Board will report to the Assembly Ministerial Education Commission (the MEC) as required by the MEC.
- 5A.10.3 The UME Board shall be responsible to the Synod for the finances of the College and shall meet all Synod financial and accounting requirements.

5A.11 United Theological College

- 5A.11.1 United Theological College was established on 1 July 1974 by the Congregational Union of NSW, the NSW Conference of the Methodist Church of Australasia and the NSW Assembly of the Presbyterian Church of Australia, to provide theological education for ministerial and lay students. After the inauguration of the Uniting Church in Australia by these Churches in 1977, the NSW Synod of the Church continued to provide financial support for the College and to send candidates to the College for theological education. For a number of years, the College was recognised by the Synod and the Assembly under the Regulations of the Church as a teaching institution for the formation of students for ministry. Consequent upon decisions made by the Synod and the Council of the College under the constitution operating prior to 30 June 2008, the College became a theological college constituted by the Synod for the purposes of the Regulations and as is constituted by the Synod under these By-Laws.

Definitions

- 5A.11.2 In these By-Laws, unless the context or subject matter otherwise indicates or requires:

“the College” shall include the faculty, staff, committees and activities of the college

“the Faculty” shall mean the faculty of the College as described in *Regulation 3.7.4.5(b)*.

Objects

- 5A.11.3 The objects of the College are to:
- (a) provide education for the ordained ministries of the church, including spiritual and vocational formation;
 - (b) nurture a community of theological learning and scholarship;
 - (c) ensure that courses of study required by Assembly to be undertaken by candidates for the specified ministries of Minister of the Word and Deacon are fulfilled;
 - (d) ensure that courses of study agreed to by the Assembly and Synod for reception of ministry applicants are fulfilled;
 - (e) care for students and share with Presbyteries the pastoral and spiritual care of candidates for Ministry of the Word, Deacon;
 - (f) collaborate in providing education for lay ministries in the Church;
 - (g) collaborate in providing continuing education for lay and ordained ministries;
 - (h) provide theological education, including teaching courses that lead to degrees awarded by Charles Sturt University, the College being a partner in the University's School of Theology;
 - (i) promote and supervise postgraduate theological education;

- (j) promote research, collaboration and publication in theological and related disciplines;
- (k) foster an ecumenical approach to the study of theology in keeping with the founding intentions of the Uniting Church;
- (l) encourage public and contextual theological reflection and engagement with contemporary discussion about God's mission and the life of the Church.

Governance

5A.11.4 (a) The UTC Council is responsible for the governance of the College.

In particular, The UTC Council shall be responsible for:

- (i) establishing and overseeing a strategic plan for the College that reflects the priorities and strategic directions of the UME Board and the Synod
 - (ii) ensuring the preparation and presentation to UME of such budgets and financial statements as it may reasonably require having regard to the Regulations of the Church and requirements of the Synod
 - (iii) ensuring the College operates within a budget approved by the UME Board
 - (iv) making recommendations to the UME Board regarding the appointment of faculty
 - (v) confirming the appointment of adjunct faculty
 - (vi) annual performance reviews of faculty
- (b) The UTC Council shall report to the UME Board as required, and to the Synod through the UME Board.
- (c) The UTC Council may seek and obtain such capital funds, sources of income and, with the prior approval of the Synod or Uniting Resources, borrowings as may from time to time be required in furtherance of its purposes or the objects of the College.
- (d) The accounts of the College shall be audited annually within the Synod audit.
- (e) **Membership**

The UTC Council shall be appointed by the UME Board and shall comprise no more than 12 members including:

- the Principal (ex officio)
- the Executive Director of UME (ex officio)
- a representative of the faculty of UTC
- 2 academics external to the College (at least one with a background in education)
- a Minister or ministry practitioner of the Church, preferably a graduate of the College
- a Presbytery Minister
- a representative of the United Theological College Students' Association appointed by the Association
- a person with expertise in lay education
- a person with financial skills
- a person with skills in marketing and advertising
- 2 additional persons appointed for special skills identified by the UTC Council as necessary to its functioning

- (f) Overall membership of the UTC Council should reflect the Synod's commitment to ensuring balanced representation in terms of age groups, lay and ordained, gender balance and cross-cultural representation.
- (g) Members shall be appointed for a term of 2 years. In the first 2 years after establishment, half of the Board members (up to 6 members) shall be appointed for 1 year only.
- (h) The UME Board shall appoint, from among the members of the UTC Council, a chairperson of the UTC Council for a 2 year term.

5A.11.5 Until such time as the UME Board shall decide otherwise, committees of the MEB and the college shall continue to operate under the charters, rules, mandates or terms of reference applying prior to 1 July, 2011 so far as is applicable.

The Principal

5A.11.6 The Principal of the College shall be:

- (a) appointed by the UME Board but the appointment shall not take effect until approved by the Synod or the Synod Standing Committee;
- (b) responsible for the oversight of the pastoral, spiritual and theological care of the College, the Faculty and its members;
- (c) the executive officer of the College;
- (d) the chairperson of the Faculty;
- (e) responsible to and shall report to the UTC Council in its role for governance of the College;
- (f) responsible to and shall report to the UME Board in its role for oversight of the activities of the College and in particular its role in the formation of candidates for the specified ministries, its relationship with any university or other institution with which it has entered into agreement and the conduct and work of the Faculty;
- (g) an ex-officio member of the Synod Standing Committee;
- (h) an ex-officio member of the UME Board;
- (i) a member of the UME Co-ordination Team.

The Faculty

- 5A.11.7 (a) The Faculty shall consist of the Principal and all full-time members of the teaching staff who are appointed to their office by the Synod or the UME Board as delegate of the Synod, or who are recognised by the UME Board, as delegate of the Synod, as constituting the Faculty, together with any others appointed on the nomination of the Faculty by the Synod or the UME Board.
- (b) The Faculty shall have the responsibilities of the faculty mentioned in the Regulations and in particular, in *Regulation 3.7.4.5*, and shall be responsible to the UME Board through the Principal amongst other things for:
- (i) planning the courses in detail having regard to the requirements of the Church;
 - (ii) maintaining the standard and quality of education which the Church requires;
 - (iii) providing instruction and assessing the achievements of students;
 - (iv) arranging for field education and its supervision;
 - (v) sharing with the Dean of Candidates and the Presbyteries the responsibility for the pastoral and spiritual care and oversight of candidates for the Ministry of the Word, the Diaconate, and other specified ministries of the Church.

- (vi) reporting to the UME Board and MEC as required.
- (c) The Faculty shall be responsible for meeting the teaching, research and administrative requirements of the College's accrediting tertiary institutions and bodies.

Staff

- 5A.11.8 (a) Members of the teaching staff shall be appointed by the UME Board on the recommendation of the UTC Council.
- (b) All other staff of the College shall be appointed by UME upon the recommendation of the Principal, and shall be responsible and report to the Principal or his/her delegate.

5A.12 Archives

- 5A.12.1 The Uniting Church Records and Historical Society was established by the Synod in 1977. Since then the Church archives, including databases, indexes and the reference library have been under the care and management of the Society which has operated under a constitution granted by the Synod. The Society has also encouraged research and publication relating to the Church and its antecedents in NSW and the ACT. Consequent upon decision made by the Synod and the Executive Committee of the Society under its constitution, the care and management of the archives was separated from the Society, an Archives Unit was created and as from 27 June 2009 it was related to the then Board of Education under its By-laws. The Society continues to operate as the Uniting Church Historical Society NSW/ACT to encourage research and publication relating to the Church.
- 5A.12.2 Camden Theological Library will be responsible on behalf of UME for the management of the Church archives held within the Camden Theological Library for the acquisition storage and retrieval of archives of the Synod, presbyteries, congregations and Synod agencies as for assisting the Church and the general public to access information from those archives.

5A.13 Related Ministries

- 5A.13.1 At the request of the Synod UME may be identified as the entity through which ministries recognised by the Synod are related to it. UME shall determine the reporting requirements of each ministry and include those reports within its normal reports to Synod. UME shall not normally be responsible for the funding or the financial reporting of such ministries, although it may become so at the direction of the Synod.
- 5A.13.2 These ministries may include but not be limited to:
 - (a) The Pastoral Counselling Institute
 - (b) Uniting Church Adult Fellowship
 - (c) Uniting Network
 - (d) Day Mission Support Group
 - (e) Healing and Wholeness Committee
 - (f) Parish Missions pursuant to Synod by-laws Part 13.
- 5A.13.3 The Synod may from time to time review such ministries to include new ministries or cease the relationship with existing ministries.

5A.14 Non-Profit/Dissolution

- 5A.14.1 The assets and income of UME shall be applied solely in furtherance of its abovementioned objects and no portion shall be distributed directly or indirectly to its members except as bona fide compensation for services rendered or expenses incurred on its behalf.
- 5A.14.2 If UME is dissolved, all assets remaining after such dissolution and the satisfaction of all its debts and liabilities shall be and remain the property of the Church.

PART 7: SOCIAL RESPONSIBILITY / UNITINGCARE

7. UNITINGCARE NSW.ACT

The Board of UnitingCare NSW.ACT is established under the Synod's **By-Law 4.1** with responsibility for the social justice, community services, and chaplaincy work of the Uniting Church in Australia, Synod of New South Wales and the ACT.

7.1 OBJECTS

7.1.1 The objects of UnitingCare NSW.ACT include:

- (a) Throughout the activities and programmes for which the UnitingCare Board and its Service Groups have responsibility, to provide direct relief of poverty, sickness, suffering, misfortune, disability, destitution or helplessness.
- (b) To promote the welfare of people who are vulnerable, needy and disadvantaged, through the provision of a range of community welfare services and through direct relief.
- (c) To promote policies and education programs which encourage governments and community to address issues of disadvantage within the Australian society.
- (d) To support human rights.
- (e) To provide pastoral care to people using UnitingCare services and to people in hospitals, prisons, and detention centres.
- (f) To provide services of a high standard on the basis of need, and irrespective of race, creed, religion or sexual orientation.

Non-Profit / Dissolution

- 7.1.2 (a) The assets and income of UnitingCare NSW.ACT shall be applied solely in the furtherance of its objects and no portion shall be distributed, directly or indirectly, to the members of the Board of UnitingCare NSW.ACT or to the members of the Boards of its Service Groups, except as bona fide compensation for services rendered or expenses incurred on behalf of UnitingCare NSW.ACT or its Service Groups.
- (b) UnitingCare NSW.ACT must maintain a fund known as a gift fund in accordance with Subdivision 30-BA of the Income Tax Assessment Act 1997. If UnitingCare NSW.ACT is dissolved or if the gift fund is wound up or if the endorsement of UnitingCare NSW.ACT as a deductible gift recipient under the Income Tax Assessment Act 1997 is revoked, any surplus assets of the gift fund shall be transferred to a public benevolent institution of the Church to which tax deductible gifts can be made, as nominated by the Board of UnitingCare NSW.ACT and approved by the Synod Standing Committee.
- (c) In the event of the dissolution of UnitingCare NSW.ACT, surplus assets and funds other than the gift fund shall, after meeting all liabilities, be paid or transferred to a public benevolent institution of the Church to which tax deductible gifts can be made, as nominated by the Board of UnitingCare NSW.ACT, and approved by the Synod Standing Committee.

7.2 Responsibilities and Functions of UnitingCare NSW.ACT.

7.2.1 The Board will determine policy as provided in **By-Law 4.1** and carry out its responsibilities and functions including the following:

- (a) **Management and delivery of community welfare services**
 - (i) Managing and delivering community welfare services that are within the responsibility of UnitingCare NSW.ACT.
 - (ii) Ensuring that all services provided by UnitingCare NSW.ACT are appropriate to need, of high quality, and are provided in accordance with UnitingCare policy and directions and in compliance with the requirements of Government and other regulatory bodies, and that services provide for the needs of people who are disadvantaged.
 - (iii) Establishing strategic directions and policy for implementation by Service Groups and in programs of the Board and for other community welfare services within the Synod; Dealing with complaints arising from community services.
 - (iv) Facilitating integration and collaboration across Service Groups;
 - (v) Setting levies for contribution to UnitingCare NSW.ACT by Service Groups and other programs and agencies;
 - (vi) Approval of Service Group budgets and annual financial reports;
 - (vii) Ensuring appropriate financial and care performance of Service Groups and programmes;
- (b) **Oversight of Community Welfare Services within the Synod of NSW and the ACT**
 - (i) In regard to programs of community welfare services conducted by congregations, parish missions, presbyteries, or other agencies of the Synod:
 - (a) be advised of all proposals for the establishment of new community welfare services.
 - (b) consult with the appropriate body in order to assess the effectiveness and viability of such community welfare services and advise concerning their development.
 - (c) make recommendations to the Synod Property Board as to whether a community service proposal, including the purchase, sale, lease, or renovation of any property, or entering into any contract requiring the approval of the Synod Property Board, should receive approval, the favourable recommendation of the Board being a pre-condition to approval being given by the Synod Property Board.
 - (d) in consultation with administering bodies, assess the viability or appropriateness of existing programs of community welfare services and assess how well they meet present and projected needs;
 - (e) ensuring that all community welfare services operating within the bounds of the Synod of NSW and the ACT comply with regulatory standards and with the policies of the Synod and UnitingCare NSW.ACT.
 - (f) facilitate network and sharing between community service organisations.
 - (g) provide advice and assistance in regard to any new proposals for the establishment of community service activities.

