



21 January 2016

Dear friends,

Correspondence to:

- **UCA Assembly and Synods**
- **Presbyteries and Church Councils within the Synod of Victoria and Tasmania**
- **Synod of Victoria and Tasmania reporting bodies and institutions**

I am writing to inform you of a significant decision made by the Synod Standing Committee (SSC), which will bring the Synod of Victoria and Tasmania's legal identity into step with most contemporary organisations and a number of other Churches.

The SSC has resolved to seek a change to the legislative structure of the Synod. Instead of the two Property Trusts of Victoria and Tasmania being the legal entities for the Synod, the Church itself in each State will be incorporated. Under the legislative model, by an act of the State Parliament, the current unincorporated Church will become incorporated. This incorporated entity will hold all the assets of the Church. There will no longer be a Property Trust in each state, but the Constitution and Regulations of the Church (appropriately amended to reflect this change) will continue to operate.

A number of factors led the SSC to spend the last twelve months exploring the implications of legislation requiring the Church to incorporate and the nature of any incorporation to reflect the Uniting Church's inter-conciliar nature and polity.

The stimulus for the discussion lay with two enquiries into institutional child sexual abuse – the first within the Victorian State Parliament and the second, the still ongoing Royal Commission into Institutional Responses to Child Sexual Abuse.

For example, the Victorian Government has accepted the recommendations of the State Parliamentary Inquiry in Child Sexual Abuse's *Betrayal of Trust* report that seeks to require all non-government organisations that receive government funding to be incorporated. The Victorian Government, in accepting the recommendations, is making clear that it expects the actual institution which is responsible for any child sexual abuse to be directly accountable. The Property Trusts, which are currently the Church's legal presence as established by the respective Victorian and Tasmania Church Acts, are not the bodies that have oversight of the Church's activities and therefore are not involved in, nor have responsibility for, the Church's policies and procedures related to child sexual abuse. Hence, the Property Trusts cannot introduce and enforce policies and procedures that would protect children.



The *Betrayal of Trust* report recommended to the Victorian Government that religious institutions which engage with children be directly accountable for their operations.

There are a number of benefits for the Church in becoming incorporated.

- It will assist people seeking redress as a result of sexual abuse incurred whilst in the care of any Uniting Church or predecessor Church institutions.
- It provides a simpler legal model that people external to the Church will readily understand.
- It will ensure ongoing funding for the vital services offered by our agencies as governments will only need to negotiate with one entity.
- It will assist the Church in establishing more appropriate and better governance structures.

Uniting Church's nature as described in the *Basis of Union* will not change, as we continue to:

- (be) a pilgrim people, always on the way towards a promised goal (*Basis*, para. 3);
- (be) governed by interrelated councils (*Basis*, para. 15); and
- keep (our) law under constant review so that (our) 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 (*Basis*, para. 17).

As the Incorporation Working Group which advised the SSC said in its report, "[the Working Group] is not proposing a change to the *Basis of Union*, our travel document, but assuredly we are suggesting a fundamental change in 'the vehicle' we pilgrims are going to travel in!"

What form will this 'vehicle' take?

A Legislative Incorporation Task Group is being formed to undertake a series of work-streams to develop a framework for achieving incorporation within Victoria and Tasmania. The task group will be asked to consider topics including:

- State governments and Church engagement;
- Theological and ecclesial principles;
- How incorporation might impact the governance role of the SSC; and
- Any changes to the UCA's Constitution and Regulations that are required to implement this change.

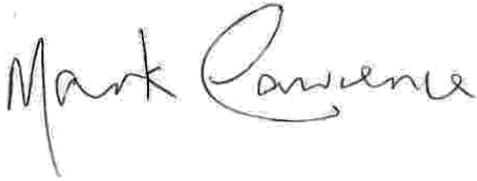
The SSC is also aware that the Victoria State Government's decision to require incorporation of institutions is currently not reflected in other states. Within this context, and with the understanding that the UCA is a national Church, the SSC is committed to work with the other synods and the Assembly in any matters related to incorporation that will impact on the UCA across Australia.

The SSC's resolutions related to legislative incorporation are the start of a significant journey within the life of the Church, in response to God's mission in the world, and the community's expectations for institutions to provide safe places for all people. The journey ahead will involve substantial consultation between various councils of the Church, with an outcome designed to bring stronger governance structures and a simpler legal model.

Further information regarding the incorporation process will be distributed as the Legislative Incorporation Task Group undertakes its responsibilities.

If your council, body or institution of the Church has any questions or comments at this stage regarding the SSC's decision concerning legislative incorporation, please feel free to contact me.

Grace and peace,

A handwritten signature in black ink that reads "Mark Lawrence". The signature is written in a cursive style with a large, sweeping initial "M" and a long, horizontal flourish at the end of the name.

Rev Dr Mark Lawrence
General Secretary