

Church Law

<i>Convener</i>	Paul Olney
<i>General Secretary</i>	Rev David de Kock
<i>Secretary of Presbytery</i>	Rev Dr Ian Tozer
<i>Members</i>	David Foster Ian Passmore Bruce Wilson

We are currently all male so would be grateful for female members.

Most of our recent work has been on the revised Presbytery rules with two late nights in the past month.

We have reviewed, re-reviewed, drafted, and/or edited the following proposed rules:

- P1.1 INTRODUCTION
- P1.2 ENACTMENT, AMENDMENT AND REPEAL OF RULES
- P2.1 MEMBERSHIP OF PRESBYTERY
- P2.2 PRESBYTERY MEETINGS
- P2.4 OFFICERS OF PRESBYTERY
- P2.5 ELECTION OF PRESBYTERY BODIES
- P2.6 CHURCH CENTRE STAFF
- P3.1 PRESBYTERY STANDING COMMITTEE
- P3.2 PASTORAL RELATIONS COMMITTEE
- P3.3 CANDIDATES FOR MINISTRIES COMMITTEE
- P4.1 CONGREGATIONAL COMMUNITY SERVICES COMMITTEE
- P4.2 RURAL MINISTRY COMMITTEE
- P4.3 FIRST THIRD COMMITTEE
- P4.4 MULTICULTURAL AND CROSS CULTURAL MINISTRIES COMMITTEE
- P4.6 STRATEGY AND MISSION PLANNING COMMITTEE

We did not touch P2.3 Presbytery Regions, P3.4 Property Committee or P4.5 Liturgy Committee as these are subject to broader consideration.

There are several matters to highlight:

- All Presbytery bodies are proposed to have a quorum requirement of a “simple majority plus one, in person, including those attending through a teleconference, or equivalent, link”. Without this some bodies had no quorum requirement. This may create problems for smaller bodies; for instance, this will require a body with 4 members to have all 4 members present and a body with 6 members to have 5 members present.
- All Presbytery Rules are now enumerated with no space between the P and the first number. This makes accurate automated finding and replacing easier.
- We have put P1.3 General Rules for Presbytery Bodies in the table of contents, but this rule is to be drafted following further consultation. General Rules are useful both to standardise responses to potential risks such as conflicts of interest, and to avoid wasting words on similar paragraphs being repeated in eight different rules. Variation will still be needed as some bodies like PRC have more abilities to create risk or affect cash flow, while other bodies do not need more complex rules.

- The position of the General Secretary being the CEO of Church Centre staff, including staff working on Presbytery matters, may conflict with paragraph 15 of the Basis of Union which makes no mention of hierarchy. This issue is reinforced by Resolution 6/2016-17 (copied at the end of this report) from Presbytery last November. We addressed this by proposing the removal of the General Secretary from all Presbytery bodies, and limiting staff roles (except for the Secretary of Presbytery or nominee) to be nonvoting advisors in attendance to bodies. Separating this any further would require Presbytery having its own budget and ability to spend money on choosing staff, or specified officers of Presbytery, such as the Secretary or Treasurer, being specified paid positions that report primarily to Presbytery and not the General Secretary.
- It is now considered best practice, in both profit seeking and not-for-profit organisations, for governance to be separated from management. This is difficult in the Uniting Church where our structure was mostly decided in the 1970s before this was a concern, and where our reliance on volunteers means that many bodies are more working bodies than management or governance. Limiting staff roles (except for the Secretary of Presbytery or nominee) to be nonvoting advisors is a step in this direction.

Please note that Rule P2.6.3 as presented here (“Church centre staff may resource the meetings and work of Presbytery bodies with the approval of the General Secretary, on the advice of the Presbytery Standing Committee, except where the staff person is a member in accordance with the rules of that body”) is proposed by the Presbytery Standing

Committee. It has not been before A MEETING OF the Church Law Committee in that form.

After the meeting of the Presbytery Standing Committee on 9 May, the proposed Rules were forwarded to the current chairs and the staff persons associated with each committee to inform them of the suggested changes and to give a copy of what will be before the Presbytery.

Paul Olney

Convener

15 May 2017

PRESBYTERY OF WESTERN AUSTRALIA

RESOLUTION 6/2016 – 17

Presbytery approved by consensus to resolve in principle that the structure of Presbytery be separated out from the Synod as outlined in the Regulations. It was further agreed that the Presbytery Chair, the Secretary and the Treasurer be separate from the Synod.