



Talking Good Governance



Resource Book

2019 Edition

Contents

Page no	Topic
3	Ethical Governance
6	Vision and Mission
9	Church Council Responsibilities
17	Strategy Vs Operations Governance Vs Management
18	Council Solidarity
19	Congregation Vs Church Council Decisions
20	Confidentiality
21	Conflicts of Interest
23	Mandatory Reporting and Safe Place
25	Consensus model for Decision Making
32	Basis of Union Extracts
34	Appendix

Ethical Governance

Contributing to the work of the Uniting Church via serving on a Committee, Board or Council, enables the Church to fulfil its polity as a series of inter-conciliar Councils – each entrusted with its own unique set of responsibilities, yet open to, and in communication with, the other parts of the Church.

In serving the Church we are participating in God’s wider mission – working towards the reconciliation and renewal of all creation¹.

Ethics is the cornerstone of sound and responsible governance. It ensures the sustainability, compliance, and good reputation of the Uniting Church.

ethics

1. the rules of conduct recognized in respect to a particular class of human actions or a particular group, culture, etc. e.g., *medical ethics; Christian ethics*.
2. moral principles, as of an individual: e.g., *His ethics forbade betrayal of a confidence*.
3. dealing with values relating to human conduct, with respect to the rightness and wrongness of certain actions and to the goodness and badness of the motives and ends of such actions. *Dictionary.com*

governance

1. a method or system of government or management. *Dictionary.com*

ethical governance

Acting in ways consistent with what society and individuals typically hold as good values. These include honesty, fairness, equality,

Small Group Discussion: What might ethical governance look like in your Presbytery and why might it be so important?

¹ Para 3 Basis of Union

CHARACTERISTICS OF GOOD GOVERNANCE

Good governance is accountable and transparent

Accountability is a fundamental requirement of good governance. No Council, Committee or Board can exist in isolation from the rest of the Church.

For each individual, being accountable means reading the papers in preparation and being able (and willing) to produce sound reason and rationale for any decision made. Being transparent means being willing to share information honestly and freely (of course respecting confidentiality). Every Uniting Church Council, Board and Committee have an obligation to report, explain and be answerable for the consequences of decisions it has made.

Good governance follows the rule of law

This means that decisions and actions must be consistent with meeting requirements of Government. This also means members need to understand what the relevant laws and government regulations are. Not knowing or saying we were not told is not an adequate excuse.

Good governance is responsive

Members should always try to serve the needs of the whole Church/Community while balancing competing interests in a timely, appropriate and responsive manner.

Good governance is equitable and inclusive

The Church's wellbeing results from all of its members feeling their interests have been considered by Council in the decision-making process. This means the various members, stakeholders and participants need to be well-informed of decisions that will impact them.

Good governance is effective and efficient

Boards, Councils and Committees should implement decisions and follow processes that make the best use of the available people, resources and time to ensure the best possible results for their community. A board membership with a range of gifts and skills will mean a far more effective and efficient process than one comprising people who simply happen to be free on the day or fill a category of representation.

Good governance is participatory

Anyone who has been elected to a Committee, Board or Council needs to read the papers prior to the meeting, then contribute through listening, questioning, debating and speaking in a proactive and respectful fashion. Sitting silently and contributing little is abrogating your governance responsibility. If this is then followed up by criticism or undermining of decisions, this is unethical.

Good governance knows when to seek advice, when to discuss, and when to act. A Committee, Board or Council that only discusses but never makes a decision does not serve the Church well – but neither does rash decision-making without first gathering the facts and discerning the wise way forward. Good governance requires people who know when to act decisively and efficiently

Balance of Good governance and Mission

While ethical governance is desirable for all business organisations, the Church exists for a unique purpose. The goal of the Uniting Church is not to be successful in business or to generate profit. The Church exists to serve God through serving the world.

The Church as the fellowship of the Holy Spirit confesses Jesus as Lord over its life; it also confesses that Jesus is Head over all things, the beginning of a new creation, of a new humanity....

The Church's call is to serve that end: to be a fellowship of reconciliation, a body within which the diverse gifts of its members are used for the building up of the whole, an instrument through which Christ may work and bear witness to himself. Paragraph 3 Basis of Union 1992.

This means balancing good governance with missional and ministry focus. The Board, Council or Committee functions to enable and develop the Church's missional commitment.

Good governance, which ensures the Church meets the requirements of legislation, compliance and safety; provides a strong platform from which the local Congregation can serve the local community, and so serve Christ.



Vision and Mission

“One day Alice came to a fork in the road and saw a Cheshire cat in a tree. ‘Which road do I take?’ she asked. ‘Where do you want to go?’ was his response.

‘I don’t know,’ Alice answered. ‘Then,’ said the cat, ‘it doesn’t matter.’” – Lewis Carroll, [Alice in Wonderland](#)

‘Governance’ is the ‘HOW’ we get where we are going. This chapter outlines a method Congregations can use to discern and approach mission. A valuable resource to help in this regard is called *Conducting a Mission Study*².

The ‘WHO’ is the Christ who calls us, the people of faith. That is you!

Connecting the ‘WHO’ and ‘HOW’ is the “WHERE’ and the ‘WHY.’ For the ‘HOW’ to be effective, the ‘WHERE’ and the ‘WHY’ are essential. They must be discerned.

‘WHERE’ is about direction. If a church does not know where it is being called, then it might be busy, but it is treading water instead of swimming.

In our Basis of Union, the sense of direction is clear:

‘The Uniting Church affirms that it belongs to the people of God on the way to the promised end. The Uniting Church prays that, through the gift of the Spirit, God will constantly correct that which is erroneous in its life, will bring it into deeper unity with other Churches, and will use its worship, witness and service to God’s eternal glory through Jesus Christ the Lord. Amen’ (Para. 18)

‘WHY’ is about passion; passion is good! In fact, passion keeps us going when we might otherwise wonder, ‘Why bother?’

Passion stirs in us the reason to act - it is empowered by the movement of the Spirit that intermingles with our congregations’ gifts, helps us articulate a sense of call and encourages in us a depth of conviction that has to be expressed in worship, witness and service.

² Available from UME.

The Mission is God's and we take part in it. Creation has been made for it and we have been called to it. The Basis of Union articulates:

Through human witness in word and action, and in the power of the Holy Spirit, Christ reaches out to command people's attention and awaken faith; he calls people into fellowship of his sufferings to be the disciples of a crucified Lord; in his own strange way Christ constitutes, rules and renews them as his Church. (Para. 4)

When we understand that we share in God's Mission, then we are able to see a way forward; we have Vision.

Vision is our response to being called to be part of God's Mission and each congregation needs to ask of itself:

1. Does the Congregation have a Vision?
2. Do members 'own' the vision?
3. Does the Council understand the Vision and see Governance as charting a course towards the Vision?