- (h) authorising and monitoring the use of the UnitingCare brand by other services within the Synod.
- (ii) exercising the responsibilities of the Board set out in this By-Law so far as they are applicable in respect of community welfare services that are from time to time approved or authorised, or proposed for approval or authorisation, under **Regulation 3.5.34(b)(ii), (iii) or (iv) or (c)**.
- (iii) Acting on behalf of the Synod in making any determination and granting any authorisation or approval in respect of any community welfare service that is an institution under **Regulation 3.5.34(b)(ii), (iii) or (iv)** or in respect of participation of the Church in, or its association with, the institution under **Regulation 3.5.34(c)** provided that any necessary approval shall be obtained from other Synod bodies before the determination is made or the approval or authorisation is granted.
- (iv) Be the body designated by the Synod under **Regulation 3.5.34 (f) (i) to (iii)** as the body to which community services operating within the bounds of the Synod are responsible and accountable for their proper management and to whom they report and present audited financial statements.
- (v) Shall act as the licensee delegate of the Uniting Church in Australia Property Trust [NSW] and the Uniting Church in Australia Property Trust [ACT] in regard to licenses or approved provider status issued by the NSW or Commonwealth Governments.
- (vi) Develop policies and requirements of the Church relating to community services that are operated or proposed to operate on Church property by operators who are not Church bodies.
- (vii) Shall have authority to determine from time to time any levies for services from community services operating within the bounds of the Synod including those services provided by operators who are not Church bodies.
- (viii) When the performance of a community welfare service operating within the bounds of the Synod does not meet performance requirements, may after consultation with the Church Council of a sponsoring congregation and the relevant presbytery, recommend that the Synod under **Regulation 3.5.35 (b)**, amend, suspend, or revoke the operation of a constitution or other instrument whereby the service is established and to take action to change the management of the service where there has been:
- Mismanagement of assets;
 - Financial mismanagement;
 - Failure to meet regulatory standards;
 - Failure to comply with a directive of the Board;
 - Any other reason which it considers sufficient.

(c) Social Justice Advocacy

- (i) Researching important issues in society, especially as they relate to peace, justice and the common good;
- (ii) Assisting councils of the Church and the members of the Church to relate the Christian faith to issues in society;
- (iii) Developing policies on community welfare service and social justice issues;
- (iv) Making public statements on community welfare, social responsibility and social justice issues;

- (v) Engaging in the political processes of the nation on behalf of the Church and seeking to influence change and reform, especially on behalf of people who are vulnerable and disadvantaged;
- (vi) Working with Uniting Church groups, other churches, faith organisations, and community welfare organizations to promote social justice and social responsibility issues.
- (vii) Relating to Government departments and instrumentalities and working with them to meet community needs;

(d) Chaplaincy

- (i) Acting on behalf of the Synod to appoint Chaplains within its area of responsibility, setting standards for such Chaplaincy, and working with other denominations and groups in Chaplaincy;

(e) Other Responsibilities

- (i) Ensuring the protection of all assets and funds within its responsibility.
- (ii) Administering the 2% for Development Fund;
- (iii) Administering the Investments Monitoring Committee;
- (iv) Reporting to the Synod as required.

7.3 Governance of the Board

The Board of UnitingCare NSW.ACT is established under the Synod's **By-Law 4.1** with responsibility for the social justice, community services and chaplaincy work of the Uniting Church in Australia, Synod of New South Wales and the ACT.

7.3.1 The membership of the Board shall comprise:

- (a) The Executive Director of the Board;
- (b) The chairperson or another member of each of the UnitingCare Ageing Board, UnitingCare Children, Young People and Families Board and appointed from time to time by the respective Board (in the case of appointees who are not chairpersons for terms up to three (3) calendar years);
- (c) Six (6) members elected by the Synod; and
- (d) Up to three (3) persons co-opted by the Board and advised to the Synod Standing Committee such co-options to be effective only until the next meeting of the Synod Standing Committee immediately following the ordinary Synod meeting.
- (e) The Synod General Secretary who shall be an ex officio observer at Board meetings with speaking rights and shall receive all Board papers.

Eligibility for Membership

7.3.2 A majority of members of the Board shall be persons who are confirmed members or members in association of the Church.

Appointment of Board of Members

- 7.3.3
- (a) Nominations for election by the Synod to the Board shall be sought from the Board and each Presbytery and by public advertisement.
 - (b) The Synod shall establish a nominating committee to receive the nominations and make recommendations to the Synod, giving consideration to a desired skill

mix of the Board including, where practicable, theology/ethics, social justice, advocacy, social service delivery, management, strategic planning, finance, commerce, legal, human resources, marketing and public relations skills.

- (c) The names of all persons who have been nominated by the nominating committee and who consent to nomination shall be submitted to the Synod for ballot. Where for good reason consent to nomination has not been obtained the Moderator may rule that the nominee's name appear on the ballot.
- (d) If a nominee does not receive a majority of the votes cast in the ballot by the Synod, the nominating committee shall make another nomination to the Synod Standing Committee.
- (e) Subject to **By-Law 7.3.4**, each of the members elected by the Synod pursuant to **By-Law 7.3.1** shall hold office for a term of three (3) years unless a shorter term is specified at the time of election.
- (f) Not less than three (3) of the six (6) elected positions shall become vacant by retirement at each ordinary meeting of the Synod. Retiring members shall be eligible for re-election.
- (g) Casual vacancies in the members elected by Synod that occur between meetings of the Synod shall be filled by the Synod Standing Committee. Any member so appointed:-
 - (i) shall retire when the previously elected member whose vacancy is being filled, would have retired; and
 - (ii) shall be eligible for re-election.

Paragraph (a) shall not apply in respect of an appointment to be made to fill a casual vacancy.

Cessation of Membership

7.3.4 A person's membership of the Board will cease:

- (a) When the member of the Board:
 - (i) dies
 - (ii) resigns and the resignation is accepted;
 - (iii) ceases to hold a qualification which is a prerequisite for the person's membership
 - (iv) is convicted of an offence that would, in a comparable case of a director of a company result in disqualification of the director under the Corporations Act 2001 (Cth), or become bankrupt:
 - (v) is absent without leave of the Board for three consecutive meetings of the Board;
 - (vi) has a material personal interest in any matter before the Board and fails to disclose the interest to the Board and/or votes on the matter and the person's position is declared vacant by the Board; or
- (b) The Synod Standing Committee resolves to terminate the person's membership.

7.4 Appointment of Officers

- 7.4.1 (a) From among its members, the Board shall annually appoint a Chairperson.
 (b) No person shall be Chairperson of a Board for a period of more than five consecutive years.
- 7.4.2 The Board may elect annually a Deputy Chairperson or Chairpersons from among its members.
- 7.4.3 The Board may appoint such other officers as it may require including the Chairpersons of permanent committees or other committees or bodies appointed by the Board.
- 7.4.4 The Chairperson shall preside at meetings of the Board provided that in the Chairperson's absence or with the Chairperson's consent a Deputy Chairperson shall preside at a meeting or if at any meeting neither the Chairperson nor a Deputy Chairperson is present the Board may elect from the members present an Acting Chairperson to preside at that meeting.

7.5 Meetings of the Board

- 7.5.1 The Board may meet, adjourn and otherwise regulate its meetings as it thinks fit.
- 7.5.2 The Chairperson or Executive Director may at any time, and the Synod General Secretary shall on the requisition of any three members of the Board, summon a meeting of the Board.
- 7.5.3 If the Board determines that it shall meet on regular meeting dates, written notice of such regular meetings need not necessarily be forwarded to members. Except as aforesaid, notice shall be given to members where practicable.

Voting

- 7.5.4 (a) In making decisions the Board is to follow, as far as practicable, the procedure set out in the *Manual for Meetings in the Uniting Church* published by the Church.
 (b) If a resolution by formal majority is necessary, each member personally present is entitled to one vote. The chairperson may not exercise a deliberative vote but, if the voting is equal, may exercise a casting vote.

Quorum

- 7.5.5 The quorum necessary for any meeting of the Board shall be more than 50% of the membership of the Board.

Minutes

- 7.5.6 The Executive Director shall cause minutes to be kept of all proceedings at meetings of the Board. Such minutes shall be signed by the Chairperson of the meeting at which the proceedings were held or by the chairperson of the next succeeding meeting.
- 7.5.7 The Executive Director shall circulate minutes of meetings of the Board to the Synod General Secretary and the Executive Directors of other boards.

7.6 Service Group Boards

- 7.6.1 To assist in its work, the Board may appoint Service Groups. The Service Groups within UnitingCare NSW.ACT are:
- UnitingCare Ageing
 - UnitingCare Children, Young People and Families.

The UnitingCare Board may appoint other Service Groups from time to time and may disband or amalgamate Service Group boards.

Membership

- 7.6.2 The UnitingCare Ageing Service Group Board shall consist of:
- (a) The Director of UnitingCare Ageing;
 - (b) The Executive Director of UnitingCare NSW.ACT;
 - (c) The Executive Director of Uniting Resources;
 - (d) A chairperson and not less than seven (7) other persons appointed by the UnitingCare Board, including representation from Regional Boards.
- 7.6.3 The UnitingCare Children, Young People and Families Board shall consist of:
- (a) the Director of UnitingCare Children, Young People and Families;
 - (b) the Executive Director of UnitingCare NSW.ACT;
 - (c) a chairperson of the Board and ten other members appointed by the UnitingCare Board.

Responsibilities

- 7.6.4 The Board of a Service Group shall:
- Operate in accordance with the strategic directions, policy and decisions of the UnitingCare Board;
 - Make provision for the development of service-related policies and strategic directions within its area of responsibility and shall seek endorsement of same by the UnitingCare Board
- 7.6.5 Subject to 7.6.4 the Board of a Service Group shall:
- Direct the financial and business affairs of the Service Group;
 - Manage the funds and assets under its control;
 - Request endorsement by the UnitingCare Board of any change to the position description of the Service Group Director or any change in the division of responsibility between the Service Group Director and the Service Group Board;
 - Regularly report to the UnitingCare Board as required by that Board.
 - Be responsible for the management of Occupational Health and Safety issues for its staff.

Appointment of Service Group Boards

- 7.6.6 The Board shall be responsible for the appointment of the Chairperson and members of a Service Group Board.
- 7.6.7 The UnitingCare Board shall have the authority to suspend or terminate the appointment of any or all the appointed members at any time.
- 7.6.8 The UnitingCare Board shall make its appointments to the Board of a Service Group following public and Church advertisements inviting expressions of interest or nominations.
- 7.6.9 In making appointments the UnitingCare Board shall have regard to:
- (a) at least one third of the number of the appointed members of the Board shall be male and at least one third shall be female

- (b) the need for the membership of the Board to consist of persons with skills, qualifications and experience in areas relevant to the Service Group and the responsibilities of the Board
- 7.6.10 At least one third of the Board members shall be confirmed members or members-in-association of the Church.
- 7.6.11 An appointment of a member by the UnitingCare Board shall commence from 1 January following the appointment unless the appointment is made to fill a casual vacancy.
- 7.6.12 An appointment shall be for a term of three (3) years unless a shorter term shall be specified at the time of appointment.
- 7.6.13 The appointed members shall retire by rotation over a three (3) year period.
- 7.6.14 A retiring member shall be eligible for re-appointment excepting that no member of the Board of a Service Group shall serve more than nine consecutive years as an appointed member. In calculating the period of continuous membership of the Board:
- any periods of absence from the Board are included; and
 - any break in Board membership for less than one year is included.
- 7.6.15 A casual vacancy shall be filled by a person appointed by the UnitingCare Board, and each such person shall cease to hold office on completion of the term of the former member whom they replaced but shall be eligible for re-appointment.

Regional Aged Care Boards

- 7.6.16 Regional Aged Care Boards shall be established from time to time by the UnitingCare Ageing Board after consultation with the relevant Presbytery(ies) and shall operate in accordance with policies, strategic planning and operating procedures determined by the UnitingCare Ageing Board.
- 7.6.17 The UnitingCare Ageing Board shall have the authority to appoint as well as to suspend or terminate the appointment of all or any of the appointed members at any time, following consultation with the Chair of the relevant presbytery.

Meeting Procedures

- 7.6.18 Unless provided otherwise, by laws 7.3.4 and 7.5 shall apply to the Boards of Service Groups and Regional Boards of UnitingCare Ageing.
- 7.6.19 The quorum for a meeting of a Service Group Board shall be 7 members.

7.7 Conflict of Interest

(Applicable to all Boards and governance bodies within UnitingCare NSW.ACT)

- 7.7.1 (a) Each of the governance body and the member shall be responsible for ensuring that there is clarity and proper documentation of any arrangement where the person who is a member of the governance body agrees to provide services to the governance body otherwise than in the person's capacity as a member of the governance body.
- (b) A member of a governance body who has a material personal interest in a matter that relates to the activities or affairs of a governance body or that is being considered by the governance body:
- (i) must give written notice of the material self-interest to the governance body promptly;
 - (ii) must not be present while the matter is being considered at a meeting of the governance body except for so long as is necessary to answer any

questions or supply information to the governance body and in any event, not when the matter is determined by the governance body; and

- (iii) must not vote on the matter.
- (c) If a member of a governance body has a material personal interest in a matter that relates to the activities or affairs of the governance body, the body which appointed or elected the member to the governance body may terminate the person's membership regardless of the term of appointment and without giving any reason.

7.8 Staffing within UnitingCare NSW.ACT and its Service Groups

Appointments

- 7.8.1 The appointing body or officer that shall have the authority to appoint a staff member shall be:
- (a) In the case of a Service Group Director, the UnitingCare Board after considering a recommendation from a selection committee comprising the Executive Director, members of the UnitingCare Board and the relevant Service Group Board.
 - (b) In the case of a Regional Director of UnitingCare Ageing, the Director of the Service Group on the recommendation of a selection committee, including representation from the Regional Board.
 - (c) In the case of all other staff, the Executive Director, or the officer to whom the staff member will be responsible and who is authorised by the Executive Director to make the appointment. [Hereinafter referred to as the Authorised Delegate]. Staff other than the Executive Director of UnitingCare NSW.ACT will be appointed on such terms and conditions as the appointing body or officer may determine.
- 7.8.2 The appointing body or officer or authorised delegate shall be responsible for determining the title or description of office of a staff person subject to any directions from the UnitingCare Board, Executive Director, or relevant Service Group Director. Where practical, there shall be consistency of titles and descriptions.

Suspension or Termination

- 7.8.3 The UnitingCare Board may suspend or terminate the appointment of a Service Group Director after consultation with the Chairperson of the Board of the Service Group.
- 7.8.4 The Director of a Service Group may suspend or terminate a Regional Director of Uniting Care Ageing following consultation with the Chair of the Regional Board and the Chair of UnitingCare Ageing.
- 7.8.5 The UnitingCare Board, Executive Director, or the authorised delegate may suspend or terminate the appointments of other staff.

