

Ethical Ministry Refresher: Ethical ministry and the law Session 2, 2023

Synod of Victoria and Tasmania
Material for Participants

Expectations for Participation	Ministers, Candidates, Pastors, Chaplains and Lay People engaged in ministry in the VicTas Synod are required to attend two Code of Ethics workshops each year.
Before the session	<ul style="list-style-type: none"> • Read through this document. It begins with the preparation work you will need to complete to attend this Code of Ethics session and is followed by the session outline. • Ensure you have a current copy of the Code of Ethics and Ministry Practice and bring it to the refresher session. You can find a copy of the Code of Ethics here: https://assembly.uca.org.au/images/assemblies/appendixdcoe.pdf • Review the 'Ground rules for Workshop discussions' and 'Safe shared pairing' (below) and be ready to participate. • Complete the preparation outlined in the next section.
Prepare	<ul style="list-style-type: none"> • Re-read the Code of Ethics and Ministry Practice, paying particular attention to section 6 (see extract from the code of ethics below) • Read the article (attached separately) and prepare to discuss the article the session. • Prepare for the opening part of the session, which will be a reflection on practice. • Read all of the case studies, select at least one and prepare to discuss it in a small group. • Reflect on a situation related to your encounters with Voluntary Assisted Dying (VAD) legislation. This could be in discussion, reflections or in the practice of ministry. Think through how this could be discussed with colleagues. • Your notes are for your use to assist you to be ready to share so think about the best way for you write them Options include: <ul style="list-style-type: none"> • a brief case study, • notes or several dot points, • a mind map of your issue or, • an image or diagram. <p>What is important is that you reflect on an ethical situation in your own ministry context before you come to the session and that you come prepared to share at least some of your reflection in paired sharing.</p> <p>(If you would be willing to share your case study or notes for wider use – after ensuring it is unidentifiable - please email Morag (morag.logan@victas.uca.org.au).</p>

Ground Rules for Code of Ethics discussion sessions

1. Listen. Hear what the other person is saying. Let them finish talking. Think before you respond. The same word or phrase may mean different things to different people, so it may be helpful to ask a question for clarification rather than making an assumption.
2. Talk about yourself and your own experience. You may ask questions of others, but do not challenge the validity of another's personal experience or point of view. Code of Ethics case studies are meant to be used as tools for learning more about how the Code applies to our own ministry practice. Sometimes discussions may need to hold a wide range of views, and guidance may be needed from the Facilitator to ensure that the spirit and intention of the Code of Ethics is being upheld in the discourse.
3. Keep your comments brief and to the point, so everyone has a chance to speak.
4. Do not generalise from your experience and feelings to the experience and feelings of others. Let people speak for themselves.
5. Do not attack, or try to hurt, or pass judgment on anyone, whether or not they are present.
6. Treat this group session as a confidential conversation; do not repeat elsewhere what is said here.
7. Stay on topic.
8. Be responsible in discerning what material is appropriate for you to share in the wider group, what would be better suited to the 'paired sharing' and what should be shared only with your supervisor.

Group discussion material

This first section is not based on case studies, but is an invitation to spend time in small groups, in an exercise in reflection on practice. This will be in relation to an areas where the law is in a process of change around Australia. The focus for this session is the Voluntary Assisted Dying Legislation (VAD).

This is an area where the law has been changing recently, with legislation coming in different states at different times. It is an area where there are a range of faithful and theological perspectives and opinions. Within the Church there are deeply held beliefs and commitments – but a lack of agreement and consensus.

In this session please be aware that there are a range of beliefs and opinions within the Church. Please be careful of the strongly held and varying beliefs and understandings that are present within the group you are with. Please remain aware of your own feelings, understandings and emotional state and needs. Consider seeking help if this material triggers strong reactions in you, perhaps discuss these in supervision, and /or seek the support that you need.

What does the code of ethics say about our relationship to the Law

This is a brief section in the Code of Ethics – and to the best of our knowledge it has not been included in one of these Code of Ethics Training sessions in the Synods of VicTas or NSW/ACT. The Code of ethics says:

6. RELATIONSHIP WITH THE LAW

6.1 Ministers shall inform the Synod Secretary of any matter which may lead to legal action against the Minister and/or the Church.

6.2 It is unethical for Ministers deliberately to break the law or encourage another to do so. The only exception would be in instances of political resistance or civil disobedience.

The Code of Conduct for Lay Preachers has the same wording (although it is para 5 not Para 6).

The code of ethics also calls on Ministry Agents to be aware of and respect decisions of the councils of the Church, so the discussion and decision making at Synods, the Assembly, Presbyteries and local Councils also need to be taken into account.