Some congregations may realise:

We do not have a vision; can we govern and discern our vision later?

When congregations and their councils do not have a vision that can be clearly articulated and is owned, then they are analogous to a group of people getting into a car to travel and have yet not agreed on the destination. They may drive around and see different scenery, but eventually people will feel frustrated and will use up the petrol.

Discerning a Vision is charting a vibrant course forward and allowing people to be passionate disciples. Discerning 'WHERE' we are going and 'WHY' is about being connected to the unfolding call of God: understanding and sharing in God's Mission.

How do we discern a Vision for our Congregation?

This is one of the most important questions a people of faith can ask together.

To support your congregation, there are many resources to assist. You can speak to your Presbytery or contact the Mission Resourcing Team at Uniting Mission and Education (UME).

The Vision your congregation will draw upon is likely to contain many of the following elements:

1. The community you are serving. What are its needs? What are strengths in the community? What possible partners are there?
2. The Congregation's history. This can be a source for direction, but a caution: history can be something we celebrate even as we discern the need to change our focus from the past.
3. The Congregation's ethos/way of living. Connected to history (how we have lived) is our current way of living. Are there dominant metaphors that help characterize the kind of congregation you are or who you are wanting to be?

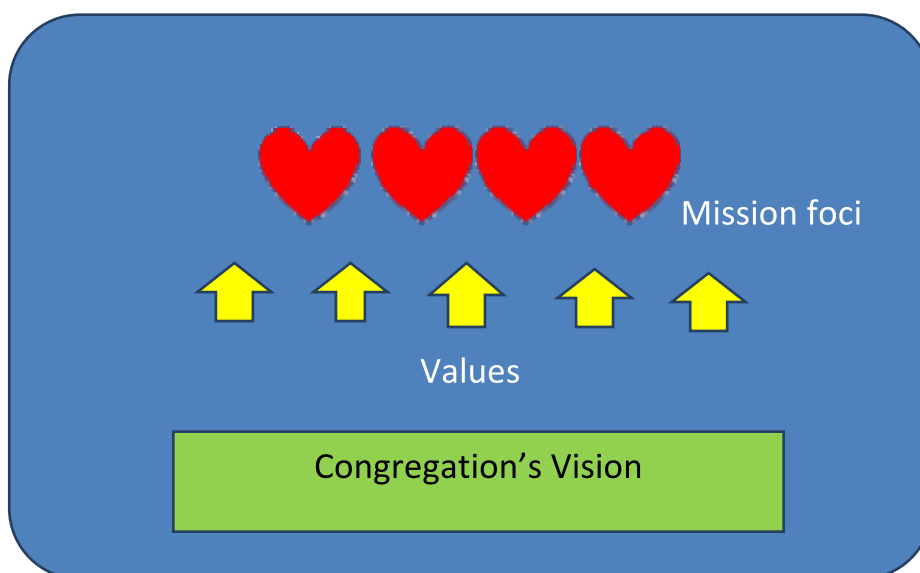
4. The gifts and skills within the congregation. What are the gifts in your members?
5. The passions. Gifts and skills often correlate with passion, but not always. Passion in your congregation may mean learning new skills by drawing upon other parts of our Church for assistance.
6. The resources (beyond your gifts) in your church and community. Does a particular need within the community align with the resources of your congregation?

Your congregation's vision will be constituted from the various points of alignment between the above elements. You will also discern a confirmation from the Spirit when the Vision is right: most people will not only agree, they will feel passionate about the Vision and share it. Many commit it to memory and use it in daily conversation. That is when you know you have great buy-in and ownership of the Vision.

Once your congregation has discerned its **Vision**, it can then discern the **Values** that will guide its living out the vision. It can also discern its **Mission Priorities** (the specific goals/ministries that help you towards the vision). With these articulated and passionately owned, the work of Governance has a direction.

Now your Council can have greater focus and be able to evaluate its progress.

The Mission of God



Church Council Responsibilities

Main Task of Church Council

According to the Uniting Church regulations, Church Council's main priority is to **build the Congregation up in faith and love**³. This means encouraging each member to be an active disciple in all of their life, not just while in the Church building.

The point of active discipleship is to participate in Christ's mission in the world. The Church believes that mission (loving and serving the world in God's name) belongs to God. God is already doing it in millions of different ways within all our communities. Church Council helps the Congregation identify what God is doing and then join in as best it can. This is the main purpose of each meeting and should be reflected in whatever agenda is set.

Other responsibilities are:

Share in the pastoral care and spiritual oversight of the Congregation⁴

This doesn't mean to pastorally visit each member of the Congregation, but to ensure pastoral care is adequate. How this happens is up to Church Council to decide.

Spiritual oversight means Church Council is responsible for what the Congregation is hearing in worship; and what is taught in Sunday school, scripture, bible studies and other small groups.

Again it doesn't mean the Council has to control everything, but it is responsible for appointing people of trust to these key positions and to deal with any questions or concerns that might arise.

Church Council decides who is able to preach, e.g., is accreditation as lay preachers necessary, or can anyone preach? Who might be trained to conduct funerals? This also involves having oversight over the various groups and committees that may exist within the Congregation.



I've used this section to record notes to bring back to my Church

³ Regulation 3.1.2

⁴ Regulation 3.1.2 (b)(i)

Nurturing the Congregation in their growth in grace⁵

Members of Church Council are to be good role-models and to live out grace in every part of their life. Church Council's task is to call the Congregation to be the best they can be, and challenge them when behaviour is less than gracious. Meetings are to be conducted in a spirit of grace and generosity, and are never to be a place for individuals or groups to impose their will on others.

Making decisions in keeping with regulations⁶

Ensuring Council members have access to a copy of the regulations will help keep things on track. Church Council must also ensure rolls of the Congregation are maintained and reviewed as appropriate.

Collaborating and sharing with the Minister in conduct of worship and in the sacraments⁷

If there is no Minister or Ministry Agent in placement, Church Council carries the full weight of this responsibility. It is vital that worship be healthy and nourishing. Allowing it to become repetitious or dull does not reflect the rich variety our God has given us.

Church Council decides things like the time frame for worship, who is baptised and when, how often Holy Communion is offered and by what method.

Church Council also seeks authorisation from Presbytery should a possible Lay Presider be identified and trained.

Determining the time and place of services of public worship⁸

New styles and times of worship, as well as small groups also come under Church Council's oversight and encouragement. This means Church Council will have to consider whether each activity supports and serves the mission of the Congregation. It might be the Congregation wishes to hold a service in the local park – Church Council is accountable for the decision.