Ministers in Placement or Lay Religious Practitioners

- 7.8.6 The UnitingCare Board, a Service Group Board, or a Regional Board may, after consideration of a proposal from a selection committee, recommend to UnitingCare Ministries the placement of a Minister or the appointment of a lay Religious Practitioner to a position.
- 7.8.7 The UnitingCare Board may recommend to UnitingCare Ministries the termination of the placement of a Minister or the termination of the appointment of a Lay Religious Practitioner.

Role of the Service Group Directors

- 7.8.8 The Service Group Director is accountable to the Service Group Board:
- (i) for the general management and daily operation of the Service Group
 - (ii) for implementing the decisions of the Service Group Board within the strategic directions, policy and decisions of the UnitingCare Board.
- 7.8.9 The Service Group Director is accountable to the Executive Director:
- (i) for issues relating to compliance by the Service Group with the strategic directions, policy and decisions of the UnitingCare Board.
 - (ii) for achievement of the UnitingCare Strategic Directions, for participation in the meetings of the UnitingCare Executive and for coordinating and facilitating the implementation of decisions by the UnitingCare Board or the UnitingCare Executive.
- 7.8.10 The Regional Director of UnitingCare Ageing is responsible to the Regional Board for the general management and daily operation of the Region and for implementing the decisions of the Regional Aged Care Board within the strategic directions, policy and decisions of the Service Group Board and the UnitingCare Board.

Role of the Regional Directors

- 7.8.11 Regional Director of UnitingCare Ageing is responsible to their Regional Aged Care Board for the general management and daily operation of the Region and for implementing the decisions of the Regional Aged Care Board within the strategic directions, policy and decisions of the Service Group Board and UnitingCare Board.
- 7.8.12 Regional Director of UnitingCare Ageing is responsible and accountable to the Service Group Director for issues relating to compliance with strategic directions, policy and decisions of the Boards of UnitingCare Ageing and Uniting Care.
- 7.8.13 A Regional Director of UnitingCare Ageing may be suspended or terminated by the Director of UnitingCare Ageing following consultation with the Chair of the Regional Board and the Chair of UnitingCare Ageing.

7.9 Accounts and Audit

- 7.9.1 In addition to the annual accounts required under section 4.5 of these by laws, the Board shall prepare such additional Statements of Income and Expenditure and Balance Sheets for any funds and entities under the Board's management and control at such times as the Board may require or at such times as the Synod or Synod Standing Committee may direct.

PART 8: UNITING RESOURCES

(Refer to **By-Law 8.11.1** regarding definitions of “adherent”, “body”, “bodies”, “members”, “member-in-association”, “property”, “Synod” and “within the bounds of the Synod” in these Part 8 By-Laws)

- 8.0.1 Uniting Resources is established under **By-Law 4.1** to carry out the Objects, Functions and Responsibilities listed in these By-Laws on behalf of the Uniting Church in Australia, Synod of New South Wales and the ACT.
- 8.0.2 Uniting Resources has responsibility for:
- (a) determining, or where appropriate making recommendations to the Synod regarding, policy;
 - (b) exercising oversight;
 - (c) facilitating the use and coordination of the use of resources of the Synod, Presbyteries, Congregations and bodies within the bounds of the Synod to best effect; and
 - (d) providing services where it or the Synod considers necessary
- relating to financial management, investments, property, insurance, information and communication technology, workplace safety, human resources and industrial relations, legal compliance, risk management, administrative services and related matters within the bounds of the Synod.
- 8.0.3 The Uniting Resources Board is the Board established under **By-Law 4.1.2(b)** for the Synod division of finance and property known as Uniting Resources and is referred to as ‘the Board’ in this Part 8.
- 8.0.4 **By-Laws 4.1 to 4.4** (inclusive), excepting **By-Law 4.4.5(a)**, shall apply to Uniting Resources.

8.1 Objects of Uniting Resources

- 8.1.1 Uniting Resources, with God’s help and a servant heart, strives to provide innovative leadership and professional services in the effective management and creative use of the Church’s resources to achieve God’s mission.
- 8.1.2 The Board is constituted by the Synod as the Synod Property Board and will undertake the responsibilities set out in the Regulations (in particular, **Regulation 4.2.1**) and these By-Laws.
- 8.1.3 Uniting Resources will advise and, when it considers it to be appropriate, oversee compliance by the Synod, Presbyteries, Congregations and other bodies within the bounds of the Synod regarding matters of legal compliance and risk management, particularly having regard to the functions and responsibilities of, and implications for, The Uniting Church in Australia Property Trust (NSW) and The Uniting Church in Australia (Australian Capital Territory) Property Trust.

8.2 Functions and Services of Uniting Resources

- 8.2.1 As mentioned in **By-Law 8.0.2**, Uniting Resources will determine or, where necessary, make recommendations regarding policy, exercise oversight, facilitate co-ordination and, when it or the Synod considers it necessary, provide services, in matters including (or related to):
- (a) Financial Management;
 - (b) Investments;
 - (c) Property;

- (d) Insurance
- (e) Information and Communication Technology;
- (f) Workplace Safety;
- (g) Human Resources (including Industrial Relations);
- (h) Risk Management; and
- (i) Administrative Services.

8.2.2 **Financial Management**

The responsibility of Uniting Resources regarding financial management includes:

- (a) **Accounting, Tax & Audit**
 - (i) Establishing and maintaining accounting policies and key procedures to be used by the Synod and all Congregations, Presbyteries and bodies within the bounds of the Synod, ensuring they are consistent with all external regulatory requirements and accounting standards;
 - (ii) Establishing and maintaining taxation policies to be used by the Synod and all Congregations, Presbyteries and bodies within the bounds of the Synod and acting as the main liaison and interface with the Australian Taxation Office;
 - (iii) Establishing and overseeing policies and key procedures for the auditing of all accounts.
 - (iv) Acting as the main liaison and interface with the external appointed auditor of the Synod on behalf of the Synod Audit & Risk Committee.
- (b) **Synod Financial Accounts**

Collating annual and half yearly financial reports from all bodies within the Synod.
- (c) **Synod Financial Data Collection**

Gathering financial information from Congregations, Presbyteries and all bodies within the bounds of the Synod for purposes of complying with external regulatory reporting requirements and regulations, monitoring the financial health of each body and undertaking statistical analysis.
- (d) **Accounting & Financial Management Services**
 - (i) Providing accounting and financial management services to the Synod, as required, and specifically to the Synod Fund Management Committee and the Synod Mission Resource Fund.
 - (ii) Providing accounting and financial services within the bounds of the Synod where Uniting Resources considers it advisable to do so and specifying the terms and conditions on which they are provided; and
 - (iii) Managing specific funds at the request of the Synod or the Synod Standing Committee.
- (e) **Estates & Bequests**

Receiving bequests and administering bequests on behalf of the Synod in accordance with *Regulation 5.5.8*.
- (f) **Oversight of compliance**

Overseeing compliance by the Synod and Presbyteries, Congregations and bodies within the bounds of the Synod, with relevant laws, the Regulations and decisions made by the Assembly, and By-Laws, policies and directives made by

the Synod or adherence to guidelines determined by the Assembly or the Synod relating to financial responsibilities and key procedures.

8.2.3 Investments

The responsibility of Uniting Resources regarding Investments includes:

- (a) Advising the Synod on matters mentioned in **Regulation 5.5.9** relating to investment of funds by or on behalf of the Synod and Presbyteries, Church Councils and other bodies within the bounds of the Synod and adopting or recommending policy relating to investment and implementing and monitoring or supervising compliance with policy.
- (b) Be the authorising body that provides authorisation for making investments into specific investment asset classes.
- (c) Exercising oversight of The Uniting Church (NSW) Trust Association Ltd and bodies, trusts or funds within the bounds of the Synod that are authorised to invest funds for any of the purposes of the Church or any activity of the Church.

8.2.4 Property

The responsibility of Uniting Resources regarding property includes:

- (a) **Synod Property Board**
Providing services related to the functioning of the Synod Property Board under the Regulations (**Regulations 4.2.1, 4.2.2 and 4.6.2**).
- (b) **Property Compliance**
 - (i) Assisting and advising the Synod, Presbyteries, Church Councils and other bodies within the bounds of the Synod regarding compliance with law, the Regulations, Synod policies and safety requirements in relation to property under the management of the Synod, Presbyteries, Church Councils or other bodies within the bounds of the Synod; and
 - (ii) Ensuring that the Church establishes and maintains such registers as are required by law in relation to all property under the management of the Synod, Presbyteries, Church Councils and other bodies within the bounds of the Synod and advising and instructing them to ensure compliance.
- (c) **Property Trust Administration**
Providing administrative support to the functions of The Uniting Church in Australia Property Trust (NSW) and The Uniting Church in Australia (Australian Capital Territory) Property Trust.
- (d) **Property Management**
Managing and overseeing specific properties referred or delegated by the Synod and properties that are within the bounds of the Synod but are not under the management or control of any other body.
- (e) **Property Register**
 - (i) Establishing and maintaining a Synod property register for all property and insurance details of the Synod, Presbyteries, Church Councils, institutions and other bodies and requiring all Presbyteries, Church Councils and other bodies to regularly provide current details in order to maintain the reliability of the database; and
 - (ii) Providing suitable custody and recording of deeds and documents regarding property (**Regulation 4.12.2**).

(f) **Synod Office Property Services**

Providing office property services to the Synod and the Synod Boards as agreed including oversight of the Synod tenancy as the primary liaison with the landlord.

8.2.5 Insurance

The responsibility of Uniting Resources regarding insurance includes:

- (a) Establishing and maintaining policies and procedures for insurance on behalf of Presbyteries, Church Councils and other bodies within the bounds of the Synod;
- (b) Establishing and maintaining an Insurance Fund to provide appropriate insurance cover for all assets and liabilities under the management of the Synod, Presbyteries, Church Councils, and other bodies within the bounds of the Synod;
- (c) Maintaining adequate reserves in the Insurance Fund.

8.2.6 Information and Communication Technology

The responsibility of Uniting Resources regarding information and communication technology includes:

- (a) Advising on policy and planning, adopting or recommending adoption of policy, and overseeing implementation of and compliance with policy regarding:
 - (i) architecture;
 - (ii) common systems;
 - (iii) hardware and communications infrastructure;
 - (iv) systems software;
 - (v) help desk and support;
 - (vi) security;
 - (vii) disaster recovery;

primarily, but not exclusively for, the purposes of the Synod.
- (b) The Synod Information Technology Enhancement Fund (SITE):
 - (i) Establishing and maintaining an IT infrastructure for Synod head office and other participants who choose to use the service, which includes IT hardware, systems software, IT security, communications, IT disaster recovery and other IT infrastructure.
 - (ii) Establishing and maintaining a wide area network, supporting desk-top applications and computers including an IT Help Desk service for participating users on an opt in basis.
 - (iii) Determining terms and conditions upon which Uniting Resources services will be made available to Presbyteries, Church Councils and bodies within the bounds of the Synod and may be made available to external users who choose to use the services.

8.2.7 Workplace Safety

The responsibility of Uniting Resources regarding workplace safety includes:-

- (a) Overseeing compliance with occupational health & safety (OH&S) and workers compensation legislative obligations by the Synod and by Presbyteries, Congregations and bodies within the bounds of the Synod;
- (b) Establishing and maintaining a Synod wide OH&S Policy and Management System framework;
- (c) Providing advice, training, coaching and assistance to facilitate implementation of the Policy and System and thereafter monitoring compliance;

- (d) Establishing and overseeing implementation of a strategy and process for the effective management of workers' compensation within the bounds of the Synod which will include the prudential financial management and functioning of workers compensation within each employing entity and where necessary, developing and overseeing implementation of improvement strategies;
- (e) Establishing and maintaining a map that profiles the workers' compensation policy portfolio by Synod employing entities;
- (f) Acting as the primary liaison and interface with external workers compensation insurers agents and external specialist consultant service providers, establishing service level agreement criteria and monitoring performance.

8.2.8 **Human Resources (including Industrial Relations)**

The responsibility of Uniting Resources regarding human resources includes:

- (a) **Employment Policies & Procedures**
 - (i) Establishing or recommending the adoption of Synod employment policies and procedures; and overseeing implementation of them and monitoring compliance;
 - (ii) Providing advice and assistance in relation to employment and industrial relations matters; and
 - (iii) Monitoring compliance with all relevant employment and industrial relations legislation.
- (b) **Human Resources ("HR") and Industrial Relations ("IR")**
 - (i) Provide HR and IR Services to employing entities within the Synod and within the bounds of the Synod on an opt-in basis;
 - (ii) Acting as the Synod's and the Property Officer's representative in relation to employment and IR matters; and
 - (iii) Acting as primary liaison and interface with external legal advisers in relation to employment and IR matters.
- (c) **Payroll Bureau**

Making available and providing payroll bureau services within the bounds of the Synod and specifying the terms and conditions on which they are provided.

8.2.9 **Risk Management**

The responsibility of Uniting Resources regarding risk management includes:

- (a) Developing and adopting or recommending adoption of a risk management policy and framework to the Synod Audit & Risk Committee in relation to the Synod;
- (b) Advising the Synod Audit & Risk Committee in relation to risk management including compliance and business continuity planning in relation to the Synod; and
- (c) Assisting the Synod Audit & Risk Committee to ensure that the Synod complies with the risk management policy and that the frameworks are implemented and effective.
- (d) Monitoring risk management practices and risks and breaches that materialise across the Synod and within the bounds of the Synod (excluding Synod Boards) and liaising with appropriate governance bodies to ensure resolution and/or compliance of those risks and breaches.

8.2.10 **Administrative Services**

The responsibility of Uniting Resources regarding administrative services includes activities that can benefit from a collective approach, such as providing and maintaining a mail service and a telephone service at the Synod offices.

8.3 **Communications**

8.3.1. Uniting Resources will:

- (a) communicate and liaise with councils of the Church and bodies within the Synod and within the bounds of the Synod for the better performance of its responsibilities;
- (b) communicate with, obtain approvals from, and report to, Synod (usually through the Executive Director) when appropriate;
- (c) communicate and liaise with other key stakeholders when appropriate;
- (d) collaborate with other Synod Boards and assist the Executive Director to provide collegiate leadership with other Executive Directors and the General Secretary; and
- (e) inform and support the Moderator.

8.3.2 The Executive Director and the Chairperson will be responsible to oversee the manner in which Uniting Resources and the Board communicate and establish and maintain relationships.

