



#realunitingchurch

Proposal 4

Moderator term of office

That the Synod:

- (a) In accordance with its power under s.34 of the Uniting Church in Australia Constitution set the moderator's term of office to six years, to take effect from the induction of the next Moderator.
- (b) In the event that the Synod is bound by regulation 3.6.3.1(c) authorise the Synod Standing Committee to pursue a standing exemption from the Assembly under regulation 3.6.3.1(d).
- (c) Request the Assembly exempt the Queensland Synod from regulations 3.7.4.1(i) and 3.3.7(a)(ii) in relation to the membership of the ex-Moderator on Synod and Synod Standing Committee.
- (d) Delegate the Synod Standing Committee the power to introduce a by-law to give effect to the immediate past Moderator having membership of the Synod and Synod Standing Committee for a period of 18 months after the term of their office expires.]

The scope of a Proposal

The 32nd Synod resolved that the Synod Standing Committee (SSC) consider the range of regulatory options that would allow sitting Moderators in the Queensland Synod to be nominated for a second consecutive term of office, up to a maximum of six years. This proposal came after many years of discussion around the concept. Extensive background material was provided at the 32nd Synod. As a result a Moderator Term Task Group was established to consider all the matters relating to the Moderator term.

Upon investigation of the options open to the Synod to pursue this resolution, the task group believed there may be a conflict between the Constitution and the regulation. In the event

that there is a conflict, the Constitutional provisions prevail. Subsequently the SSC endorsed an approach to seek clarification on the apparent conflict. The Synod Standing Committee report indicates that a Presidential ruling has been sought on this matter.

The Synod Standing Committee has drafted the proposals in a manner that can be actioned in the event the Synod is free to make a decision under the Constitution, or alternatively is bound by the regulation. In either case, the approach is to enable a Moderator to hold office for a period of six years.

The proposal also addresses the subsequent issue of the ex-Moderator's term on Synod and the SSC.

Rationale

Proposal (a): Six year term for moderator

Constitutional power to make the proposal

Section 34 of the Uniting Church in Australia Constitution states that the "Synod shall elect, in accordance with such rules and procedures and for such term as the Synod may determine, a Moderator who shall have such powers as may be prescribed and such further powers as may be determined by the Synod."

Regulation 3.6.3.1(c) appears to constrain this power by determining the term of office for a Moderator to be up to three years.

Proposal (a) is drafted in a manner that assumes that the regulation is not valid.

Six year term of office for a Moderator

The Synod Standing Committee believes that a six year term of office for the Moderator is the best option for the following reasons:

1. It allows a length of time for a Moderator to establish themselves as the Synod's spiritual and pastoral leader in the eyes of the wider community. This has been raised as probably the most significant issue by a number of former Moderators. Ecumenical relationships, relationships with government, commerce, leaders of other faiths, and community organisations are hampered by the three year term. If a Moderator is to embody the UCA's presence and exercise influence in these areas, relationships have to be established, and three years is too short a time.
2. It allows a Moderator to establish better relationships with significant bodies within the church. UnitingCare is a large and complex institution. Membership on the board allows the Moderator to have a deep understanding of the opportunities and challenges that UnitingCare Queensland, but it takes time to develop that deep understanding. A longer term will enable the Moderator to be a better advocate for UCQ in the life of the church, and for the church's purposes in establishing UCQ. While the Moderator is not a member of any of the boards of the church's schools and residential colleges, the same argument applies in terms of the Moderator's role of helping all the parts of the church know their connection to the whole.
3. A longer term also allows the Moderator to have a deeper awareness of the ministry of the Assembly, the synod office, the presbyteries, and the congregations. A significant role of the Moderator is to help the church be united in worship, witness, and service, and the longer period of time in office will strengthen that. It will also strengthen the oversight of directions and strategies discerned by the Synod in Session.

4. The nomination and selection process in place is suitable to the proposed longer term and does not need procedural change.
5. The length of term of six years is consistent with modern governance practice for chairs of institutions and not for profit entities.
6. The set term avoids the complications of a Moderator being renominated for a second consecutive term. While still preferential to a single three year term, the model of a Moderator being renominated has complications in terms of a sitting Moderator not being renominated, or being renominated and not being elected, and the challenge of finding people willing to be nominated along with a re-nominated Moderator. These issues were reported to the task group as being defects in the renomination model.

Risks

1. Challenges with the performance of a Moderator. This is an issue for a Moderator serving any length of term. The lengthening of the term would be enhanced by regular quality feedback processes. These allow for clarification of roles and expectations. These have been overseen by the Synod Standing Committee. Another means of providing feedback and support that is used is the informal counsel of the former Moderators and people experienced in the governance of the church.
2. Relationship with the General Secretary's role. The position descriptions of both roles have matured and developed over time, and the management of that relationship has been enhanced by increased executive function role of the General Secretary and by governance training for the Moderator as the chair of the Synod Standing Committee.
3. Fewer people have opportunity to serve as Moderator. In some circumstances, the role may be seen as a way to affirm the service of leaders in the life of the church. This proposal moves the expectation away from such a perception and grounds the role of Moderator as an institutional leader.

Proposal (b): Suspension of 3.6.3.1(d) – inability to stand for a consecutive term

Advice from the Queensland Legal Reference Committee and synod legal team is that the view that the regulations are inconsistent with the Constitution is very strong. However, should it be determined that the regulation is valid, the proposal authorises the Synod Standing Committee to seek a standing exemption under regulation 3.6.3.1(d). The effect will be to allow for the Synod to determine the term of the office of Moderator.

Proposal (c): Role of ex-moderator

1. The regulations have been written and amended over the life of the UCA. Regulations 3.7.4.1(i) and 3.3.7(a)(ii) in relation to the membership of the ex-Moderator on Synod and Synod Standing Committee, to the best of our research, have not been changed from the time when Synods in Session were yearly, and Moderators' terms were yearly and unstipended.
2. Given: the deeper level of processes around governance today; the continuity of membership of Synods and Synod Standing Committees; and the longer terms of Moderatorial office; the need to regulate for a former moderator to have an ongoing governance role for the complete term of the incoming moderator is redundant.
3. In the event of a six year term of office, retaining this regulatory requirement would mean a Moderator would serve for a total of 13.5 years – as Moderator elect, Moderator, and then immediate past Moderator. This is an impractical and onerous obligation. The SSC is recommending that the obligation on the immediate past Moderator be limited to 25% of the proposed Moderator term. This supplies enough time to hand over "corporate memory" and releases the immediate past Moderator to other service to the church. This change would not preclude a former Moderator from being nominated, should they be eligible, for membership of Synod or SSC.

Proposers

A proposal from one of Synod's reporting bodies (committee, board, presbytery, task group) should be submitted and signed by an authorised officer of the body

Name: Rev Heather den Houting

Email: heatherdenhouting@ucaql.com.au phone: 07 3377 9777 |



Signature: _____

Name: Mr Geoff Batkin

Email: G.Batkin@wmq.org.au phone: 07 3621 4550 |

Signature: _____