Members of Church Council must explore the possible Work, Health & Safety risks and then note its decision in the minutes to ensure adequate insurance coverage and a general duty of care.

⁵ Regulation 3.1.2(b)(ii)

⁶ Regulation 3.1.2(b)(iii)

⁷ Regulation 3.1.2(b)(iv)

⁸ Regulation 3.1.2(b)(v)

Carry out its functions concerning applicants for specified ministry⁹

Should any member of the Congregation wish to explore a call to formal ministry, Church Council is the body which assists them. Help and guidance are always available from Presbytery.

Managing financial affairs and general administration¹⁰

Church Council is responsible for the wise use of all resources. While a Treasurer may do the work of financial management, it is Church Council which takes responsibility for the Congregation's financial position. Ensuring the Congregation has clear and ready access to budgets and reports is vital to the credibility of any Church Council.

Arranging for audit, presentation and examination of the accounts¹¹

Church Council is responsible for transparency and accountability of the book keeping and ensuring the correct submissions and forms are completed correctly and in a timely manner.

Managing and controlling property¹²

Church property has served past Congregations and will serve future ones, so no building belongs to any Congregation. They are held in trust by The Uniting Church in Australia Property Trust (NSW) – a recognised legal entity. However Congregations have the beneficial use of the property in accordance with the Regulations. Church Councils are asked to maintain property to ensure it meets the changing needs of the Congregation and wider community.

Good practice prescribes a focus on regular repairs and maintenance and establishing a sinking fund, rather than putting off to another time these stewardship responsibilities.

Preparing and presenting annual reports to the Congregation¹³

Church Council serves a vital role as a channel of good communication. Ensuring the Congregation knows what each group is doing builds healthy relationships of love and trust.

⁹ Regulation 3.1.2(b)(vi)

¹⁰ Regulation 3.1.2(b)(vii)

¹¹ Regulation 3.1.2 (b)(viii)

¹² Regulation 3.1.2(b)(ix)

¹³ Regulation 3.1.2(b)(x)

Exercise oversight of the appointment of Officers and Leaders of Congregation organisations¹⁴

Congregations have a range of groups and committees called to assist in the local worship, witness and service. These all need to be led and supported by people gifted with the appropriate skills and graces. It is Church Council's responsibility to oversee and support such Leaders and Officers, as well as deal with any tensions and conflicts that may arise.

Refer matters to Presbytery as required¹⁵

Church Council is tasked with communicating with Presbytery. Whether it is a property alteration or a new candidate for Lay Preacher – it is Church Council's responsibility to be in dialogue with Presbytery, as well as other reporting requirement of the Regulations.

Exercise discipline on behalf of the Congregation as appropriate¹⁶

This involves being aware of what procedures are to be followed should there be a need for any disciplinary action to be taken either against the minister or a member.

In such matters, contact with the Presbytery in the first instance is essential.



I've used this section to record notes to bring back to my Church

¹⁴ Regulation 3.1.2(b)(xi)

¹⁵ Regulation 3.1.2(b)(xii)

¹⁶ Regulation 3.1.2(b)(xiii)

Extra Considerations:

Devotions or Opening Worship

To help remind us we are not a business organisation, our meetings usually open with worship. The length and content of opening worship/ devotions are up to each Church Council to decide.

Uniting Mission and Education (UME) offers a series of discussion starters which explore the various responsibilities of Church Council in more depth. UME can be contacted for details.

Who can be on Church Council?

In accordance with the Regulations:

- Confirmed Members & Members in Association;
- Elders or Leaders¹⁷;
- Any Ministry Agents in placement, e.g. Ministers and Pastors; and
- Retired Ministers or Ministers-in-Association.

Elders, Leaders or Church Councillors

When the Uniting Church moved to having one Church Council, it determined that over 50% of Church Council members must be Elders. While this does not mean you must use this title Elder, it affirms the need for people with gifts of spiritual oversight.

Another way to understand this is that we need people to exercise watchful care over the members of the Congregation - people who can encourage, affirm, build one another up, live out their faith with grace and generosity and call others to do the same. Such people are vital to the life of both Church Council and Congregation.

Looking at who might possess such gifts and then asking them to consider being on Church Council are the responsibilities of all members of the Congregation.

How often would Church Council meet?

The regulations suggest that Church Council should meet at least quarterly. The right balance for meeting frequency will be determined by your Congregation's needs and timing of mission activities¹⁸.

¹⁷ Regulation 3.3.1(b) – and if this quota is not yet established effort to do so is encouraged.

¹⁸ Regulation 3.5.2

If your Congregation is less than 30 members, you may seek authorisation from Presbytery for your Congregation to become the Church Council¹⁹. While this is acceptable in the regulations of the Church, rarely has it promoted missional activity and energetic discipleship. Regardless of size, it is vital that Church Council regularly meet, pray, discuss and make decisions. It is also essential that minutes be kept to record what is decided and what action is to be taken.

Importance of Relationships

People should matter more than regulations. The way we treat one another is even more important than the decisions we make.

A Church Council meeting should be a place of hospitality and generosity where all people are valued and affirmed. Confidentiality must be maintained - what happens at Church Council stays at Church Council.

Each person is expected to contribute – not dominate the conversation, nor shrink away from speaking at all. The consensus cards are especially helpful in indicating to the Chair that you would like to speak. The tone and manner in which you speak matters enormously.

Sadly, there may be occasions when people behave in difficult and wilful ways. Should the group keep silent for the sake of immediate peace, the situation will not improve. Consider whether risking 20 seconds of courage to name poor and ungracious behaviour in a caring way might help the meeting, the people and the Congregation.

We are part of God's realm – thus we build each other up, encourage and affirm one another as well as hold each other accountable.

Meeting Procedure

Meetings are generally conducted in accordance with the Consensus model outlined in “A Manual for Meetings in the Uniting Church”. This can be downloaded from the Assembly website and contains details of the consensus decision making process.

While your meeting may feel too small to worry about using consensus cards, your members may be at a disadvantage should they be elected to Presbytery, Synod, or Assembly.

Being familiar with using the cards and the consensus model is also helpful should a controversial issue arise. Needing to learn consensus and manage controversy at the same time could be very difficult. We encourage you to consider using the cards so that all your members are familiar with the procedure and aware of how the Uniting Church Consensus method works.

¹⁹ Regulation 3.9.3(a)

Quorum

Half the membership of Church Council is needed for a quorum. If no quorum is present, then the meetings shall be reconvened on another occasion. Should no quorum be present at the reconvened meeting, business may be conducted by those present.

Constitution and Regulations

Please note that every Congregation should have a copy of the most recent Regulations.

These can be downloaded from the Assembly website.

Is Church Council for you?