8.4 **Responsibilities and Functions of the Uniting Resources Board**

8.4.1 The Board will be responsible for the determination of policy as provided in **By-Law 4.1.4** and for the governance of Uniting Resources.

8.4.2 The Board will carry out its responsibilities and functions in a manner that is consistent with the purposes of the Church and with its Constitution and Regulations, these By-Laws and the policies and decisions of the Synod, as made from time to time (**By-Law 4.1.4**).

8.4.3 **Planning**

The Board will establish, implement and monitor performance in respect of strategic plans and business plans for Uniting Resources.

8.4.4 **Policy, delegations & approvals**

The Board will:

- (a) Determine major policies governing the functions and operations of Uniting Resources;
- (b) Determine appropriate delegations of authority;
- (c) Assess and approve any significant capital or operational expenditures, contracts, acquisitions and disposals; and
- (d) Establish, and determine the responsibilities, authority and functions of Board Committees.

8.4.5 **Role with respect to the Executive Director**

The Board will assist in the recruitment of the Executive Director as provided in Part 3 of these By-Laws, assess the terms and conditions for the appointee, establish remuneration, facilitate commissioning, regularly assess performance, provide suitable feedback on performance, encourage continuing professional development activities

and facilitate the orderly exit of a departing Executive Director.

8.5 Membership of the Board

8.5.1 The Board's composition shall be:

- (a) The Executive Director (ex-officio).

(Note that the Executive Director is also the Synod Property Officer - **Regulation 3.5.52 (c)**);

- (b) Ten people elected by the Synod for terms of three years; and

- (c) Up to three people co-opted by the Board for terms of one year, each co-option to be notified to the Synod Standing Committee at its next meeting after the co-option.

In addition to the ex-officio members, at least two members of the Board must be members of The Uniting Church in Australia Property Trust (NSW).

Notwithstanding the foregoing, the composition of the Board may be varied by the Synod Standing Committee in response to contemporary needs and skill requirements.

- (d) The Synod General Secretary shall be an ex officio observer at Board meetings with speaking rights and shall receive all Board papers.

8.5.2 **Skills**

For the effective operation of the Board, elected and co-opted members should be experienced and skilled in areas relevant to the Board's activities.

8.5.3 **Eligibility**

Having regard to the skills required of Board members, up to three of the elected and co-opted members need not be members or members-in-association of the Church, but may be adherents or persons sympathetic to the ethos of the Church who hold a requisite speciality.

8.5.4 **Appointment of Board Members**

For the procedure for the nomination and election of candidates for Board membership refer to **By-Law 4.4**.

8.5.5 **Retirement**

- (a) At each meeting of the Synod, five members of the Board will be elected with the intention that over a three-year cycle the terms of office of approximately half of the elected members of the Board will expire every 18 months.

- (b) A retiring member shall be eligible for re-election.

8.5.6 **Cessation of Membership**

A person's membership of the Board will cease:

- (a) when the member of the Board:

(i) resigns and the resignation is accepted;

(ii) ceases to hold a qualification which is a prerequisite for the person's membership;

(iii) is convicted of an offence that would, in a comparable case of a director of a company result in disqualification of the director under the Corporations Act 2001 (Cth), or becomes bankrupt;

(Section 206B of the Corporations Act 2001 provides that a director of a

company becomes automatically disqualified if convicted of certain types of offences e.g. an offence that concerns the making of decisions affecting the company's business or financial standing or that is a contravention of the Act and is punishable by imprisonment for more than 12 months or involves dishonesty and punishable by imprisonment for at least 3 months)

- (iv) is absent without leave of the Board from three consecutive meetings of the Board effective from conclusion of the third meeting;
 - (v) has a material personal interest in any matter before the Board, and fails to disclose the interest to the Board and/or votes on the matter and the member's position is declared vacant by the Board; or
- (b) when the Synod Standing Committee resolves to terminate the person's membership.

8.5.7 **Casual Vacancy**

Vacancies in the elected membership arising between meetings of the Synod may be filled by the Synod Standing Committee having regard to the skills required by the Board at the time.

Persons so elected shall hold office for the unexpired period of the 3-year cycle applicable to the vacancy.

8.5.8 **Conflict of Interest**

Where a matter arises in which a member of the Board has or may have a material personal interest in an issue affecting the Board's business or operations, the member will, at the first possible opportunity after becoming aware of the situation, advise the Chairperson or in the case of the Chairperson, the Executive Director and declare the interest at any meeting of the Board at which the matter may be discussed. Permanent conflicts will be recorded in a Board Register. Other conflicts will be recorded in meeting minutes as declared.

8.5.9 **Officers**

- (a) The Board shall annually appoint a Chairperson from among its elected members
- (b) No person shall be Chairperson for more than five consecutive years.
- (c) A Deputy Chairperson may be appointed by the Board annually.
- (d) In the absence of the Chairperson or Deputy Chairperson, the members present at any meeting may appoint a chairperson of the meeting from amongst those present.

8.6 **Meetings**

- 8.6.1
- (a) The Board may meet, adjourn and otherwise regulate its meetings as it thinks fit.
 - (b) The Chairperson or the Executive Director may at any time and the General Secretary shall on the receipt of a requisition by any three members, summon a meeting of the Board.
 - (c) Notice of meetings need not be given for regularly scheduled meetings. Due notice of other meetings will be given to all members where practicable.
 - (d) The quorum for a meeting of the Board will be the lowest number of the total current membership of the Board who constitute a simple majority. (For example, if the total current membership is 12 or 13, the quorum is 7 members present).

- (e) The Board shall follow, as far as is practicable, the procedures set forth in the Manual for Meetings of the Church.

8.7 Committees

- (a) The Board will specify the purposes, functions and authority of any committee that it establishes and may where appropriate delegate responsibilities to committees.
- (b) The Board shall determine the manner in which committee members will be appointed. Appointments of committee members may be terminated by the Board.
- (c) Membership of each committee will include at least one Board member who will be the Chairperson.
- (d) A quorum for a committee meeting will be determined in the same manner as for a Board meeting.
- (e) Any committee established by the Board shall be limited to the activities set by the Board in its establishment and may not delegate any of its responsibilities.
- (f) Minutes of committee meetings will be circulated to all Board members prior to the next ensuing Board meeting.
- (g) To address urgent matters, the Board may determine that the Chairperson, the Executive Director and two other appointed Board Members will form an Urgent Issues committee; a quorum for which shall be three.

8.8 Funding

8.8.1 The funding of Uniting Resources activities may derive from:

- (a) Allocations from the Synod Fund, gifts and donations, bequests and estates, and interest on accumulated funds;
- (b) Fees and charges to other Boards and Synod bodies, funds, Congregations, Presbyteries and other bodies, to cover costs of services provided by Uniting Resources; and
- (c) Such other sources as may be approved from time to time.

8.9 Enquiries Regarding Risk

- 8.9.1 (a) Where the Board is of the opinion that an enquiry should be made regarding any risk which may be, has been or is proposed to be undertaken or any actual or contingent liability which may be, has been or is proposed to be incurred by any person in the name of or on behalf of the Church or any congregation or body, the Board or the Executive Director may undertake an enquiry or authorise another person or other persons ("the appointed person") to undertake an enquiry on behalf of the Board or Executive Director.
- (b) The Board, Executive Director or the appointed person, as the case may be, may require:
 - (i) any ordained or lay member of the Church;
 - (ii) any Congregation or body;
 - (iii) any officer or employee of a Congregation or body; or
 - (iv) any person who has authority or purports or appears to have authority to act on behalf of or as agent or representative for a Congregation or a body;
 - (v) Synod Boards,

to:

- (i) supply information;
- (ii) produce documents and records;
- (iii) attend meetings;
- (iv) answer questions; and
- (v) permit the Executive Director or the appointed person as the case may be, to enter upon and/or have access to and/or inspect any property owned or held or controlled or managed by or on behalf of the Church, Presbytery or any Congregation or body or upon trust for any purposes of the church

for the purpose of an enquiry authorized under paragraph (a).

8.10 Custodian of Deeds

The Executive Director is the Synod Custodian of Deeds in terms of **Regulation 4.12.2**. With the approval of the Board or the Chairperson of the Board, this responsibility may be delegated to any other person or persons as Assistant or Acting Custodian.

8.11 Definitions

8.11.1 In these Part 8 By-Laws, unless the context or subject matter indicates otherwise:-

- (a) the expression “body” or “bodies” shall include any council, committee, division, department, college, agency or other institution of the Church;
- (b) the word “property” shall mean property of whatever nature and shall include real property, buildings, infrastructure, money, investments, files, documents, intellectual property and rights relating to property;
- (c) “Synod” shall include the boards and other bodies within the organisational structure of the Synod of NSW and the ACT;
- (d) “within the bounds of the Synod” means within the range of people, bodies, places and activities for which the Synod of NSW and the ACT has oversight and responsibility; and
- (e) the expressions “member” and “member-in-association” of the Church and “adherent” of the Church shall have the meanings set out in the definitions of those expressions in clause 3 of the Constitution.

PART 9: COMMITTEES OF THE SYNOD

9.1 Overview

- 9.1.1 These By-Laws shall apply except in so far as they are contrary to any specific By-Laws or other determinations of Synod or other appointing body.

Committees, Working Groups and Other Bodies

- 9.1.2 (a) The Synod Standing Committee may appoint committees or working groups to undertake such responsibilities as the Synod or Synod Standing Committee may determine. Any committee or working group so appointed shall become effective at the conclusion of the meeting at which it is appointed.
- (b) The Synod or Synod Standing Committee shall determine the purpose of the committee or terms of reference of the working group and the requirements of reporting by the committee or working group.
- (c) The Synod or Synod Standing Committee shall determine the duration of the committee or working group and shall consider whether a committee or working group shall be extended beyond that term.
- (d) The Synod or the Synod Standing Committee may at its discretion appoint to committees or working groups persons who are not confirmed members or members in association of the Church, such members not to exceed one-third of the total membership of the committee or working group.
- 9.1.3 (a) Any committee or working group appointed by Synod or the Synod Standing Committee may co-opt additional persons provided that the number of persons so co-opted shall not exceed one-fifth of the number of members appointed by the Synod or the Synod Standing Committee as the case may be.
- (b) The Synod Standing Committee shall fill any casual vacancy occurring in the membership of a committee or working group appointed by the Synod or Synod Standing Committee.

Meetings

- 9.1.4 (a) The quorum for meetings of committees or working groups appointed by the Synod or the Synod Standing Committee shall not be less than one-third of the total membership.
- (b) Committees, working groups appointed by the Synod or Synod Standing Committee shall regulate their meetings in accordance with the Manual for Meetings.

Decision Making

- 9.1.5 Persons who are appointed as members of committees and working groups shall be free to exercise discretion in determining matters before the committee or working group and shall not be required to decide at the direction of the appointing or any other body.

9.3 Constitutions

- 9.3.1 The Synod Standing Committee shall appoint a Constitutions Committee of up to six (6) persons for a term of two (2) years. Members shall be eligible for reappointment.
- 9.3.2 The Committee shall be responsible to the Synod Standing Committee.
- 9.3.3 The Constitutions Committee is authorised to:
- (a) examine all constitutions of schools, caring units and other institutions operating under the oversight of congregations, presbyteries and synod agencies
 - (b) refer such aspects of constitutions as may be relevant to the Synod Standing Committee or the Boards of Education, *UnitingCare*, Mission and Uniting Resources
 - (c) advise the relevant congregations, presbyteries and synod agencies concerning such constitutions
 - (d) certify to the Synod Standing Committee that a new or amended Constitution having been approved by the body submitting it is in order for adoption or approval
 - (e) make recommendations concerning the standardization of constitutions to the Synod Standing Committee or the Boards.
- 9.3.4 The Committee shall note:
- (a) that unless otherwise required by an Act, governing bodies shall, if appointed at Synod level of the Church, be appointed by the Synod Standing Committee
 - (b) that approval of constitutions shall normally be a function of the Synod Standing Committee
- 9.3.5 Constitutions submitted for approval shall normally be directed through the General Secretary's office.
- 9.3.6 The Secretariat shall be responsible for keeping the official copy of all approved Constitutions.

9.5 Faith and Unity

- 9.5.1 The Synod Standing Committee shall appoint a Faith and Unity Committee of up to 12 members, the members being appointed for a term of two years. Members shall be eligible for re-appointment. In addition, one member shall be appointed by each of the UTC Faculty and the Students' Association.
- 9.5.2 The Committee shall be responsible to the Synod, reporting through the Synod Standing Committee.
- 9.5.3 The Synod Standing Committee shall appoint a Chairperson of the Committee.
- 9.5.4 The Committee may appoint other officers as it thinks fit.
- 9.5.5 The Faith and Unity Committee shall:
- (a) advise and consult with Synod and Synod Standing Committee on matters of ecumenical relationships, doctrine, worship and liturgy
 - (b) be responsible for affiliations with, and nominations for the appointment of Uniting Church representatives to:
 - (i) NSW Ecumenical Council
 - (ii) Australian Church Women (NSW Unit)
 - (iii) NSW Committee for the World Day of Prayer
 - (c) relate on behalf of the Synod to:
 - (i) National Theology and Discipleship and Working Groups on:
 - Doctrine
 - Worship
 - Missiology
 - (ii) National Unity and International Mission and the
 - Working Group on Christian Unity
 - (d) co-operate with and advise presbyteries and congregations on matters of ecumenical relationships, doctrine, worship and liturgy
 - (e) relate to presbyteries through Faith and Unity Convenors/Committees.

9.9 Synod Fund Management Committee

Synod Fund

9.9.1 The Synod Fund is established in accordance with **Regulations 5.3.1 – 5.3.5** and shall comprise the assets, objects and purposes of the previous Mission and Service Fund and Mission Resource Fund.

Purpose

9.9.2 The purposes of the Synod Fund shall include the following:

- (a) providing a component of funds for mission resource funding to congregations, presbyteries and the Synod;
- (b) providing funds for the work of the Synod, to be allocated to boards and agencies in accordance with priorities to be determined from time to time by the Synod;
- (c) providing funds to assist the financial needs of the Assembly and its agencies;
- (d) providing funds for ministries oversighted by presbyteries;
- (e) making such other allocations as may be approved by the Synod.

