



**Congregational  
Separation From The UCA**

## Purpose

This resource paper has been prepared by the Executive of HopeNet SA to assist a congregation that is considering the option to corporately discontinue their relationship with the UCA.

It is not the purpose of this paper to provide reasons for staying or leaving, nor to make a recommendation whether to leave or not.

If you have any queries about this paper, please contact Warren Mack, Executive member of HopeNet SA on 0417131758.

## Background

Almost since the inauguration of the UCA in 1977 concerns have been expressed by Bible believing UCA members about the influence of progressive liberalism, the decisions made by the National Assembly, and the stance of Synod representatives on various social and moral issues.

These concerns have escalated in recent years, most notably by the decision of the 15<sup>th</sup> Assembly on marriage, but also other major decisions and communications over the years related to sexuality, abortion and euthanasia, as well as a general concern about the Assembly's understanding of foundational Biblical themes.

The consequences of these concerns have been there for all to see and include the establishment of Assembly of Confessing Congregations, a continual drifting out of members, often key leaders, through resignation, and a disquiet amongst many remaining members. This year (2019) has seen an increased number of congregations thinking about or actually leaving the UCA.

Congregational separation from a denomination that has embraced error is one way, but not the only way, of dealing with false teaching and is a serious and potentially contentious step to take.

A decision to leave needs to be thought through carefully and with full awareness of not just the reasons for separation but also the implications and work involved in effecting such a decision.

For a congregation to consider leaving a denomination generally, or the UCA in particular, is to go down a path seldom travelled. It is a lot more than making a congregational decision and putting up a new sign.

To try to discuss and think through the possibility is often painful, filled with memories and emotional attachment and debate. The process needs to be carefully and prayerfully considered because individuals are going to be impacted, sometimes quite severely, and the health of the Body of Christ, the Bride of Christ, can suffer.

# What are the issues?

## 1. Discussing separation can be divisive

One of the outcomes of dealing with false teaching that has crept into the church is division. Addressing false teaching and, if necessary, recommending and taking corrective action is often received with divided opinions.

The possibility of intense discussion, disagreement and strong emotion is high and needs to be anticipated. Long standing and unrelated irritants can be exposed exacerbating and complicating the primary issue.

The possible consequences when opinions are divided need to be understood. Already there have been church splits similar to those over other issues that we hear of from time to time. Close relationships have been broken. People who used to pray together, share the Lord's Table together and bear each other's burdens now no longer talk to each other. It has been painful to watch. It is actually just as unbiblical as the primary issue which caused it.

## 2. Can a church decide to "leave" the UCA?

Members of a local UCA church are not able to close their own church, or to leave the UCA. Closure is the responsibility of Presbytery based on advice usually related to ongoing viability.

To explain briefly: For the ABC Uniting Church with, say, 35 members, to 'leave' the UCA, the process is for all 35 members to resign. The Presbytery is then advised that the ABC church no longer has any members and that a new congregation has been formed.

### 3. What if not everybody resigns?

If there are remnant members, regardless of how many there are, they constitute the ongoing ABC Uniting Church and have legal rights to all the assets. This is the standard position whenever anyone resigns their membership – the remaining members continue on. This has already been the case when, over time, congregations diminish from, say, 100 to 50 to 15 to 4. Whoever is left retains use of the assets. All the assets. Including cash.

### 4. What if everybody resigns?

As a general rule, all assets of the local church belong to the UCA. In the 100 to 50 to 15 to 4 scenario, it makes sense that when the last four leave, there's a celebratory final service, everything belonging to the local church is placed in the building, the building/s locked and the keys returned to UCA head office.

In the case of the ABC Uniting church above, if all members resign, this general rule still applies. If the previous members want any of the assets of the ABC church to be transferred to the new, it will be necessary to discuss this with representatives from Synod which owns the assets. These discussions would need to happen as early as possible without any assumptions being made.

If a transfer of any assets is agreed, they will need to be transferred to a legal entity capable of owning assets, such as an incorporation.

### 5. Other closure activities

- Financial records need to be finalised and audited. Any remaining bank balances, being an asset, will need to be transferred as

agreed with Synod.

- There may be other records such as baptisms, marriages, funerals, minutes of local groups such as church council, Men's and Women's Fellowships and more that need to be identified and collected for handover. Apart from UCA archival interest, there are also state archival regulations that could impact the retention or destruction of such records.
- CCLI reporting needs to be up to date as at the date of closure.
- Any stationery, for example, information sheets and brochures available to visitors, letterheads, etc. that include the old church name or logo should be destroyed.
- Any website related to the old church needs to be decommissioned. If using the UCA website, this would be done by the UCA after formal advice of closure has been received.