While being on Church Council may seem an overwhelming responsibility, it is a chance to serve and respond to God's call to use the gifts that he has endowed you with. As a key member of the Council you will be living the mission of your Congregation as it seeks to be God's people within your community.

It is a position of privilege and it needs people who are willing to see beyond their own personal wants and needs to what might best serve the needs of the people. It is a servant ministry – and we wish you God's blessing as you prayerfully consider this call.

Orientation Pack

It is recommended a Church Council form an orientation pack for new member. Listed below are key documents of the Church to consider included and/or electronic references to.

- Basis of Union and the Statement to the Nation
- Covenanting Statement and Response
- Preamble to the Constitution
- Explanation of the UCA and UAICC Logo
- Multicultural Statement
- Code of Ethics and Ministry Practice
- Regulations for Congregations 3.1.1
- Job Description for Church Councils role
- Consensus: How we make decisions in the Uniting Church and why we use the consensus model

Your Presbytery, Synod or Assembly website contain many of these items.



I've used this section to record notes to bring back to my Church

Alternatively, you and your Church Council might commit to participating in a Living Our Values course – a two (2) day interactive workshop exploring what it means to be a member of the Uniting Church and how the Uniting Church operates.

Contact your Presbytery if this is of interest.

DISCUSSION

How does this job description resonate or conflict with your Church Council experience?

What things might you like to see your Church Council begin doing or including?

Strategy Vs Operations

Governance Vs Management

The larger or more complex a Congregation's operations become the more important it is to be able to distinguish between the governance role of the Church Council and the management role played by staff, whether paid or volunteered. The delineation between what the Church Council does and what the staff does needs to be clearly articulated through policies, guidelines and procedures. It is essential for everyone to know what they are expected to do and what they will be held accountable for.

This delineation between governance and management can sometimes be tricky to navigate. When enacting their governance role, the Church Council must oversee staff – to be captain of the ship in terms of charting the course. And yet Church Councillors, when acting in support of the Congregation's activities become more like crew members, sitting alongside the staff, championing and assisting them in their work, not attempting to do the work for which the staff or volunteers were appointed.

Some governance models suggest a clear split between a Board's (or Church Council's) strategic role and the staff operational role. In general, this is a good idea: a Board is there to govern, not to manage – to steer, not to row; to conduct, not to play. Church Councillors should therefore seek to talk through their understandings of the differences between governance and management, and document the varying responsibilities as understood to be the best wisdom in each Congregational context.

For assistance with putting together best-practice policies, procedures and charters of delegated authorities that clearly outline the various responsibilities that make sense in your context you can adapt template policies from a place like the Institute of Community Directors Australia ²⁰ or contact Presbytery staff.

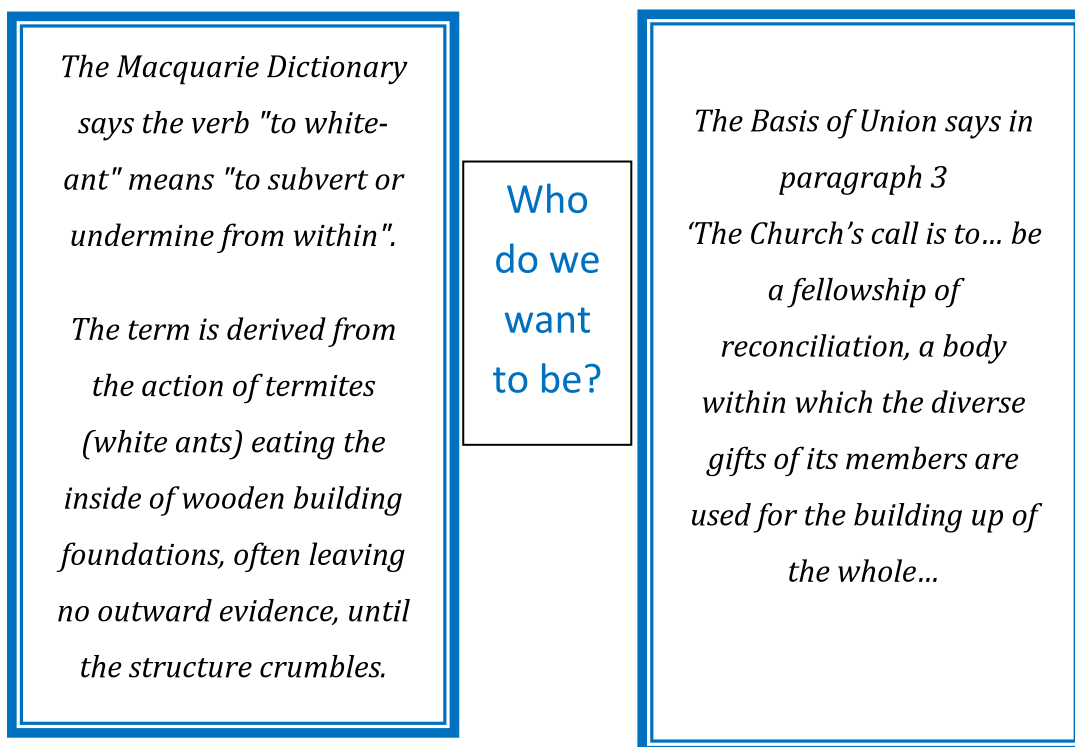
²⁰ <https://www.communitydirectors.com.au/icda/policybank/>

Council Solidarity

A good Church Council will have robust debate and discussion, but once a decision has been made, must stand in solidarity, knowing the decision was made together.

Sometimes not everyone agrees with a decision. Sometimes not everyone even participates in the decision making process.

How Church Council members respond in such a situation can make or break the unity of the group. Something known as 'white-anting' can distract the focus of the Council, Board or Committee, undermining relationships and eroding energy. This can be a complex issue and a lack of solidarity is one of the struggles many meetings face.



It is the task of the Chairperson to invite contribution from every member so that there is a sense of ownership in any resulting decision. Should a member not support a decision, the appropriate place to speak their mind is before the decision has been made. Speaking about it resentfully or bitterly afterwards only depletes our unity and undermines not only the relationship within the Church, but the missional activity as well.

Good governance involves robust debate AND strong solidarity

Congregation Vs Church Council Decisions

Congregation and Church Councils generally have different areas of responsibility. However, sometimes issues can overlap. Anything important that affects the life of the Congregation should be referred to a Congregational meeting by Church Council with strategic and pastoral thought guiding the process.

For example, imagine Church Council is considering changing the time of worship or painting the interior of the Church a new colour, or possibly even selling the building. In regulation 3.1.1(c) the Congregation is charged with:

- (viii) advising the Church Council on property matters affecting the Congregation;
- (ix) maintaining all necessary and appropriate relationships with the Presbytery and other Councils and bodies;
- (x) such other things as are consistent with the purposes of the Church and not the specific responsibility of any other Council or body within the Church.