9.9.3 The Synod Fund shall be funded by

- (a) income from The Uniting Church (NSW) Trust Association Ltd through the distribution of surpluses of the Trust Association, tithing from proceeds of property sales and distribution from the Uniting Church (NSW) Investment Fund in accordance with the formula determined from time to time by the Trust Association and approved by the Synod;
- (b) contributions received from presbyteries and congregations in response to Living is Giving and other promotion;
- (c) donations and income from unspecified sources;
- (d) interest derived.

Synod Fund Management Committee

9.9.4 The management of the Synod Fund shall be undertaken by a Synod Fund Management Committee which shall consist of:

- (a) the Synod General Secretary;
- (b) the Chairperson of the Uniting Church Trust Association or the nominee of the Chairperson;
- (c) the Executive Director of each of the Synod boards or the nominee of the Executive Director;
- (d) the Principal of United Theological College or the nominee of the Principal;
- (e) nine persons, nominated by presbyteries and appointed by the Synod Standing Committee for three years, such persons not being a staff member of any board represented on the Committee or of the United Theological College;
- (f) a chairperson, appointed by the Synod, for three years.

9.9.5 In managing the Synod Fund, the Synod Fund Management Committee shall be responsible for:

- (a) presenting to the Synod Standing Committee a comprehensive Synod budget in line with Synod priorities;
- (b) determining projects and programs of the Synod to be included in the Living is Giving process;
- (c) determining the promotional policy for Living is Giving and the Synod Fund;

- (d) oversight of the mission resource funding process and sub-committee;
 - (e) determining a budget for services provided to the Synod Fund Management Committee by Uniting Resources, the Board of Mission and the Synod Communications Unit;
 - (f) providing for members of the church an annual consolidated report of the activities of the Synod Fund, including a report of mission resource funding allocations and the 2% for Development Fund (the 2% for Development Fund report to be prepared by Uniting Care NSW.ACT);
 - (g) reporting regularly to the Synod Standing Committee;
 - (h) reporting to the Synod within the report of the Synod Standing Committee.
- 9.9.6 The collating and presenting of budget submissions to the Synod Fund Management Committee and the administering of the decisions of the Synod Fund Management Committee shall be undertaken by Uniting Resources.

Priorities

- 9.9.7 Allocations from the Synod Fund shall be made in accordance with priorities determined from time to time, and at least once every five years, by the Synod Standing Committee, such priorities deriving from Strategic Directions adopted by the Synod.
- 9.9.8 The Synod shall determine the priorities of work in accordance with the Strategic directions for the ensuing period.

Mission Resource Funding

- 9.9.9 Funds available for mission resource funding shall comprise
- (a) the proportion of the Synod Fund determined by the Synod Standing Committee from time to time to be allocated for mission resource funding purposes to which shall be added the tithe derived from the proceeds of property sales;
 - (b) interest earned by the Synod Fund on mission resource funding not expended in previous years
- 9.9.10 Management of funds allocated for mission resource funding purposes shall be undertaken by a sub-committee appointed by the Synod Fund Management Committee in accordance with processes approved by the Synod Standing Committee.
- 9.9.11 Allocations for mission resource funding purposes shall be reported to the Synod Standing Committee by the Synod Fund Management Committee.
- 9.9.12 The collating and presenting of submissions for mission resource funding and the administering of the decisions relating to mission resource funding shall be undertaken by Uniting Resources and the Board of Mission.

Living is Giving

- 9.9.13 Living is Giving is established as a process whereby congregations may:
- (a) be assisted to grow their own financial resources;
 - (b) increase their understanding of ministries supported through the Synod Fund;
 - (c) and be encouraged to support specific projects or programs.
- 9.9.14 Living is Giving shall be managed by a sub-committee appointed by the Synod Fund Management Committee and in accordance with processes approved by the Synod Standing Committee.

Surplus of the Uniting Church (NSW) Trust Association Ltd.

- 9.9.15 The Synod Standing Committee shall on the recommendation of Uniting Resources;
- (a) approve a policy which shall apply to the regular distribution of surpluses by Uniting Financial Services; and
 - (b) approve a policy which shall apply to any special distributions which may occur in addition to the regular distribution of surpluses.
- 9.9.16 (a) Two per cent of the surplus of the Trust Association shall be allocated to the 2% for Development Fund, to be administered by UnitingCare NSW.ACT. Expenditure shall be reported to the Synod through the Synod Fund Management Committee in accordance with **By-Law 9.9.5(f)**;
- (b) the balance shall be allocated for purposes of the Synod Fund, including mission resource funding, in accordance with **By-Law 9.9.3(a)**.

PART 12: MINISTERS ENTITLEMENTS

12.1 Ministers Support Fund Committee

Definitions

12.1.1 In Part 12, unless the context or subject matter otherwise indicates:

“**Candidate in Training**” means a candidate who is undertaking a course of study under the direction of the Faculty of the United Theological College;

“**Church**” means The Uniting Church in Australia;

“**Committee**” means the Ministers Support Fund Committee under this By-Law;

“**Dependants**” means the widow/widower and/or children (including step-children and legally adopted children) of a deceased Minister, or any other persons who were related to, and who in the opinion of the Committee are wholly or partially dependent on, the Minister at the time of the Minister’s death;

“**Funds**” means such Funds as may be determined by the Synod from time to time to be under the oversight and management of the Committee;

“**Leave**” means leave of absence in accordance with these By-Laws;

“**Minimum Stipend**” means the compulsory minimum stipend determined from time to time by the Synod;

“**Minister**” means a Minister of the Word, Deacon, Deaconess, Intern, Lay Pastor or Accredited Youth Worker in an Approved Placement within the Synod;

“**Pastoral Charge**” means a congregation or congregations, department, board, college or other institution or activity to which a minister is, or may be, called;

“**Service**” means the period spent in placement as a Minister;

“**Synod**” means the Synod of New South Wales and the ACT of the Church or its Standing Committee.

Responsibilities

12.1.2 The Committee shall:

- (a) be the Synod Advisory Committee of the Assembly Beneficiary Fund;
- (b) in accordance with the relevant By-Laws, oversee and manage such Funds as may be directed by the Synod, including:
 - (i) the Car Loan Fund *
 - (ii) the Ordinands Furniture Loan Fund *
 - (iii) the Joan and Annie Williams Scholarship Fund
 - (iv) the Long Leave Fund
 - (v) the Ministers Retirement Housing Fund
 - (vi) the Ministers Sickness and Accident Fund
 - (vii) the Ministers Special Assistance Fund
 - (viii) the Ministers Without Placement Fund
 - (ix) the Uniting Church (NSW) Housing Fund; *

* managed by Uniting Resources

- (c) in accordance with the relevant By-Laws and/or decisions of the Synod, administer the following:
- (i) Ministerial Insurance Arrangements as follows:
 - Workers Compensation
 - Personal Accident
 - Goods in transit (for ministerial transfers)
 - Any others that the Committee may arrange from time to time.
 - (ii) Ministerial Leave;
 - (iii) Ministerial Relocations and Transfers;
 - (iv) Ministerial Stipend/Remuneration.
- (d) make such recommendations and determinations as may be required of it under the By-Laws on Ministerial Stipend/Remuneration and Allowances;
- (e) inform Ministers, congregations and other relevant bodies about provisions made regarding benefits, contributions and procedures in relation to the funds and programmes for which the Committee is responsible;
- (f) be the body acting for the Synod regarding any benefits to be paid to a Minister following recommendations made by the Placements Committee under **Regulation 2.4.8(a)** including:
- (i) benefits required under the Regulation; and
 - (ii) ex-gratia payments made payable at the discretion of the Committee.
- (g) make arrangements with Uniting Resources for the investment of and accounting for the Funds as required by the Regulations and By-Laws of the Church;
- (h) make arrangements for the exercise of its responsibilities for the various Funds and programmes with the Synod General Secretary;
- (i) appoint sub-committees and working groups to carry out such functions as the Committee may determine;
- (j) provide reports and make recommendations to the Synod on matters relating to the Committee's responsibilities;
- (k) in exercising its responsibilities maintain appropriate confidentiality concerning the affairs of Ministers and their families.

Membership

12.1.3 The Committee shall consist of:

- (a) the Synod General Secretary;
- (b) the Executive Director of Uniting Resources or nominee;
- (c) six (6) persons appointed biennially by the Synod Standing Committee.

Officers

- 12.1.4 (a) The Committee shall annually appoint a Chairperson from among its members.
- (b) The Synod General Secretary shall make arrangements for a member of the staff of the General Secretary's Office to be the executive secretary and to convene meetings of the Committee.

12.2 Stipends and Allowances

Responsibilities

- 12.2.1 The Committee shall be responsible for:
- (a) reviewing all matters related to the determination, payment and adequacy of Ministerial stipends;
 - (b) reviewing matters relating to the total remuneration of Ministers, the provisions for the operation of Expense Accounts and associated legislative requirements;
 - (c) developing policy proposals for consideration by the Synod Standing Committee concerning stipends;
 - (d) recommending to the Synod Standing Committee as to the method by which the Minimum Stipend shall be calculated;
 - (e) determining from time to time the Minimum Stipend payable on the basis of the approved method of calculation;
 - (f) consulting with the Synod Fund Management Committee so as to assist that Committee in giving advance advice to congregations, presbyteries, boards and other bodies as to the estimated stipend to be used for budgeting purposes;
 - (g) making recommendations and determinations as set out within these By-Laws concerning Ministerial allowances including:
 - (i) Housing allowance;
 - (ii) Resource Allowance;
 - (iii) Travelling costs;
 - (iv) Hospitality;
 - (v) Preaching Fees and associated travelling costs.
- 12.2.2 The Committee shall at its discretion or as requested by the Synod develop policy proposals and make recommendations to Synod Standing Committee regarding such other allowances as may be necessary.

Stipends Payable

- 12.2.3 (a) There shall be a Minimum Stipend calculated according to the method referred to in **By-Law 12.2.1(d)** which shall be payable to all Ministers in a Pastoral Charge within the Synod of New South Wales and the ACT.
- (b) The Synod Standing Committee shall determine any margin above the Minimum Stipend to be paid to Ministers who are called to Synod Placements.
- (c) Alterations to the Minimum Stipend shall normally become effective at 1 July in each fiscal year.
- (d) The Committee may, if it is of the opinion that circumstances indicate that it is warranted, make recommendations to the Synod Standing Committee for a variation in the method of calculation of the stipend to be declared for the next ensuing period.

Total Remuneration

- 12.2.4 (a) The Committee may publish the determination of Minimum Stipend in association with travel allowance, thus indicating a total remuneration to be paid to a Minister.
- (b) The Minister may request that a portion of the total remuneration up to a limit determined from time to time by the Committee, be paid directly to a Minister's Expense Account, that account being operated on behalf of the Minister in accordance with current Commonwealth legislation.

Payment of Remuneration

- 12.2.5 (a) Congregations and other bodies responsible for payment of stipends shall arrange for stipends normally to be paid by direct transfer by the 15th day of each month. When a congregation and a Minister agree as to some other method of payment of stipend, the congregation shall promptly inform the Presbytery of the agreed manner of payment.
- (b) Presbyteries shall monitor the manner in which congregations exercise their responsibilities in the matter of stipends.
- (c) Synod boards and other bodies responsible for payment of stipends shall make arrangements for their payment on regular dates and by methods no less advantageous to the Minister than the procedure set out in (a) hereof.

Provision of Housing

- 12.2.6 (a) A Minister placed in a Pastoral Charge shall be provided, by the body responsible for payment of stipend, with a residence.
- (b) If a residence owned by the body responsible for payment of stipend is not available, that body will provide a rented residence for the Minister.
- (c) At the initiative of the Minister and by agreement between the Minister and the body responsible for payment of stipend, the Church may pay a benefit in lieu of residence towards the cost of the Minister residing in a residence owned by the Minister.
- (d) The Committee shall from time to time determine the maximum residence benefit that may be paid.
- (e) (i) Where both members of a couple are ministers in placement and the Ministers elect to live in a residence owned by the Minister or Ministers, the clergy couple shall be entitled to receive one residence benefit only up to the maximum residence benefit that may be paid.
- (ii) The residence benefit shall normally be provided in equal amounts by the bodies responsible for the payment of stipend in respect of the two placements.
- (f) (i) Where both members of a clergy couple are ministers in placement, but in different Congregations, Board or Agencies, so that both placements require the provision of a residence, the clergy couple may negotiate in which of the residences they will live.
- (ii) The Congregation, Board or Agency whose residence is not so required shall pay a ½ residence allowance to the other Congregation, Board or Agency towards maintenance of the residence in which the clergy couple are to live.
- (iii) In the event of either of the placements referred to in **By-Law 12.2.6(f)** not having a residence, the payment of a ½ rental allowance to the Congregation, Board of Agency that lease a residence will still apply.

Travelling Costs

- 12.2.7 (a) The Committee shall from time to time make recommendations to the Synod Standing Committee as to the method by which allowances paid to Ministers in respect of their use of their own cars on church business shall be calculated.
- (b) The Committee shall on the basis of the method of calculation approved by the Synod Standing Committee determine the car allowances payable, and shall normally do so annually.

Preaching Fees

- 12.2.8 The Committee shall annually make determinations as to fees that are recommended to be paid to Ministers and to lay people in respect of casual preaching appointments, and as to the payment of associated travel costs.

12.3 LEAVE

General

- 12.3.1
- (a) A minister wishing to take Leave shall seek and receive the prior approval of the Church Council or other responsible body. Such approval shall not unreasonably be withheld.
 - (b) A Minister wishing to take Leave shall before seeking approval from the Church Council or other responsible body consult with other Ministers who may be affected by such absence.
 - (c) Leave must be taken for the purpose specified in these By-Laws according to the type of Leave sought but the Committee may approve the inclusion of a study course or project as part of Long Leave provided that the purpose of Long Leave is substantially filled.
 - (d) During each period of Leave the Minister and the Minister's family shall continue to have the normal use of the Minister's residence or shall continue to receive the allowance in lieu of residence.
 - (e) Annual Leave and Sick Leave must be taken during the placement in which they accrue. This Leave may not be accumulated or taken during a subsequent placement.

A: Annual Leave

Purpose

- 12.3.2 The purpose of Annual Leave is to refresh Ministers.