If the website was developed by a third party, it could be deemed an asset belonging to UCA. Negotiation may be required to enable ongoing use of the website, if that was desired, with appropriate changes to reflect the new church. Because the new church must have a different name and be a legally separate body, changes to other social media such as Facebook used by the old church under the old name will also need to be assessed.

- Other organisations that would have contact details related to the old church name will need to be notified of the changes that are taking place. That may include local councils, ACC, ministers fraternal or similar, schools and other community groups, School pastoral care support committees and others.

# Establishing a New Church

## 6. Establish a new name

To avoid possible confusion with the connection the local community has made between the previous name and the UCA, Synod has requested that the new name bears no resemblance to the old. For example, if the old name was Resurrection Uniting Church, the new church should not be called Resurrection Christian Church. This is not a legal requirement, but needs to be remembered when determining a new name.

If incorporating, it will be necessary to check that the proposed name is acceptable to the state government agency. In South Australia, that agency is Consumer and Business Services.

## 7. Is incorporation required?

Whether the new church needs to be an incorporation is for the new church to determine. Incorporation will be required if property is to be owned by the new church, grants are being sought, or responsibility for finance, health and safety etc. is going to be taken by the corporate body, rather than individuals.

If incorporation is deemed necessary, the local body needs to understand the requirements and together agree to proceed. Rules (previously called a constitution) will need to be written, and the requisite paperwork prepared and submitted to the government agency. Information about incorporation in South Australia can be found at the following website: <https://www.sa.gov.au/topics/family-and-community/community-organisations/types/incorporated-associations>

Similar investigation will be required to determine if an ABN is required.

Some churches may be registered as a charitable organisation. When this is the case, the local group will need to determine if the new church needs to be similarly registered and take the appropriate action.

## 8. Insurance

The new church will not be covered by the insurance policies provided by the UCA for UCA congregations. Insurance covering buildings, contents, professional indemnity and public liability suitable for the needs of the new church will all need to be identified and purchased.

## 9. Health and Safety

There are some Health and Safety matters that will need to be reviewed and implemented. These include:

- Child Safety and Care

The new church will need to establish a child care and safety policy and reporting that conforms to statutory requirements, and appropriate training put in place. This ought to have been in place for the previous church and possibly just needs to be rebadged and re-issued. If not already in place, it needs to be developed.

A Child Safety Officer may need to be identified to monitor that all appropriate personnel are up to date with the paper-work.

- Mandatory Reporting

Requirements for mandatory reporting and associated training should be checked.

- Confidentiality

Confidentiality requirements with respect to identification, such as photos publicly available, and contact details of persons associated with the new church need to be understood and a corresponding policy implemented.

## 10. Finance

New banking arrangements will need to be put in place with a corresponding new accounting system. This would most likely include the purchase of a new financial package (of which there are several, some including management of membership lists), again subject to negotiation with Synod.

Subject to the outcome of discussion about transfer of assets, separation can be expensive. Apart from the relatively minor costs of setting up a new legal entity, costs could include purchase of new equipment, rental of premises, or even purchase of real estate currently belonging to the UCA, such as the manse or more. The funding source to cover these expenses needs to be identified.

## 11. New Leadership

How this takes place will vary from church to church, but there needs to be congregational agreement on who will make up the leadership team of the new church. It may be necessary to put in place an interim arrangement until a new structure is established. This is one of the items covered in the Rules for incorporation if that is the direction chosen.

## 12. New CCLI licence

A new CCLI licence and other related licences if required, will need to be purchased.

## 13. Network Association

The new congregation will need to determine what, if any, association it wants to have with other church networks or denominations. Hopenet SA has been established to cater for these circumstances. Refer to separate document *HopeNet SA Beliefs, Structure and Purpose*.

## 14. Other Tasks

- Possible new website and/or Facebook page.
- Notification to other organisations of the new church.
- Signage will need to be changed, such as portable signs and anywhere where the old name appears.
- For letterheads, new stationery may be required, or Word templates modified with the new name and logo.

## A Warning

It is easy to lose sight of the overall purpose of a local Christian church when discussing and implementing these changes. One Biblical principle (eg holiness) can be elevated at the expense of other principles (eg forbearance). Care needs to be taken to only say what is relevant and necessary.

Experience to date has shown that the devil can have a field day, in fact already has, when priorities get misplaced while dealing with this matter. Individual needs can be, and sadly have been, overlooked. The proclamation of the Gospel can be placed in the background. The joy of one's salvation can be absent. Prayer life can be diminished, if not stopped altogether. The presence of the Holy Spirit can be impacted as individuals fly their own flag at the expense of that unity and love which covers wrongs.

Whatever a congregation decides to do, whether to stay with the UCA or separate, the motivation must be to promote Jesus Christ in holiness, love and truth.

HopeNet SA Executive

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