Regardless of regulations, Church Council would be very wise to consult with the Congregation on any issue which concerns or affects the Congregation as a whole. Asking for opinions and responses demonstrates clear transparency and grows trust – not to mention assisting Church Council to make the wisest decision considering the interests and perspectives of all stakeholders.

DISCUSSION

How well do Church Council and the Congregation communicate?

How helpful is the communication between your Congregation and Presbytery?



I've used this section to record notes to bring back to my Church

Confidentiality

In most legal relationships or transactions, we deal with one another with what the law generally calls an “arm’s length” status. This means we have no special duty or requirement to protect the other person or warn them if we believe they are about to engage in conduct that is unwise or not in their best interests.

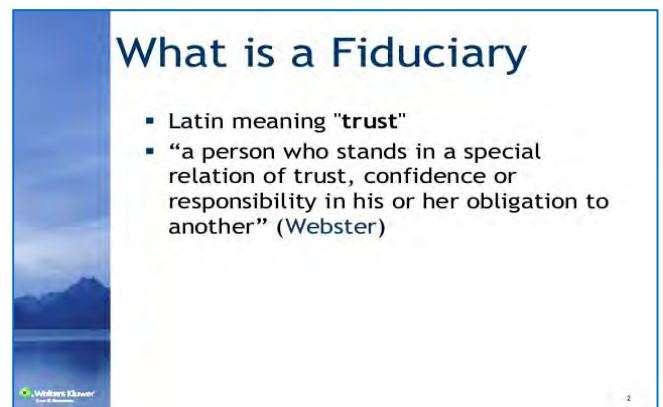
In certain situations, however, the law does require a higher standard of conduct. We refer to such situations as having a *fiduciary* duty. Officers and Directors of a corporation, including a non-profit corporation such as a Church, also owe a fiduciary duty.

So what is fiduciary duty?

It is the duty to act in the best interests of the Church even if doing so may not be in your best personal interests.

Fiduciary duties also include the duty of loyalty. Within this duty of loyalty is the responsibility to maintain confidentiality. This means to hold all information learnt by virtue of a position on a Council in confidence. You should not disclose information regarding Church affairs unless the Church has already made a public disclosure or the public already commonly knows this information. This is especially important in the case of financial information, staff issues, pastoral matters and future plans of the Church.

One specific example of why it is important for members to always maintain their fiduciary duties, particularly the duty of loyalty, is because from time to time they may receive information that is protectable under the attorney-client privilege. The courts will waive the protections if a member discloses them outside a proper venue.



Breaches of duty can result in personal legal liability and that is why many organisations hold Directors’ and Officers’ Liability Insurance to indemnify individuals in certain situations.

Church Councillors and office bearers of the Uniting Church are required to immediately contact the NSW/ACT Synod Risk and Insurance Team to report any known fact or circumstance that may result in a potential legal liability claim arising from a breach of duty as a Director, Employee or Officer Bearer of the Uniting Church.



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Most courts view whether or not a fiduciary duty has been violated based on the individual facts and circumstances of each case. They will judge a Church Officer's conduct on what an ordinary and prudent Officer would have done (or not done) under similar circumstances.

It is a condition of our Directors' and Officers' Insurance cover that the existence of the policy, and the information referring to the specific levels of cover by kept confidential to Church Councillors and office-bearers of the Uniting Church, and not be disclosed to third parties.

Failure to maintain this confidentiality may be used to deny coverage by our Insurer.

Conflicts of Interest

Church Councils should strive to be providing a fair, ethical and accountable environment for the operations of their local mission to thrive. The role of the Council to make decisions in this regard is paramount.

A key concept of this duty is not placing oneself into an actual or potential perceived position of conflict between either a personal interest or a duty owed elsewhere.

Council members are required to act in the best interests of their Council, which can be difficult with all the different "hats" we wear in our Church life, other work or volunteer organisations.

This not only includes our own personal, professional or business interests but also the personal, professional or business interests of the individuals or groups we associate with. This might include relatives, friends or even rivals. A conflict of interest can arise from avoiding personal losses as well as gaining personal advantage – whether financial or otherwise.

This is a difficult boundary to discern and the wisdom of the whole Council can be called upon.

An overarching guideline to consider can be:

will a Council member be able to make an independent judgement, or could a conflicting interest or duty potentially divide their loyalties?

Three (3) other guiding rules can be of use here:

- (a) The 'conflict rule' – is there a personal interest that is inconsistent with the best interests of the Church?

For example, should a member of Church Council member vote to approve to the operation a low cost childcare centre on site, when their children are in need of that service?

- (b) The 'profit rule' – is there a possible advantage for themselves or a third party for the outcome of a decision?

For example, should a member of Church Council vote to accept a tender to renovate the Church Hall using their brother's company?

- (c) The 'misappropriation rule' - there must not be any misuse of property (real or intellectual) for their benefit, or that of a third party.

For example, should a member of Church Council provide additional information and knowledge of the internal workings of the Congregation to a job applicant when this information is not freely available or provided as part to the application process when recruiting staff?

The Church and their community expect that where such a conflict exists, matters must be resolved by putting the Church interest first. The recommended way to deal with conflicts of interest and minimise potential for concern is to:

- Disclose the situation early and establish within the Council a culture of disclosure;
- Have conflicts as the first item on the agenda of meetings to set that expectation;
- Weigh up, on a case-by-case basis, the potential for conflicts of duty; and
- Reconsider the three (3) 'rules' above then move forward based upon that discernment.

Remember, conflicts of interest are inevitable and do not reflect negatively on anyone. They are only a problem if they are not disclosed and appreciated dealt with.

Your Presbytery is able to offer some guidance here if required.

Mandatory Reporting and Safe Place

Child Protection Reporting

Creating safe spaces for ministry and mission includes understanding our obligations under child protection legislation and also the Uniting Church's understanding of being safe and welcoming. It also includes being particularly aware of vulnerable people.

With regard to protecting children, under both NSW and ACT legislation there are obligations for individuals to report to the appropriate Government department if they have information that a child (under 18 years) is at risk of significant harm, or is being harmed/abused. There are some people who are designated as Mandatory Reporters, with regard to this risk.

In NSW all Ministers, Pastors and employees working specifically with children are classified as mandatory reporters.

In ACT Employees working specifically with children are classified as mandatory reporters. Ministers are not considered to be employees in this Territory's laws.

If you believe you may need to make a child protection report, seek advice from the following:

In NSW, phone the NSW Child Protection Helpline: 132 111; or use the online Mandatory Reporters Guide located at www.keepthemsafe.nsw.gov.au

In ACT, phone Child and Youth Protection Services: 1300 556 729 or complete the online child concern report located at www.communityservices.act.gov.au

For any questions or queries regarding child safety, please contact a member of the Risk Safety and Compliance Team of Uniting Resources.