3.2 RELATIONSHIPS WITH COUNCILS OF THE CHURCH

(a) Ministers shall be aware of and respect the guidance and decisions of the councils of the Church, and maintain accountability within the discipline of the Church.

(b) Ministers have a responsibility to participate fully in their local church councils, Presbytery, and in the wider work of the church.

(c) Ministers may not use their preaching role to inflame conflict within the Congregation, or between the congregation and other councils of the church. Processes and decisions of councils of the Church should be reported accurately and fairly. Disagreements need to be conducted within the framework of principles provided by A Manual for Meetings, (ie. in a way that expresses Christian

community and commitment to rational debate based on evidence and argument, not personal attacks and mere assertion of opinion).

And a similar section is included in the Code of Ethics and Ministry Practice for Lay Preachers (3.2 (a) (b)).

Voluntary Assisted Dying

What is this and What does the law allow

Voluntary assisted dying (VAD) laws allow a person in the late stages of advanced disease to take medication prescribed by a doctor or medical practitioner that will bring about their death at a time that they choose. VAD is legal and available in Queensland, South Australia, Victoria, Western Australia and Tasmania. VAD laws have passed in NSW, but they will not come into force until 28th November, 2023.

Details of the legislation in different areas of Australia differ in some small ways. There is, however, a high degree of consistency in the legislation around Australia. In particular:

- Only people who meet all the conditions and follow the process set out in the law can access the voluntary assisted dying medication.
- The law allows only people in the late stages of a disease to access these provisions. Specifically, the person must have an advanced disease that will cause their death, and is likely to do so within six months (or 12 for neurodegenerative diseases).

A person's decision to ask for voluntary assisted dying must be:

- Voluntary (it must be the person's own decision)
- Consistent (specifically, this means that the person makes three separate requests for voluntary assisted dying during the process)
- Fully informed. The person must be well-informed about their disease, and their treatment and palliative care options
- The person must be able to communicate, and must have the decision making ability throughout the entire process
- The request can only be made by the individual to a registered Medical Practitioner

What is the Church's position?

At present there is not one clear Uniting Church position on VAD. In Queensland, the Synod is opposed to the VAD legislation:

The position of the Uniting Church in Queensland is that we are opposed to voluntary assisted dying legislation. This position has not changed.

While we may not provide voluntary assisted dying as a service, we will not abandon people. We will continue to provide high quality care to anyone in our facilities. If they choose to make a decision, we will not hinder or obstruct the decision. We will continue to compassionately support them.

We understand that this is an issue that has the potential to divide the community. We ask for respectful and graceful debate.

Rev Andrew Gunton
Moderator

Following the VAD legislation passing in Victoria, there was an extensive discussion at the 2019 meeting of the Synod of Victoria and Tasmania, which resulted in the Synod passing a resolution (attached). It was also addressed in a pastoral letter from the then Moderator, Rev Denise Liersch

Dear sisters and brothers in Christ,

Over the last year, the Uniting Church in the Synod of Victoria and Tasmania has been considering the issue of Voluntary Assisted Dying. This conversation has continued over the years, with a variety of views expressed by members of the Church.

Anticipating that legislation might be passed in Victoria, the 2017 Synod requested a consultation process across the Synod. The aim was to bring to the 2019 Synod, a report and recommendations regarding the Church's response to any potential legislation.

When legislation was passed in Victoria, it became more important to know how the Church in this Synod might respond to those who look to us for guidance. This includes members of congregations, ministers and pastors, members who are supporting loved ones and those who are personally considering voluntary assisted dying, as well as Uniting VicTas, Uniting AgeWell, and the Church-affiliated hospital group Epworth HealthCare.

Last week, members of the 2019 Synod of Victoria and Tasmania met together in careful consideration, discussion and prayer to discern our response to the Victorian Voluntary Assisted Dying Legislation. The Synod heard a wide range of strongly and faithfully held views, from various theological and cultural perspectives.

Synod members listened to each other, seeking the Spirit's leading as they worked together as a Christian community in openness, honesty and respect. The original proposals were tested and reshaped, until we could decide together on the response of the Church in our Synod.

Together we affirmed aspects of our core Christian beliefs. We affirmed that life is a gift of God, that all life is precious to God, and has dignity before God, regardless of circumstances. We affirmed that the love of God in Christ holds us throughout all of our lives and in our dying, and that there is nothing that can separate us from the unbounded love of God. We affirmed the distinctive Christian theology and mystery of suffering. We are held within the love of God who enters into our sufferings, bringing grace and peace even in our darkest moments. We affirmed the calling of Christians to be discerning communities of love and care to others, in their journey through life and death.

We affirmed that palliative care is the primary way in which we support and care for those at the end of life, including their families, and called on the Victorian Government to increase resourcing for this.