Eligibility

- 12.3.3
- (a) A Minister shall be entitled to Annual Leave of 30 days, inclusive of Saturdays and Sundays, for each year of service. Additional days are to be allowed for any Public Holidays which occur during the period of Annual Leave.
 - (b) Annual Leave shall normally be taken after one year of service, but subject to approval may;
 - (i) be deferred, but so as not to exceed a total of 30 days deferred Annual Leave at any time
 - (ii) be taken pro-rata.
 - (c) Before making arrangements as to the time at which Annual Leave will be taken, a Minister shall first obtain approval in accordance with **By-Law 12.3.1(a)**.
 - (d) A Minister in a congregation placement after receiving approval to take annual leave shall inform the Pastoral Relations Committee of the Presbytery as to the time at which Annual Leave is to be taken.
 - (e) When a Minister is moving to a new placement, the time required, pursuant to **Regulation 2.7.11(c)** shall not be counted as Annual Leave.
 - (f) A Minister on Annual Leave shall continue to receive normal remuneration and entitlements at the rate current at the time the Leave is taken.

Accumulation of Leave

- 12.3.4 Annual Leave is not portable from one placement to another placement and shall not be received by way of payment in lieu.

B: Study Leave**Purpose**

- 12.3.5 The purpose of Study Leave is to provide opportunity for continuing education for ministry through established programs of study or in study opportunities planned by the Minister.

Eligibility

- 12.3.6 (a) Following ordination, accreditation or commissioning (having completed the ministry intern phase) a minister shall be entitled to study leave of fourteen days inclusive of Saturday and Sundays but exclusive of public holidays.
- (b) Study Leave shall normally be taken during the year in which it falls due.
- (c) The Church Council of the Congregation or other body responsible for the Minister's placement shall first approve all applications for Study Leave having regard in particular to the manner in which the Study Leave is to be used and the content of the proposed course of study and in accordance with **By-Law 12.3(a)**.
- (d) Study Leave shall normally be taken during the current placement but where exceptional circumstances exist, it may be carried over into the following placement with the agreement of the Church Council or other bodies responsible for payment of minister's stipend during such leave.

Accumulation of Leave

- 12.3.7 (a) The Minister and the Church Council or other body responsible for the payment of the Minister's remuneration may agree that Study Leave may be accumulated for not more than five years of service. Any proposal for accumulation of Study Leave for three or more years must, in the case of a Minister in a congregation placement, be submitted to and approved by the Pastoral Relations Committee of the Presbytery.
- (b) Applications for accumulation of Study Leave shall be submitted for approval by the Minister to the Director of the School of Continuing Education and shall specify the manner in which the accumulated Study Leave is proposed to be used and the content of the proposed course of study.
- (c) Study Leave normally shall not be accumulated beyond the third year before the known date of retirement of a Minister.
- (d) The Director of the School for Continuing Education shall clarify any concerns regarding proposed study programs.

Payment

- 12.3.8 (a) A Minister on Study Leave shall continue to receive normal remuneration and entitlements at the rate current at the time the Leave is taken.
- (b) A Minister shall not be entitled to receive payment in lieu of leave.

C: Sick Leave**Purpose**

- 12.3.9 The purpose of Sick Leave is to relieve a Minister from carrying out ministerial responsibilities whilst disabled through sickness or accident.

Eligibility

- 12.3.10 (a) A Minister who is temporarily unable to carry out ministerial responsibilities because of sickness or accident shall continue to receive normal remuneration and entitlements.
- (b) An officer of the Church Council shall inform the Pastoral Relations Committee of Presbytery of the Minister's disability.
- (c) When the Minister's disability extends beyond 1 month the provisions of the By-Laws of the Sickness and Accident Fund shall apply (**By Law 12.4.11**). The Minister shall furnish the Pastoral Relations Committee of the Presbytery with a medical certificate and shall send a copy to the Committee and the General Secretary's office.
- (d) When the period of leave totals six months, either in one or more periods of leave, the Pastoral Relations Committee shall consult the Church Council and the Minister as to whether the placement should be terminated or the terms of placement varied.
- (e) If a decision is taken to terminate the placement, the Committee shall consider what, if any, provisions should be made for the Minister and family. Consideration shall also be given as to whether the Minister should be classified in accordance with **Regulations 2.4.7(b) and 2.4.8**.

D: Maternity Leave**Purpose**

- 12.3.11 The purpose of Maternity Leave is to provide opportunity for a woman Minister to prepare for the birth of her child and care for the child during the initial months following the birth.

Eligibility

- 12.3.12 (a) A Minister who becomes pregnant shall be eligible for maternity leave for a period of up to 52 weeks at the time of the birth of the child.
- (b) Ministers in full-time or limited placement shall be eligible for maternity leave.
- (c) Ministers may with the approval of the Church Council commence Maternity Leave from a date preceding the expected birth date. Normally this shall be four weeks before the anticipated birth and shall be part of the 52 weeks Leave.

Payment

- 12.3.13 (a) The first 26 weeks of leave shall be paid leave. Further leave up to a total of 52 weeks shall be leave without pay.
- (b) During the period of paid leave, the first 13 weeks shall be paid at the rate described in the terms of placement and the next 13 weeks shall be paid at half the rate described in the terms of placement.
- (c) The congregation or employing body shall pay standing costs such as Support Funds levy and Beneficiary Fund contributions, at the rate prescribed in the Terms of Placement for the period of paid leave.
- (d) During the period of leave without pay any outstanding annual leave or long leave credits may be taken as paid leave during the 52 weeks and for any such paid leave the congregation or employing body shall be responsible for payments outlined in **paragraph (c)** of this By-Law.
- (e) Payment for supply ministry during the first 26 weeks of paid leave shall be met from Ministers Support Levy Fund at a rate not greater than the minimum stipend together with a travel allowance at supply ministry rates.

Other Entitlements

- 12.3.14 (a) Paid maternity leave shall count as service for the purposes of accruing Annual Leave, Long Leave and Beneficiary Fund entitlements.
- (b) Provided Maternity Leave does not exceed 52 weeks, unpaid leave shall not break continuity of service.
- (c) Any extension of Maternity Leave beyond 52 weeks shall require the prior approval of the Presbytery Pastoral Relations Committee. Prior to granting approval, the Pastoral Relations Committee shall consult the Church Council or other body responsible for paying the Minister's stipend and the Minister as to whether the placement should be terminated or the terms of placement varied.
- (d) The Minister shall be entitled to continue to occupy the Ministers Residence, or receive housing allowance, during the full period of leave.
- (e) Should the congregation require financial assistance in providing accommodation for the supply minister/s an application may be made to the Committee.

Approving Body

- 12.3.15 Supply ministry arrangements for the oversight of the Congregation during the Minister's absence must be to the satisfaction of the Presbytery Pastoral Relations Committee.

Discretionary Powers

- 12.3.16 The Committee may at its discretion vary the application of these By-Laws where in a particular case their strict application may cause undue hardship or be inequitable.

E: Long Leave

Purpose

- 12.3.17 The purpose of Long Leave is to refresh Ministers after extended Service.

Eligibility

- 12.3.18 (a) A Minister shall be eligible to take, in addition to any other form of leave, Long Leave of
- (i) 2 months on completion of the first 10 years' of service;
 - (ii) 1 month on completion of each 5 years' service thereafter; and
 - (iii) a period proportional to 1 month for every 5 years' service where the service of a Minister is terminated within 5 years after accrual of a prior entitlement to Long Leave.
- (b) A Minister who is eligible to take Long Leave may do so at the end of the placement current at the time eligibility accrues and before commencing any new placement. The Committee at its discretion may pay during the period of Long Leave so taken, all or part of the contributions otherwise required to be made by congregations or employing bodies under any Regulation or By Law in respect of the Minister.
- (c) Long Leave may be taken in the first year of a placement only in exceptional circumstances and with the prior approval of the presbytery.
- (d) A Minister whilst in a limited placement shall accrue eligibility for Long Leave at a rate consistent with the terms of placement.

- (e) A Minister shall take the full entitlement to Long Leave as soon as possible after the date on which the Minister becomes eligible for Long Leave and shall inform the Committee of the proposed dates thereof.
- (f) A Minister who is without placement but who is permitted by the Committee to pay Long Leave contributions under **By-Law 12.3.20(b)(iii)** shall be eligible for Long Leave under sub-clause (a) hereof.
- (g) Long Leave may be accumulated during one or more placements and may be taken during a placement or between placements.
- (h) The relevant Church Council of the congregation or other body responsible for the Minister's placement shall first approve (*refer By-Law 12.3.1(a) and 12.3.1(c)*) all applications for Long Leave subject to the Presbytery Pastoral Relations Committee being satisfied with the arrangement for the oversight of the congregation in the Minister's absence.
- (i) The Committee with the concurrence of the Church Council or other body responsible for payment of the Minister's stipend and in the case of a Minister in a congregation placement, with the concurrence of the Presbytery, may approve Long Leave in smaller periods of entitlement.
- (j) In calculating the initial period of Long Leave to be taken by a Minister who had been in placement prior to 1 January 1984 or who had completed ordination requirements prior to that date, credit shall be allowed of 1 year for every 2 years of study required for ordination; and in the case of a Minister who was not in placement prior to that date, credit shall be allowed of 1 year in respect of the entire period of study required for ordination. In neither case shall contributions be required to the Long Leave Fund in respect of periods so credited.
- (k) "Service" shall not include any period during which a Minister is classified according to **Regulation 2.4.5 (b), (c) (d), [2.4.8(a)] or 2.4.9** and in respect of whom contributions to the Long Leave Fund are not made for such period.
- (l) The Committee at its discretion may approve the taking of Long Leave before a Minister is otherwise eligible under this By-Law on
 - (i) the grounds of ill-health after the completion of five (5) years service
 - (ii) such other grounds that may seem appropriate.

Prior Service

- 12.3.19 (a) Subject to these By-Laws no Minister shall lose any entitlement to Long Leave that may have accrued at the time of the inauguration of the Uniting Church under the rules of the Congregational, Methodist or Presbyterian Churches.
- (b) In determining eligibility for Long Leave under these By-Laws, every year of full-time service as a Minister in one of the uniting churches shall be recognised as a year in respect of which eligibility shall be calculated, provided that any contributions required under the relevant Congregational, Methodist or Presbyterian Rules have been paid, and provided also that eligibility in respect of years of full-time study shall be calculated in accordance with **By-Law 12.3.16(i)**.
- (c) A person who was a Minister of the Methodist Church prior to inauguration and who at the time of inauguration had 20 years or more of full-time service credited in aggregate under the Extended Service Leave Regulations of the Methodist Church and pursuant to **By-Law 12.3.16(h)** shall at the time of inauguration be entitled to 13 weeks of Long Leave in respect of the first 20 years of full-time service so credited less any Leave for long service already taken and any entitlement to a second such period of Long Leave shall be under these By-Laws, the calculation of years of service for eligibility commencing from the end of the twentieth year of full-time service credited to the Minister under the said Extended Service Leave Regulations.
- (d) (i) A person who was a Minister of the Methodist Church prior to inauguration and who had less than 20 years of full-time service credited in aggregate

under the said Extended Service Leave Regulations and under **By-Law 12.3.16(i)** shall at the time of inauguration be credited with a notional number of years of service to be calculated by multiplying the years of service credited under the said Extended Service Leave Regulations and under **By-Law 12.3.16(i)** by the fraction 15/20.

- (ii) The calculation of years of service for eligibility shall then be made by adding to the number obtained in (i) above each year of full-time service after inauguration for which a contribution is made.
- (e) In the case of a person who was a Deaconess or Lay Pastor in any of the uniting churches prior to inauguration, periods of full-time service rendered to one of the uniting churches prior and up to the date of inauguration shall be credited to that person in determining eligibility for Long Leave under these By-Laws, notwithstanding that no contribution or payment was made in respect of such person to any church fund for the purpose of obtaining Long Leave benefits.

Long Leave Fund

- 12.3.20 (a) The Fund shall be known as the Long Leave Fund and is for the purpose of meeting the cost of providing Long Leave to Ministers in accordance with these By-Laws.
- (b) Contributions
 - (i) Each congregation or other body responsible for the payment of stipend to a Minister whether in full or limited placement shall make contributions to the Long Leave Fund consistent with the placement.
 - (ii) The Committee shall determine the amount of the periodic contributions to be paid.
 - (iii) Subject to **By-Law 12.3.23** a Minister may make contributions to the Long Leave Fund equivalent to those which would have been payable under **paragraph (ii)** of this By-Law where a Minister is classified in accordance with **Regulation 2.4.5 (b), (c) (d), [2.4.8(a)] or 2.4.9.**

Payment

- 12.3.21 (a) The body responsible for the payment of a Minister's stipend shall in respect of the period of Long Leave pay remuneration to the Minister at either the rate of Level 1 (where a motor vehicle is provided) or Level 2 (where a Minister provides their own vehicle) of the stipend schedule of the Synod of New South Wales and the ACT.
- (b) Unless otherwise agreed between the minister and the body responsible for payment of stipend, the stipend in respect of Long Leave shall be paid at the commencement of the period of Long Leave.
- (c) At the commencement of Long Leave the Committee shall pay to the Minister for the period of Long Leave an amount equal to 10% of the Minimum Stipend for that period.
- (d) The body paying the Minister's stipend shall receive from the Committee at the commencement of the Long Leave for the period thereof an amount calculated at the rate of the Minimum Stipend.

Payment in Lieu of Long Leave

- 12.3.22 The Committee at its discretion may pay to a Minister or where the Minister has died to the spouse or any one or more dependants of the Minister, a sum proportional to each year of Service calculated under **By-Law [12.3.16]** where:
 - (a) the Minister retires; or

- (b) the Service of the Minister is terminated permanently in accordance with **Regulation 2.4.7(a)**, or
- (c) the Minister dies during service; or
- (d) the person ceases to be a Minister pursuant to **Regulation [2.4.23(a), (b) or (c)]** after 10 years of service; or
- (e) the Minister resigns from the ministry on account of illness incapacity or other necessity, having served not less than 5 nor more than 10 years of service.

Reciprocity

12.3.23 Reciprocal arrangements may be entered into with other Synods, the Assembly and related churches in respect of the application of these By-Laws.