Safe Place for all people

'The Uniting Church in Australia (The Church) believes that all people, including children, are made in the image of God. As a Christian community we believe that God reaches out to us in love and acceptance, and that our relationships with each other should express love, care and respect (Safe Place Position Statement developed by the UCA Commission on Women and Men in 1997). Central to living out the gospel is to love God and to love others. As a community of faith, we are committed to providing safe environments for all people, including children, so that they may live life in all its fullness. We also acknowledge the rights of children as detailed in the Convention on the Rights of the Child (United Nations, 1990, article 49) that States 'shall protect children from physical or mental harm and neglect, including sexual abuse and exploitation.'

The previous statement is taken from the **National Child Safety Policy Framework** published by Assembly, and summarises the Uniting Church’s commitment to providing safe places for all people, but particularly children.

Part of our existing practices and policies is to provide training to enable people to understand their legal responsibility for Reporting Child Abuse & Neglect. Training courses ensuring safe place awareness are currently being conducted around the state. More information is available on the Children’s Ministry website: <http://childrensministry.org.au/safety-and-protection/>

It is essential that at least key people in the Congregation and Church Council complete the Safe Church Workshop, and subsequently maintain their currency through refresher courses.

Privacy Statement

The Uniting Church will use information provided by subscribers to forward relevant information, always with the opt-out clause. The Church does not pass on personal information to any other direct marketer. The full privacy statement can be downloaded from the Assembly website.



I've used this section to record notes to bring back to my Church

Consensus model for Decision Making

Consensus decision-making was adopted by the 1994 National Assembly as the norm for meeting procedure in all Councils of the Uniting Church (Congregation, Church Council, Presbytery, Synod, and Assembly).

In the introduction to the Manual for Meetings, the (then) General Secretary wrote:

***Consensus:**
seeking a
common mind
about the wisest
way forward for
the Church.*

The Manual for Meetings provides the official standing orders and rules of debate for the Uniting Church in Australia....

The Manual is a very important development in the life of the Uniting Church. The Uniting Church believes that we hear the voice of God in the Councils of the Church. Church meetings that encourage community, and listening to one another in a spirit of openness and humility, are more likely to discern the will of God.

It is the hope and expectation of the Assembly that the process present in the Manual will enable us to give expression to Christian community as we work together...

I particularly commend the Manual for Meeting to those who have responsibility for chairing meeting of Councils of the Uniting Church.

Terence Corkin Assembly General Secretary April 2009

Why Consensus?

Paragraph 3 of the Basis of Union declares, we rely on ‘the gift of the Spirit in order that we may not lose the way.’ Good governance is needed in order to discern the guidance of the Holy Spirit.

Aware that the majority-vote decision making process resulted in conflict and adversarial relationships far more than it led to reconciliation or renewal, the Uniting Church adopted a different decision making technique called consensus. ‘Wherever possible in Councils of the Uniting Church in Australia, we seek to make our decisions using consensus procedures.’²¹

The Basis of Union makes it clear that unity is expected not only in ecumenical endeavours but also in governance. Recognise these phrases from Paragraph 15?

Responsibility for government in the Church belongs to the people of God by virtue of the gifts and tasks which God has laid upon them ... Christ may speak to the Church through any of its Councils ...

It is the task of every Council to wait upon God’s Word, and to obey God’s will in the matters allocated to its oversight ... Each Council is to heed the other Councils, so that the whole body of believers may be united by mutual submission in the service of the Gospel.

Meeting procedures themselves can build Christian unity as we discover a way forward for the Church - together.

Reaching a decision by consensus allows for the insights of each member. The process ensures issues are fully aired and all members feel they have been adequately heard. Decisions are taken not simply because one more than 50% of members are in favour of a proposal, but because all agree to a way forward. Some may feel it is not necessarily their first option, but all can support it and commit themselves not to undermine the decision.

It is important to realise the consensus decision may be agreement on further processes for dealing with the situation – consensus does not imply every issue has a single resolution.

True consensus is not the same as unanimity – we must be careful to recognise that real consensus arises out of real community, and often only through real tension as

²¹ Jill Tabart in <http://crosslight.org.au/2015/03/01/consensus-mean-uca>

people express their insights with passion and integrity, and yet with respect for really hearing others' points of view.

It is a prayerful process, seeking to discern God's will; hence meetings incorporate intentional community building including worshipping together. Decisions are made without voting through genuine listening dialogue, being respectful and empowering of all entitled to participate. We're not defending a particular point of view in order to triumph over others losing their argument; rather we're seeking together to discern God's way forward for the Church – waiting for that moment of grace in discovery together.

A proposal may progressively change during debate, as the meeting indicates warmth or coolness towards suggested variations. An outcome may be very different from what was previously anticipated, when openness to fresh insights and the Holy Spirit's guidance permeates a meeting.

Consensus decision-making requires an attitude of mind and heart, not just adherence to another set of standing orders and rules of debate.

Positive outcomes:	Stumbling blocks:
<ul style="list-style-type: none"> • Greater openness to hearing different perspectives, not just defending a pre-determined position against all odds. • Greater and wider ownership of decisions • Greater confidence in participation, especially by those who previously felt disadvantaged by procedures • Indicator cards help to empower those for whom speaking in a meeting is daunting. • Strengthening Christian community as trust and respect are nurtured. 	<ul style="list-style-type: none"> • Many UCA members have not yet read <i>A Manual for Meetings</i> after all these years. Some Councils persist with formal procedures (perhaps cosmetically modified) while declaring it 'consensus decision-making'. • A crowded agenda is not conducive to careful discernment when considering major issues. • Venues may need changing to enable participants to sit in small groups • Chairpersons carry a heavy responsibility. Careful training and meeting experience enable the best from consensus procedures. • Coloured indicator cards are not voting cards, but when used appropriately provide an avenue for expressing opinion which helps a meeting move towards a consensus outcome.

Did You Know?

Our Manual for Meetings has been the model guiding changed procedures now adopted in the World Council of Churches, the World Alliance of Reformed Churches, the World Conference of Reformed Churches, and several members Churches of these ecumenical bodies across the world.

The Christian principles behind consensus decision-making are widely affirmed.

DISCUSSION

1. How can we sharpen our meeting practices so they model UCA values and maximise effective and relational decision making?
2. How might good governance help us more clearly discern the guidance of the Holy Spirit?