We recognised that there is a range of faithful Christian responses to voluntary assisted dying which reflect these deeply held Christian beliefs. In relation to the very specific limitations of the 2017 Victorian Voluntary Assisted Dying legislation, we recognised that exploring or accessing voluntary assisted dying, as well as conscientiously objecting, are all faithful Christian responses.

In light of all this, permission was given to the relevant UCA institutions and associated hospital group within Victoria, to make voluntary assisted dying allowable for their patients, clients and residents, under the specific conditions of the legislation.

This decision honours the diversity of faithful Christian responses within our Church, and gives people the freedom to follow their own conscience in this matter. While this decision may be difficult or challenging for some members or communities of our Church, the resolution commits to respecting the range of faithfully held Christian responses.

Taking into account the range of cultural and language needs, and the range of faithful Christian responses, the Synod resolved to resource those who offer spiritual and pastoral support to people (and their families) who are exploring, accessing, or who have accessed voluntary assisted dying. Translations of this letter into other languages may also be available, if needed.

I encourage you to share this letter and the attached resolution (unconfirmed minute) with your congregations, faith communities, or organisations, that we may together explore what this means in our life of faith and witness to the grace and love of God in our midst.

May the grace and peace of Christ continue to fill us with God's unbounding and renewing love.

Rev Denise Liersch
Moderator

The eLM unit of the VicTas Synod has produced pastoral resources for ministry at the end of someone's life - see <https://victas.uca.org.au/resources/end-of-life-pastoral-resource/>

Reflection on Ministry Practice

For discussion (in plenary or in small groups)

In the Australian legislation, a decision about VAD is made by an individual, in consultation with medical practitioners. We all need to be clear that the pastoral carer/minister **should by law not be involved** in the influencing, discernment or decision-making of an individual in these matters.

There are, however, a wide range of pastoral conversations that ministers might be invited into.

Some questions for individual reflection and group discussion:

In preparation for this session, please read the Reading provided: *In Sure and Certain Hope: Resources to assist Pastoral and Theological Approaches to Physician Assisted Dying*, The General Synod of the Anglican Church of Canada.

For personal reflection, consider the following two paragraphs:

First: pastoral care-providers must discern honestly through prayer and consultation their personal views and values and how they affect their capacity to support patients in decision making in relation to end-of-life and assisted dying. Can the pastoral caregiver, whatever their personal views, support an authentic request for assisted dying? If not, then the pastoral caregiver must seek out and make available to the parishioner appropriate alternate pastoral resources. The duty of care requires that the church be present in that care. If I determine that I am not the one to be able to provide the best pastoral care in that context, it cannot ensue that the patient is abandoned by the church.

Second: pastoral caregivers must assess the strengths and limitations of available resources that can, or cannot, support the parishioner who seeks assistance with dying. To promise support for a parishioner who seeks assisted death and then to discover there are either limited or non-existent medical resources to make such a request possible, is to create the opportunity for additional emotional distress for the parishioner. Likewise to deny existing resources to a parishioner seeking assisted dying because of the personal beliefs of the pastoral care-provider, (I do not believe in assisted dying and so I will not refer to those who do), is equally harmful to the parishioner.

In sure and certain hope, p. 20

Personal reflection task:

Think through for yourself how you would respond to a request related to VAD. The two paragraphs above could be a useful resource in framing your reflection.

In group discussion:

Members are invited to share their reflections together.

Further questions for group discussions:

Have you had any pastoral interactions with people involved in a VAD process?

This could be with:

- an individual seeking to use VAD provisions
- a relative of someone who is (or could) use VAD provisions
- a medical practitioner thinking through their own position on VAD
- someone, or a group of people, who are not personally affected by the VAD provisions, but who wish to think through the ideas in a faith context

How might you in your ministry role support helpful discussions of VAD in your setting?

What material would make up an ethical practice of ministry in situations involving VAD?

What is the place of each individual's personal views?

How do different theological views interact in this discussion?

How is your ethical ministry practice affected by the change in laws?

How might a person in ministry support:

Someone seeking to access VAD?

A relative of someone who is considering VAD?

A medical practitioner making and thinking through their ethical medical practice?

What further resources might you – or the group – need to continue this discussion and reflection?

Broader discussion: Case Studies

The following case studies are provided for a broader discussion of ethical ministry practice in relation to the law. A group may choose some of these studies, or spend their whole time on the reflection on VAD above.

Case Study 1

Sunny is a minister in the Uniting Church. He is approached by an activist organisation and is asked to participate in a public action related to climate change. A new fossil fuel power station has just begun being constructed in the local area and the activists are seeking to disrupt its development and draw public attention to the issue.