Exclusions

- 12.3.24 (a) These By-Laws create no contractual rights and recognise that the relationship between the Minister and the Church does not create any contract of employment.
- (b) The provision for Long Leave under these By-Laws shall not apply to any person who is a worker to whom any Long Service Leave legislation or other similar legislation applies.
- (c) Any Service which entitles the Minister to statutory Long Service Leave shall not be regarded as Service for the purposes of these By-Laws unless the Minister has not taken Statutory Long Leave to which that Minister was entitled and has not received payment in lieu.
- (d) Any Payment made under these By-Laws shall be accepted as payment towards any entitlement which is or might become due under any Long Service Leave legislation or other similar legislation.

Discretionary Powers

12.3.25 The Committee may at its discretion vary the application of these By-Laws where in a particular case their strict application may cause undue hardship or be inequitable.

12.4 Assistance Funds

A: Ministerial Relocation or Transfer

Purpose

- 12.4.1 (a) The purpose of the Removals Fund is to meet the costs of the relocation of Ministers into their first placement, placement to placement and from placement into retirement, including shipment of goods and insurance thereof and the travel costs for family members.
- (b) For the purposes of these By-Laws, "New South Wales" means the area of the NSW Synod including the Australian Capital Territory.

Funds

- 12.4.2 (a) The General Secretary's Office shall submit a budget estimate to the Synod Fund Management Committee for the costs of ministerial removals for the ensuing year.
- (b) The Synod Fund Management Committee shall apportion funds to cover the relocation costs, including any short fall.
- (c) Any unused fund allocations shall be returned to the Synod Fund.

Eligibility

12.4.3 Subject to these By-Laws the following costs shall be paid out of the Synod Ministerial Relocation Fund:

(a) Within the Synod:

relocation to a placement within the Synod of a Minister, or Exit Student, their dependants, and their personal and household effects.

(b) Between Synods:

(i) relocation of a Minister between the Synod of New South Wales and the ACT and another Synod to enter a new placement, the cost of removal to be shared by the two Synods on a basis agreed from time to time between the Synods.

(ii) the responsibility for initiating and administering removal arrangements shall be with the Synod from which the Minister is moving

(c) Overseas:

in the case of a Minister:

(i) moving to an appointment in a related overseas church arranged through the Assembly and with the agreement of the Synod or

(ii) returning from overseas to a placement within the Synod

(iii) moving from a related overseas church to a placement arranged within the Synod with the prior agreement of the Synod:

removal to or from the nearest capital city port.

(d) College:

relocation of a member of a specified ministry who is currently in a placement and who, being a candidate for another specified ministry within the Uniting Church, is moving from the placement to Sydney for training as a candidate.

(e) Retirement:

(i) relocation of a Minister, the Minister's dependants and their personal and household effects where such a Minister in placement retires within the meaning of **Regulation 2.4.7(a)**

(ii) where the place of retirement is outside the Synod of New South Wales and the ACT, the cost of relocation may be shared with the Minister or with the Synod into which the Minister is transferring.

General Provisions

12.4.4 (a) The Fund shall meet the costs of travel of one vehicle only.

(b) The Fund may meet reasonable accommodation costs where an overnight stop is necessary due to the distance to be travelled

(c) Relocation shall normally be from one only point of origin.

- (d) In the case of a long-distance removal, travel may be by air or rail (whichever is the cheaper) for the Minister and dependants. Personal effects and motor vehicle will normally be transported by road.
- 12.4.5
- (a) A quotation for the cost of relocation shall be submitted to and approved by the Synod General Secretary or nominee before the removal takes place.
 - (b) The Synod General Secretary or nominee may direct that a proposed relocation be co-ordinated with other proposed removals.
 - (c) The cost of professional packing, transport of pets, large hobbies, and more than one motor vehicle shall be the responsibility of the Minister.
 - (d) In computing the cost of relocation - only such amounts as are considered by the Synod General Secretary or nominee to be reasonable in all the circumstances shall be paid.

Discretionary Powers

- 12.4.6
- (a) The Committee on advice from the Advisory Committee on Ministerial Placements may vary the application of these By-Laws when the placement of a Minister is terminated under ***Regulations 2.7.7(a) or 2.7.8(c) or 2.7.9(c)***.
 - (b) The Committee may at its discretion vary the application of these By-Laws where in a particular case their strict application may cause undue hardship or be inequitable.

B: Ministers Sickness and Accident Fund

- 12.4.7
- (a) Payments from the Fund may be authorized by the Synod General Secretary, provided that such payments shall be made only in accordance with the provisions of these By-Laws and determinations made from time to time by the Committee.
 - (b) For the purposes of the By-Laws for the Ministers' Sickness and Accident Fund, and unless the context indicates otherwise, "Minister" shall include a candidate in training.
 - (c) This By-Law does not create any contractual rights and recognises that the relationship between the Minister and the Church does not create any contractual employment.

Purposes

- 12.4.8 Except as hereinafter specifically excluded, the purposes of the Fund shall be:
- (a) payment of a benefit to dependants of a person who is at the time of death a Minister in placement or a candidate in training.
 - (b) provision of a residence or an allowance in lieu of a residence for a stated period to the dependant widow/widower of a Minister referred to in (a) above.
 - (c) provision in whole or in part of the cost of supply ministry where the Minister is incapacitated through illness or accident for a period exceeding one month.
 - (d) provision of an overall insurance scheme under which Ministers are entitled to receive benefits at least equal to those payable under the Worker's Compensation legislation for the time being in force in New South Wales.

- (e) Receipt of contributions payable by congregations, Boards, colleges and other agencies of the Church as provided in the By-Laws.

Funds

- 12.4.9
- (a) Each congregation, or other body responsible for the payment of the stipend of a Minister, shall pay to the Committee in respect of each Minister for whose stipend it is responsible an amount determined from time to time by the Committee.
 - (b) Contributions shall be paid at the times and in the manner determined from time to time by the Committee.
 - (c) The Committee may arrange for contributions to be paid by the relevant Synod, Assembly body or related overseas Church in respect of Ministers referred to in **By-Law 12.4.10(c)**.

Benefits on Death of a Minister

- 12.4.10
- (a) Grant
 - (i) Upon the death of a Minister a grant to the dependant or the dependants of the Minister equal to 6 months of the compulsory Minimum Stipend then payable shall be paid normally by monthly instalments.
 - (ii) If the grant be payable to more than one dependant, then it shall be in such proportions and among such dependants as the Committee may determine at its absolute discretion.
 - (iii) The Committee may pay the amount of a grant to the legal personal representative or at the discretion of the Committee to any one or more of the dependants or next-of-kin of the deceased.
 - (b) Residence

Upon the death of a Minister (but not including a candidate) the Committee shall either arrange for the dependant spouse to have rent-free use of a residence for a period of 6 months or pay to the dependant spouse an allowance in lieu of a residence for the same period.
 - (c) Northern Synod and Overseas Churches

Upon the death of a Minister released by the Synod for a placement in the Northern Synod or for an appointment arranged by the Uniting International Mission in a related overseas Church and who dies during the term of such service, the committee shall provide the benefits set out in **By-Law 12.4.10 (a) & (b)**, provided that contributions shall have been paid to the Fund in respect of such Ministers.
 - (d) Ministers Without Placement

Upon the death of a Minister who at the time of death was without placement, the Committee may make an ex-gratia payment out of the Fund not exceeding a sum equal to 6 months of the compulsory minimum stipend to the dependants of such deceased Minister if the Committee shall be of the opinion that the financial circumstances of the dependants warrant such payment and provided in the case of such Minister leaving a widow/widower that she or he makes a written application therefore to the Committee.
 - (e) No right or claim, whether legal or equitable, for payment from the Fund shall exist on the part of the legal representative of a deceased Minister, the

contribution, by virtue of which the grant is provided having been made by a congregation or other body of the Church (as the case may be) towards the assistance of the dependants of such a Minister, whom the Fund is intended to benefit personally.

Provision of a Supply Ministry

- 12.4.11 (a) In the event of a Minister (not including a candidate in training who is in a field education placement) becoming through illness or accident unable to carry out ministerial duties for a period exceeding 1 month, the Fund shall meet in whole or in part the costs of a supply ministry for a period not exceeding 6 months, commencing 1 month after the date of incapacitation, provided that:
- (i) except as provided in **clause (v)** hereof, any grant from the Fund shall not exceed an amount equal to the Compulsory Minimum Stipend for the period of the grant together with travelling expenses of the supply Minister to and from the congregation, or other body at the beginning and end of the supply ministry;
 - (ii) the provision of board and lodging for the supply shall except as provided in **clause (v)** hereof be excluded from the consideration when determining the amount of the grant; and
 - (iii) grants shall only be paid on the written application of the body responsible for stipend, such application to contain details of the costs incurred in the supply arrangement;
 - (iv) the Committee shall have discretion to extend the payment of benefit in special circumstances beyond 6 months;
 - (v) the Committee may at its discretion make additional grants to congregations whose Minister is incapacitated for lengthy periods of time and which are in isolated areas, so as to enable the congregation to provide accommodation and pay full stipend to the supply minister;
 - (vi) the Committee may at its discretion require medical certificates to be provided.
- (b) Subject to contributions having been paid, the Committee shall make grants in respect of supply arrangements in cases where Ministers referred to in **By-Law 12.4.10(c)** become totally incapacitated by sickness or accident, provided that
- (i) the grants shall not exceed the amounts set out in **By-Law 12.4.11(a)**, and
 - (ii) the Committee shall have discretion to negotiate with the Synod, Assembly or overseas Church concerned.

Accident or Illness Benefits

- 12.4.12 (a) The Committee shall make arrangements with an insurance company for the payment to each Minister and to Ministers' dependants of benefits at least equal to those payable under the workers' Compensation legislation for the time being in force in New South Wales.
- (b) Whilst a Minister who has become wholly or partly incapacitated through accident or illness arising out of and in the course of work as a Minister receives full stipend, any weekly payment by way of compensation under the policy provided for in this By-Law over the period of total or partial incapacity shall be paid to the congregation or other body concerned, provided that when a lump sum compensation is due in respect of physical injury to a Minister, the full amount of

such compensation shall be paid to the Minister or, in the case of death, to the Ministers' dependants.

- (c) In such instances where the compensation payable in respect of the previous paragraph of these By-Laws (other than lump sum compensation) is less than the Compulsory Minimum Stipend, the Committee shall pay the difference to either the Minister or the congregation, as the case may be.

12.4.13 The Committee may enter into agreement with bodies outside the Church, but within which Ministers are exercising their ministry in the terms of **Regulation 2.4.5(b), (c) or (d)** to the effect that the bodies concerned will make regular contributions to the Fund and the benefits of the Fund will become available in respect of such Ministers.

Reserve Account

12.4.14 Contributions and other moneys received by the Committee in excess of the amount required to meet the charges upon the Fund shall be placed in a reserve account - any portion of which may be applied towards increasing the grants provided by the Fund in a case where, in the opinion of the Committee, the financial circumstances of the dependants of a deceased Minister are such as to warrant special consideration.

Discretionary Powers

12.4.15 The Committee may in cases of particular hardship to Ministers or congregations make ex-gratia payments.

C: Ministers Retirement Housing Fund

Purpose

12.4.16 The purpose of the Ministers Retirement Housing Fund is to provide housing for retired Ministers, and in the event of their death, their widows, widowers and other dependants, where they have themselves been unable to make such provision or to assist them where they have been able to make only partial provision.

Funds

12.4.17 The income of the Fund may include:

- (a) contributions from congregations payable at rates determined from time to time by the Committee.
- (b) proceeds of sale of residences purchased or given as residences for retired ministers or their dependants.
- (c) donations, bequests or gifts to the Synod for the purposes of the Fund.
- (d) loans from members or congregations to such "Self Help" funds as may be proposed by the Committee and approved by Uniting Resources.
- (e) deposits by way of loan by Ministers or their dependants able to make some capital contribution to offset the cost to the Fund of providing a residence for them.
- (f) maintenance charges payable by persons occupying residences provided by the Fund as may be determined from time to time by the Committee.

Residences

- 12.4.18 (a) Residences shall normally be provided within aged care centres of the Synod.
- (b) In special cases, and having regard to family needs, the Committee may provide residences other than in aged care centres.
- (c) The Committee shall have authority to determine which residences shall be acquired for the purposes of the Fund, subject to the provisions of the Regulations of the Church.
- (d) The Committee may provide loans to retired Ministers to assist in the purchase of a residence or to assist in the re-financing of an existing loan relating to the purchase of a residence.

Acquisition of Residences

- 12.4.19 (a) The Committee shall negotiate with the relevant controlling bodies of aged care agencies terms by which the Committee shall acquire the right to arrange occupancy of agreed units.
- (b) The Committee may in special circumstances purchase or lease residences other than in aged care centres.
- (c) The Committee shall provide from the Fund the full amount required to acquire the right to determine occupancy of the residence, and may require occupants to make contribution to the Fund.

Occupancy of Residences

- 12.4.20 (a) The Committee shall be the determining authority as to occupancy of residences acquired by whatever means including purchase, lease or loan agreement, for the purposes of the Fund.
- (b) Applicants for occupancy shall be submitted to the Synod General Secretary with such financial information as may be required.
- (c) Occupants of units in aged care centres shall be responsible to meet the usual maintenance levies and recurrent charges payable to the relevant board of management.
- (d) Subject to financial ability, an occupant shall be required to pay an agreed rental to the Fund.

D: Ministers Special Assistance Funds

12.4.21 The Ministers and Dependants Special Assistance Fund includes:

- (a) The accumulated capital and income of the following funds which the Synod of 1989 resolved should be amalgamated in the fund and be no longer separately administered:

from the Methodist Church:

- the Warren Fund;
- the Hanlon Fund;
- the Eric Featonby Fund;
- the General Fund initially consisting of the Methodist Children's Fund.

from the Presbyterian Church:

- the H M Buntine Fund;
- the McIlwarth Trust;
- the K C Frazer Estate;
- the A E L MacKay Estate;
- the R H Hankinson Estate;
- the L S MacKay Estate;
- the A J Souter Estate; and
- special fund.

(b) Such other funds as shall be added from donations, legacies, bequests or otherwise, including:

- J R Fairfax Trust Fund;
- Deceased Ministers Children's Reserve;
- S, J and R McCaughey Estates.