In summary:

- As we meet we are seeking the will of God in every Council of the Church.
- We seek to discern God's will through the guidance of the Holy Spirit
- We are not just trying to make the most efficient or popular decision
- In doing these things we hold true to our value of unity and growing relationships and acknowledge that the Church is ultimately God's – not ours.
- We have a responsibility and a commitment to using the Consensus Model regardless of our personal feelings. It is something the Uniting Church has chosen and formally committed to using.

How Consensus works

Blue is the cold card – it is the card you hold up when you are unhappy with what is being said, or wish to oppose a proposal.

Orange is the warm card – it is the card you hold up when you are supportive of what is being said or you are in consensus with the proposal.

Yellow is the question card. It is the card you hold up when you want to clarify something or ask a question before voting. Only the NSW Synod uses the yellow card.

Many people have asked why we don't use red and green cards – like traffic lights. The cards are not yes or no cards – they are feeling cards indicating warmth or coolness; support or opposition to an idea or proposal. Orange and blue are also readily identifiable by many people who have colour blindness.

These cards enable us to express our thoughts and feelings as we move through the different phases of our consensus process.

Phases of Consensus

Information Session

- The topic for discussion is presented
- Questions of clarification are invited – it is vital that everyone fully understand the issue at hand.
- The card used here is usually yellow and allows the Chairperson to see how many people wish to ask questions overall, as well as identify specific people.

Deliberation Session

- The issue is freely talked about. The cards are very helpful in letting the Chairperson know how members are feeling. At the conclusion of a speech, cards indicate support or opposition to what was said. They are not a vote and can be changed according to your choice – but they do let the Chairperson know whether more time is needed for discussion or if everyone is already on Board with further discussion being unnecessary.

Should you have a question, hold your yellow card clearly up until the Chairperson acknowledges you – never ever hold your cards in a bunch – it is confusing for the people behind you and can give the wrong impression.



- Should you feel enough time has been spent and would like the process to move on, hold your orange and blue cards together. Be careful how you do this as it can be disconcerting to the Chairperson.
- Should you hold up your blue card, the Chairperson will invite you to speak to your opposition, giving you the chance to bring your wisdom to the meeting.
- From the discussion, several specific proposals may emerge. It may be that as small groups or as a large group the proposals are discussed and refined until one clear proposal emerges. Wording is important and this takes time – remember that at the same time you are forming good words for a proposal you are also building good relationships – patience is vital.
- In this phase, the cards allow the Chairperson to assess the mood of the room, as well as to judge the right time to move to decision making.

Decision Session

Discussion of Proposals

- The benefits and disadvantages of the proposal are sought. Members are encouraged to show their cards indicating their responses to each speaker. Minor changes to the wording of the proposal may occur. From time to time the Chairperson may ask for an indication of how people are feeling about the proposal.

Checking for Consensus

- When the Chairperson believes enough discussion has occurred, and it is time to seek consensus for the proposal at hand, he or she will restate the proposal so everyone is clear and then asks ‘Do we have consensus?’
- Cards are held up high clearly until the chair indicates the vote is taken. Waving them or holding them up for a brief second is not helpful.
- If all cards held up are the same colour, consensus is declared and recorded.
- If consensus is not reached the discussion continues. This process continues for as long as the Chairperson deems it helpful.

Sometimes the process stalls. After vigorous sharing of ideas, there may be strong but not unanimous support for the proposal. There may be some who are uneasy about a proposed way forward, yet not able to express their concerns. The prompting of the Spirit may be expressed in disquiet as much as in creative suggestions for wording a proposal.

All people are worthy of respect as they indicate their position, and no-one should feel pressured into agreeing with a position against their better judgment – but neither is it helpful to dig your heels in and be stubborn or rude over an issue.

Agreement

If, after careful attempts to work towards consensus, there remains a small number who are unable to support or accept the majority position, the Chairperson may ask:

- ‘Do those unable to support the proposal and not prepared to accept it, believe your point of view has been listened to, even though you don’t agree with the proposal and are not able to accept it?’
- ‘Do those who support or who are prepared to accept this proposal believe you have heard what the others of our Council are saying?’

Having a yes to both questions enables the Chairperson to then ask:

- ‘Are those who are in the minority on this proposal prepared to live with the majority view and allow the Council to record an agreement?’
- ‘Does the Council therefore wish to record agreement on this proposal?’

If there is no person indicating against these two questions, then agreement is recorded.

If after these steps have been followed, a small minority still cannot in all good conscience accept agreement; further steps must be followed. The Chairperson will ask:

- Does a decision need to be reached now?

If not, then the Chair will defer it until the next meeting when all members have had further time to reflect.

Should the meeting agree that a decision must be made, the Chair must ask for permission to move to formal procedure.

Decision by formal majority

75% of the meeting must agree to move to formal procedures. The majority make the decision with it being recorded as carried by formal procedure.

A flowchart of the Consensus process is included within the Appendix.

DISCUSSION

- What do you like about Consensus?
- What do you struggle with?
- How effectively have you seen Consensus in action?
- Is it something your Church uses well?



I've used this section to record notes to bring back to my Church

Basis of Union Extracts

3 BUILT UPON THE ONE LORD JESUS CHRIST

The Church as the fellowship of the Holy Spirit confesses Jesus as Lord over its own life; it also confesses that Jesus is Head over all things, the beginning of a new creation, of a new humanity. God in Christ has given to all people in the Church the Holy Spirit as a pledge and foretaste of that coming reconciliation and renewal which is the end in view for the whole creation.

The Church's call is to serve that end: to be a fellowship of reconciliation, a body within which the diverse gifts of its members are used for the building up of the whole, an instrument through which Christ may work and bear witness to himself.

The Church lives between the time of Christ's death and resurrection and the final consummation of all things which Christ will bring; the Church is a pilgrim people, always on the way towards a promised goal; here the Church does not have a continuing city but seeks one to come. On the way Christ feeds the Church with Word and Sacraments, and it has the gift of the Spirit in order that it may not lose the way.

15 GOVERNMENT IN THE CHURCH

The Uniting Church recognises that responsibility for government in the Church belongs to the people of God by virtue of the gifts and tasks which God has laid upon them. The Uniting Church therefore so organises its life that locally, regionally and nationally government will be entrusted to representatives, men and women, bearing the gifts and graces with which God has endowed them for the building up of the Church.



The Uniting Church is governed by a series of inter-related Councils, each of which has its tasks and responsibilities in relation both to the Church and the world.

The Uniting Church acknowledges that Christ alone is supreme in his Church, and that he may speak to it through any of its Councils. It is the task of every Council to wait upon God's Word, and to obey God's will in the matters allocated to its oversight.

Each Council will recognise the limits of its own authority and give heed to other Councils of the Church, so that the whole body of believers may be united by mutual submission in the service of the Gospel... (The paragraph continues on, describing the various Councils).