Sunny enquires further about the nature of this planned public action. He is told that it will be nonviolent but will involve breaking the law by way of peacefully but resolutely blockading a public road. The road is mostly used by the construction company building the power station, though there are also residential users. The activists expect to be arrested as a consequence of their planned action.

1. What are the ethical responsibilities for Sunny as a leader in this situation?
2. What guidance does paragraph 6 of the Code of Ethics give him in this matter?
3. If Sunny gets involved, who might he talk with to report this if needed?

Case Study 2

Sarah works in a Pastor role as Children and Family worker in the Fredville Congregation. She was involved in the youth programme on the Sunday morning when one of the young people asked to speak with her about the youth group. Sarah heard from the youth that his father was bashing his mum and he'd been hit a few times recently. This goes on regularly. He's worried about his mum and his own safety.

What should Pastor Sarah do in this situation?

1. What guidance does the Code of Ethics and Safe Church training provide to Sarah?
2. Who should Sarah contact to report this and to provide support to the young person?
3. What legal risks are there for Sarah in dealing with this matter?

Case Study 3

Robert works as a Chaplain in an Aged Care facility and visits the residents regularly as well as leading worship each week with them. On visiting Oscar, he hears the concerns Oscar has of his daughter handling his financial affairs as his power of attorney. Oscar had asked for his bank book to see how his finances are going to discover a \$20,000 withdrawal had been made from his account. On quizzing his daughter Oscar realised that the recent overseas trip she had was funded from his money without his consent.

Robert is concerned for Oscar and if what Oscar has found out turns out to be the case, Robert believes this is a form of elder abuse. He talks with his supervisor wondering what his ethical obligations are and whether it is a crime to be reported.

1. What guidance does the Code of ethics give Robert about this issue?
2. What are his ethical responsibilities here?
3. How might Robert respond to Oscar in this situation?

Case Study 4

Anastasia works as a Deacon in the Restwell Congregation, who have a strong commitment to social justice. The congregation are connected with a local Asylum Seeker & Refugee support Centre and currently support a family who are living in Australia, but who do not have current visas. Anastasia provides support to the staff of the centre and they collect food and grocery vouchers to assist the centre.

The local paper discovers that the church is supporting this family and writes in the local paper about this in a negative way. Anastasia is highlighted as one of the key people involved and this creates conflict in the congregation.

1. What guidance does the code of ethics give on this matter?
2. How might Anastasia navigate the situation with the media and the Refugee centre?
3. What support might be needed in this matter for the church and the Deacon?

Paired Sharing

Paired Sharing

Safe Paired Sharing

Paired Sharing provides an opportunity to engage with the topic on a more personal level, and to integrate your learning with your ministry practice. Participants are requested to keep discussions confidential, but at the same time to remember that paired sharing is in no way intended to take the place of a conversation with your supervisor. We are all vulnerable people. Collegial respect and care for one another are essential elements of Ethical Ministry Refreshers, and of course they are also essential for ministry.

Sharing an example from your ministry could include:

- An actual (de-identified) situation that you feel comfortable to discuss in this setting.
- A 'hypothetical' situation that could possibly happen to you.

What steps would you take to resolve the situation? How might you prevent a breach of the Code of Ethics? What choices might you make in this situation? Where are the grey areas?

You may find it helpful to take some time at the beginning of this session to silently reflect and gather your thoughts. This could be a good way to work through which issues you feel safe about sharing in this context, and which ones you would rather save to discuss with your supervisor.

When you are sharing your scenario remember to try and describe the situation with some detail. In particular try to describe how you were feeling, what you did and why you think you did it, and what next steps you might take. What guidance does the Code of Ethics give you in thinking about this scenario? What new insight have you gained from reflecting again on the scenario?

Shared Pairing outline

The suggested format for the paired sharing time is as follows:

- **Share** for 10 minutes each: In pairs share the case study or reflection you prepared for this session or think of an example from your ministry that relates to relating to your colleagues. How did you resolve it? What did you learn from it? How are you practicing ministry differently as a result? (10 minutes each, 20 minutes total)
- **Dialogue** with each other: What insights have you gained about ministry practice? (10 minutes)
- **End** with what would you like to bring to the whole group about your own experience, or about this discussion? (Don't discuss the other person's experience with the wider group.) (10 minutes).
- **Thank** each other for the conversation and return to the larger group if your session is doing that.

Post workshop reflection

After the workshop...

For yourself:

and follow
up.

- Please take time to reflect on what you would like to share with your supervisor arising from the preparation for today and the discussion today. Remember that supervision should include regular reflection on the Code of Ethics and Ministry Practice.
 - You may also like to engage in a time of biblical and theological reflection. What themes from faith stories or bible passages help you work through these issues? Are there any images that come to mind? What theological themes have you brought to mind as a result of the workshop today?
-