12.4.22 The Committee may make recommendations to Uniting Resources concerning any need to increase the capital of the Fund.

Purpose

12.4.23 The purpose of the Fund shall be to provide financial assistance and relief to Ministers (whether in active work or retired), the spouse or the former spouse of a Minister or former Minister whose marriage to that spouse has been dissolved or where separation of marriage has occurred, or widows or widowers, or their dependant children who are in necessitous circumstances or who require special assistance for re-training upon early retirement or who otherwise in the opinion of the Committee require assistance.

Management

- 12.4.24 (a) The Committee shall at its discretion make decisions as to the payment of grants from the Funds.
- (b) Grants may be made out of the capital as well as the income of the General Fund.
- (c) Payments from the Fund may be authorized by the Synod General Secretary who shall consult confidentially in a manner appropriate to each circumstance, always provided that payments shall be made only in accordance with these By-Laws and with determinations made from time to time by the Committee.
- (d) It shall be competent for the Committee or the Synod General Secretary to enquire into the circumstances of any person for whom assistance is sought, and such enquiry may include a request for details of the financial affairs of the Minister, spouse or dependants.
- (e) The identities of persons to whom grants are made shall be confidential to the Committee.

E: Without Placement Fund

Purpose

12.4.25 The Synod of New South Wales and the ACT established in 1986 a fund, administered by the Ministers Support Funds Committee, to provide financial support to Ministers who are awaiting settlement.

Guidelines for the administration of this support were adopted in 1986 and reviewed in 1992 and 1997.

Funds

- 12.4.26 (a) Each congregation, or other body responsible for the payment of the stipend of a Minister, shall pay to the Committee in respect of each Minister for whose stipend it is responsible an amount determined from time to time by the Committee.
- (b) Contributions shall be paid at the times and in the manner determined from time to time by the Committee.

Eligibility

- 12.4.27 (a) Financial support may be provided to Ministers who have concluded placement and are awaiting placement. That support shall be provided from the Ministers Without Placement Fund following a determination of the Committee on the recommendation of the Placements Committee.
- (b) Ministers who withdraw from their placement without having been called to another placement will NOT normally be considered for financial assistance unless, prior to giving notice of withdrawal, they have consulted with their Pastoral Relations Committee, and the Pastoral Relations Committee, having considered the matter, has a resolution recorded in regard to the proposed withdrawal, including a recommendation that financial assistance be provided.
- (c) Financial assistance may be provided, initially for a period of up to three months to provide for placement procedures to be pursued, provided that the Minister is available for placement or supply ministry.
- (d) Financial assistance may include any or all of the following components:
- (i) stipend, either full or in part
 - (ii) church contribution to Beneficiary Fund
 - (iii) housing allowance
- (e) The Minister awaiting placement shall meet with the Placement Committee's Advisory Group no later than the third month of such classification.
- (f) Financial assistance may be continued beyond the initial period up to a maximum of six months, subject to any recommendation of the Advisory Group.

Exclusion

- 12.4.28 These By-Laws create no contractual rights and recognise that the relationship between the Minister and the Church does not create any contract of employment.

Discretionary Powers

- 12.4.29 The Committee may in its discretion vary the application of these By-Laws in respect of any such cases or to make ex-gratia payments from the Fund.

12.7 loan and Annie Williams Scholarship

- 12.7.1 The loan and Annie Williams Scholarship Fund was established by the Presbyterian Church in 1966 as the result of a benefaction by the late Mrs Annie Williams, formerly of Moree and later of North Sydney. The Testator provided a bequest

"...to be applied in the establishment and maintenance of one or more scholarships to be called 'loan and Annie Williams Scholarship' for students at any university or school in New South Wales under the control or to be approved of and upon such conditions from time to time as to the awarding of the scholarship the value and terms of tenure thereof and otherwise relating thereto as may be determined by the controlling authority of such Property Trust [i.e. The Presbyterian Church (New South Wales) Property Trust]".

The Presbyterian Church established the Fund

"for the benefit of ministers' children and for one or more university scholarships as determined by the Trustees". It later determined [in 1972] "That such scholarships [i.e. those in respect of children attending primary or secondary schools] be tenable only at schools and colleges conducted by the Presbyterian Church within the State of New South Wales."

Purpose

- 12.7.2 The purpose of the loan and Annie Williams Scholarships Fund is to provide scholarships for the children of Ministers and Candidates attending any approved university or school.

Funds

- 12.7.3 (a) Scholarships may be paid out of income only of the Fund.
 (b) The Committee may request the Uniting Resources to arrange loans in order to increase the working capital of the Fund.

Eligibility

- 12.7.4 (a) The Committee shall at its discretion make decisions as to the awarding of Scholarships from the Fund.
 (b) Scholarships shall be allocated on the basis of economic need.
 (c) Preference shall normally be given to dependants of Ministers or Candidates who are, or were at the time of their death, under the oversight of a Presbytery of the Synod.
 (d) In assessing need, special consideration shall be given to the financial demands upon ministers in remote areas, both inside and outside Australia.
 (e) Preference shall be given to scholarships for primary and secondary education over those for tertiary education.
 (f) Scholarships shall be available for education in both government and non-government schools.
 (g) Scholarships shall normally be for the full term of educational dependency, but subject to annual review in the light of current needs of the school's assessment of the student's attitude and effort.
 (h) Scholarships for tertiary education shall normally be granted for a maximum period of three years.

PART 13: MISCELLANEOUS

13.2 Parish Missions

Application for recognition as a Parish Mission

- 13.2.1 (a) If a Congregation Meeting so resolves, the Church Council shall make written application in triplicate to the Presbytery for recognition of the Congregation as a Parish Mission. Such application shall clearly set out the reasons for the application identifying special ministries and shall include a statement as to how the congregation as a Parish Mission proposes to fulfil the criteria contained in the following paragraph (b)
- (b) The criteria for the recognition of a congregation as a Parish Mission shall be that it will have the following three central elements in its life:
- (i) worship which serves as a focus for the total life of the Parish Mission.
 - (ii) Evangelism, as an intentional and focused priority in its life, and as a focal point for the church's ministry of word and deed within a specified region.
 - (iii) Multi-faceted community service programs (such as but not limited to advocacy on public issues and social justice from a Christian perspective, care with disadvantaged people, facilities and resources for the community) on a scale and style appropriate to the context in which the Parish Mission is located.
- (c) The application shall also indicate the wish of the congregation in relation to **Regulation 3.1.29**, including:
- (i) whether the Presbytery or the Synod appoint additional members to the Church Council;
 - (ii) the number of appointments it desires;
 - (iii) its nomination of persons for initial appointment.
- (d) The Presbytery shall forward to the Synod any application from a Congregation for recognition as a Parish Mission together with its recommendations thereon.
- (e) The Presbytery shall also forward a copy of the application and its recommendations thereon to Uniting Mission and Education which shall forward its recommendations on the application to the Synod and send a copy thereof to the Presbytery and to the Church Council.
- (f) The Synod or the Synod Standing Committee shall determine the application and shall determine who shall appoint the additional members to the Church Council pursuant to **Regulation 3.1.29**. If the Presbytery is not to make such appointments then they shall be made by the Synod Standing Committee.
- (g) In a case where, in accordance with **Regulation 3.1.29(b)** the Synod decides to appoint the additional members to the Church Council, the Synod Standing Committee shall take account of any nominations forwarded with the application from the Church Council.
- (h) Where the Synod has not determined that the additional appointments shall be made under **Regulation 3.1.29(b)**, the Presbytery shall, at its first meeting after the Synod has determined that a Congregation shall be recognised as a Parish Mission, appoint the additional members to the Church Council in accordance with **Regulation 3.1.29(a)**, taking into account any nominations submitted with the application.
- (i) The Synod may from time to time alter the appointing body under **Regulation 3.1.29** with regard to any particular Parish Mission.

Evaluation of Parish Missions

- 13.2.2 (a) As a Parish Mission is a Congregation it shall be subject to all Regulations and By-Laws relating to a Congregation.
- (b) Each Parish Mission shall every two years submit a written report to Uniting Mission and Education which shall receive the report on behalf of the Synod. Such report shall be submitted not later than 31 May, and shall cover the work and finances of the Mission for the period of two years to 31 December of the previous year. Uniting Mission and Education, within its biennial report to the Synod, shall make a report to the Synod on the activities of each Parish Mission.
- (c) A Parish Mission shall supply copies of the financial accounts of its activities to Uniting Resources not later than a date to be determined by Uniting Resources.
- (d) The Parish Mission shall supply such further information as Uniting Mission and Education or the Synod shall request.
- (e) Uniting Mission and Education shall appoint a member of the consultation team where a presbytery is undertaking a consultation.
- (i) The Parish Mission shall not be required to report to Uniting Mission and Education and Uniting Mission and Education shall not be required to report to the Synod concerning a Parish Mission in the year in which a Presbytery is undertaking a consultation on the life and witness of the congregation.
- (ii) Uniting Mission and Education shall appoint a person to be a member of the consultation
- (iii) If the activities of the Parish Mission include community service activities, the UnitingCare shall also appoint a person as a member of the consultation.
- (f) Copies of the report of the consultation, together with the comments of the Church Council thereon, shall be forwarded to the Synod and to the Presbytery and shall form the basis of any further evaluation of the work of the Parish Mission.

Withdrawal of Recognition as a Parish Mission

- 13.2.3 (a) The Church Council of a Parish Mission may request through the Presbytery that the Synod withdraw its recognition as a Parish Mission and the Synod may accede to such request.
- (b) A Presbytery may recommend to Uniting Mission and Education and to the Synod that the recognition of a Parish Mission within its bounds should be withdrawn.
- (c) Uniting Mission and Education may either comment on the recognition, or recommend to the Synod the withdrawal of recognition as a Parish Mission.
- (d) In all cases where a Presbytery or Uniting Mission and Education is considering recommending withdrawal of recognition from a Parish Mission, the Church Council shall be informed and copies of all reports and documents concerning such proposed withdrawal of recognition shall be forwarded to the Church Council for consideration and consultation with the bodies concerned.
- (e) Unless requested by the Church Council of the Parish Mission to withdraw its recognition as a Parish Mission, the Synod shall allow at least twelve months to elapse from the time when the recommendation to withdraw recognition as a Parish Mission is made before withdrawal of recognition. During such period, full and free consultation shall be held between the Parish Mission, the Presbytery, the Uniting Mission and Education, and Synod officers. Notwithstanding anything hereinbefore contained, if a two-thirds majority of those present and voting at a meeting of the Synod determines that the matter of withdrawal of recognition is one of urgency, then the debate and decision of the Synod may proceed without awaiting the lapse of twelve months.

Appointment of Additional Members of Church Council

- 13.2.4 (a) (i) The Church Council shall forward to the Presbytery, no later than the Presbytery meeting held prior to the meeting of the Synod, nominations for the additional members of the Church Council to be appointed under **Regulation 3.1.29(a)**.
- (ii) Where applicable the Church Council shall forward to the secretary of Synod prior to the meeting of Synod, its nominations for the additional members of the Church Council to be appointed under **Regulation 3.1.29(b)**.
- (b) Appointments under **Regulation 3.1.29** shall take effect from 1st January of the next year and such appointment shall be for a term of one year.
- (c) Casual vacancies, or further appointments up to the number approved may be filled by any meeting of the Presbytery or by the Synod Standing Committee as the case may be, and shall operate only for the balance of the current term.
- (d) Except as provided in paragraph (e) hereof appointees under **Regulation 3.1.29** shall be members or members-in-association of the Uniting Church but such appointees may maintain their membership in a Congregation other than that of the Parish Mission.
- (e) Not more than three adherents of the Uniting Church may be appointed to the Church Council under **Regulation 3.1.29**.
- (f) A Church Council may make application in writing to the Synod or Presbytery as the case may be for a variation of the number of appointees to the Church Council within the limits provided in **Regulation 3.1.29**.

Application for Extension of Placements

- 13.2.5 (a) A Parish Mission may make representation to the Presbytery seeking the agreement of the Presbytery to the extension of a ministerial placement beyond ten years in accordance with **Regulation 3.1.28(c)**.
- (b) Any such extension shall be for a period not exceeding three years at a time.
- (c) In considering the extension of a ministerial placement beyond ten years the Presbytery shall take account of any evaluations made by Uniting Mission and Education and the comments of the Church Council thereon and shall also take account of the fact that, by reason of the designation of the Congregation as a Parish Mission pursuant to **Regulation 3.1.28**, the Congregation shall be allowed to make a case for the extension of a ministerial placement.

Committees of the Church Council in a Parish Mission

- 13.2.6 The Church Council of a Parish Mission has the same responsibilities and authority to appoint a Finance Committee, Property and other Committees for the proper discharge of its functions as are given to all Church Councils as set out in **Regulations 13.2.7**.

Community Service Programs

- 13.2.7 (a) A Parish Mission seeking to establish a community service program shall consult with UnitingCare NSW/ACT in accordance with **By-Law N3.361(j)** prior to the establishment of that program.
- (b) A Parish Mission undertaking any community service program involving either the employment of staff or the receipt of Government funding for that program shall submit to the Synod for approval a constitution relating to that program. The Synod, upon the recommendation of UnitingCare NSW/ACT, may exempt the Parish Mission from the requirements of this By-Law.

13.3 Presbytery Membership and Oversight of Ministers

- 13.3.1 A Minister of the Word, Deacon or Accredited Youth Worker who is not regularly settled in a pastoral charge within the bounds of a Presbytery shall indicate in writing to the Synod the Presbytery to which the Minister would like to be a member.
- 13.3.2 Upon receipt of such indication, the Synod shall place the Minister under oversight of the Presbytery so indicated or such other Presbytery as it considers appropriate. The Minister shall be a member of such Presbytery unless, in the case of a Minister in an Assembly placement [**Regulation 2.7.6(f)**] the Assembly designates that the Minister shall be placed under the oversight of another Presbytery in which case the Minister shall be a member of such other Presbytery.
- 13.3.3 Notwithstanding failure of a Minister to give written indication under **By-Law 13.3.1** the Synod may at its discretion determine or alter a previous determination as to the Presbytery which shall have oversight of such minister.