16. PARTICULAR FUNCTIONS

The Uniting Church recognises the responsibility and freedom which belong to Councils to acknowledge gifts among members for the fulfilment of particular functions. The Uniting Church sees in pastoral care exercised personally on behalf of the Church an expression of the fact that God always deals personally with people, would have God's loving care known among people, and would have individual members take upon themselves the form of a servant.

17. LAW IN THE CHURCH

The Uniting Church acknowledges that the demand of the Gospel, the response of the Church to the Gospel, and the discipline which it requires are partly expressed in the formulation by the Church of its law. The aim of such law is to confess God's will for the life of the Church; but since law is received by human beings and framed by them, it is always subject to revision in order that it may better serve the Gospel.

The Uniting Church will keep its law under constant review so that its life may increasingly be directed to the service of God and humanity, and its worship to a true and faithful setting forth of, and response to, the Gospel of Christ. The law of the Church will speak of the free obedience of the children of God, and will look to the final reconciliation of humanity under God's sovereign grace.

18. THE PEOPLE OF GOD ON THE WAY

The Uniting Church affirms that it belongs to the people of God on the way to the promised end. The Uniting Church prays that, through the gift of the Spirit, God will constantly correct that which is erroneous in its life, will bring it into deeper unity with other Churches, and will use its worship, witness and service to God's eternal glory through Jesus Christ the Lord. Amen.

DISCUSSION

What do these paragraphs say about how we should conduct ourselves when in meetings on behalf of the Uniting Church?

What insight do they give into our shared-in-common purpose, as well as the specific tasks of our Boards, Councils and Committees?

APPENDIX

Sydney Presbytery Contact Details

Email office@sydneypresbytery.org.au

Website <http://sydneypresbytery.org.au/>

UCA Constitution & Regulations

Key sections of the UCA Regulations.

The Uniting Church in Australia Regulations

Section 3. Government and Administration

3.1 RESPONSIBILITIES OF CONGREGATIONS AND COUNCILS

3.1.1 PURPOSE AND RESPONSIBILITIES OF A CONGREGATION (See Para 23, Constitution)

3.1.2 RESPONSIBILITIES OF THE CHURCH COUNCIL (See Para 24 of the Constitution)

3.3 Membership of Councils

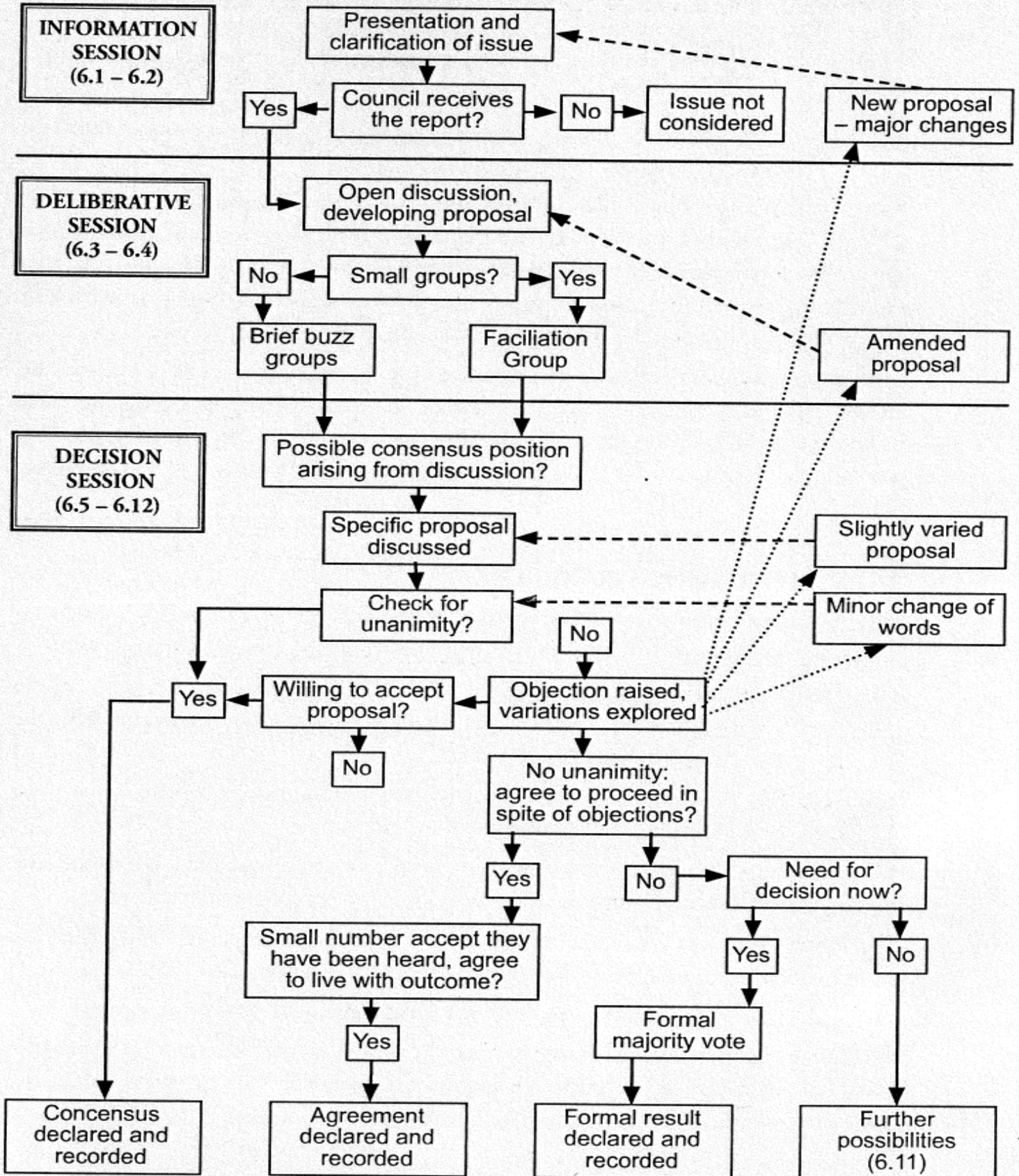
3.3.1 MEMBERSHIP OF THE CHURCH COUNCIL

3.3.2 ELECTIONS OF ELDERS AND CHURCH COUNCILLORS

3.3.3 TERMINATION OF OFFICE OF ELDER AND CHURCH COUNCILLOR

Extract from the Manual for Meetings

CONSENSUS PROCEDURES – FLOW CHART





Governance Resource Book

2016 Edition

The materials in this booklet were produced by representatives of UME, Sydney Presbytery and Parramatta-Nepean Presbytery (2016).

2017 Edition

A review and update by members of Sydney Presbytery.

2019 Edition

Amending child protection reporting obligations to reflect current laws.

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