



# Guidance when drawing up or revising a constitution for a church that is an Unincorporated Association

(Revised 2025)

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## Introduction

A church constitution exists to serve that church's mission and ministry. It outlines important principles regarding how the church is organised and governed so helping to create shared expectations among church members and the broader church community. It is also a requirement for registration with the Australian Charities and Not-For-Profit Commission (ACNC) as a charity

A constitution that is relevant and easy to understand helps to facilitate church health.

This document offers guidance to any group that is preparing a constitution for the purpose of affiliating with the Baptist Churches of NSW & ACT; or to any affiliated church that is revising its constitution. It is prepared for churches adopting the structure of an unincorporated association. Please note that there may be additional legal considerations for churches that are incorporated.

The guidance offered aims to encourage a broad diversity of churches. Consequently, it avoids being overly prescriptive, preferring to highlight elements that should be present, while providing relevant commentary and offering sample constitutions to help a church fill out the detail of its own constitution.

The sample constitution is just that – a sample. Churches that choose to use it must be careful to tailor the content and terminology to suit their own circumstances.

## Guiding Principles

Principles that may guide you in drawing up or revising your constitution:

- Does this help or hinder us from living out our values and mission under the Lordship of Christ?
- What are the core convictions about how the church should operate, that need to be included?
- What are the details we can delegate to separate Policy and Procedure documents that can more easily change in response to context and ongoing formation as a church?
- What are the mechanisms that should be included so that the constitution can be kept relevant and up to date?
- What requirements do we need to include for Affiliation with the Baptist Churches of NSW & ACT?
- What do we need to include due to compliance or legal reasons?
- Are there elements we wish to include to support registration with the ACNC?

## Requirements for Affiliation

Affiliation with the Baptist Churches of NSW & ACT requires<sup>1</sup> that a church:

- supports the foundational beliefs, the objects, position statements and the values of the Baptist Churches of NSW & ACT as set out in its constitution
- agrees to be bound by the constitution of the Baptist Churches of NSW & ACT
- agrees not to affiliate with any other denomination without the approval of the Assembly Council of the Baptist Churches of NSW & ACT
- has met the requirements the Assembly of the Baptist Churches of NSW & ACT has put in place from time to time, and
- has been recommended for affiliation by Assembly Council

<sup>1</sup>As per Section 17.1 of the Constitution of the Baptist Churches of NSW & ACT

## Constitution Checklist

### What Should a Constitution Include?

- ☐ The Name of the Church and that it is an unincorporated association
- ☐ A Statement of Beliefs that is not inconsistent with the Foundational Beliefs and Position Statement of the Baptist Churches of NSW & ACT as set out in Sections 4 and 6A of its constitution
- ☐ The Purpose of the Church
- ☐ A statement regarding the Government of the Church, which affirms that:
  - It seeks to exist, and act, under the Lordship of Christ
  - It shall be governed in accordance with the principle of congregational government
  - It shall be a member of the Baptist Churches of NSW & ACT
- ☐ Rules relating to Membership/Partnership of the Church
- ☐ Rules relating to the Governance of the Church
- ☐ Rules relating to Church Members'/Partners' Meetings
- ☐ Rules relating to Property Ownership & Dissolution
- ☐ Rules relating to Altering the Constitution

### What Could a Constitution Include?

- ☐ Rules relating to the Appointment of the Governance/Leadership/Administration Teams
- ☐ Rules relating to the Appointment of Pastors
- ☐ Rules relating to the Handling of Offence & Dispute

# Notes, examples & FAQs

## What Should a Constitution Include?

The Name of the Church and that it is an unincorporated association

For example...

*The Name of the Church is [insert]*

*The Church is an unincorporated association, established to be and continue as a charity*

## A Statement of Beliefs

For example...

*The Church shall consist of members who give evidence of a sincere profession of faith in the Lord Jesus Christ and who affirm the foundational beliefs, which are set out in the constitution of the Baptist Churches of NSW & ACT*

*(The Foundational Beliefs of the Baptist Churches of NSW&ACT could be included as an appendix)*

*Or,*

*The Church shall consist of members who give evidence of a sincere profession of faith in the Lord Jesus Christ and who affirm the following beliefs:*

*(Insert the Church's Statement of Beliefs, ensuring that it does not conflict with the Foundational Beliefs and Position Statements of the Baptist Churches of NSW & ACT)*

## The Purpose of the Church

For example...

*The purpose of the Church is to make disciples of Jesus Christ who make disciples of Jesus Christ, so extending the Kingdom of God by sharing the gospel with others*

Or

*The purpose of the Church is to be a Christ-centred community, growing in faith and sharing the Gospel with others*

There is value in a church clarifying its “purpose”. A purpose statement articulates why a church exists. This is different to a vision statement, which articulates what you would expect to see if a church lives out its purpose. While a church’s vision may change over time, its purpose is essentially timeless. If the church’s purpose is clearly defined, then this will prove helpful to anyone who is considering membership/partnership.



## Rules relating to Membership/Partnership of the Church

For example...

- i. The qualifications for membership/partnership, including:***
  - a. That members/partners have faith in the Lord Jesus Christ*
  - b. Whether a member must have been baptised as a believer by immersion*

Some churches prefer to use the terms “partnership” and “partner” rather than the more traditional “membership” and “member”. This is because the more traditional terms are perceived by some to be irrelevant to a growing number of people who are rejecting membership as nothing more than a formal system that entitles a person to vote at a church meeting. Each church should consult with those who support its life and witness to determine the best language to use.

It is increasingly the case that Baptist churches are welcoming into membership/partnership those who have not been baptised as believers but who have made a public declaration of faith according to their church background and who affirm the church’s Statement of Beliefs, including the New Testament practice of the baptism of believers by immersion. Such details should be clarified in a constitution

For example...

*Church Members/Partners shall be persons who:*

- give evidence of a sincere profession of faith in the Lord Jesus Christ*
- have publicly declared their faith in baptism, normally by immersion; or by making a public declaration of faith according to the rites of another Christian church and are able to affirm the New Testament practice of the baptism of believers by immersion*
- affirm the beliefs outlined in this constitution*
- are committed to the life and ministry of this Church*

There are legal constraints on church members/partners who have not been baptised as believers by immersion. These relate to the governing document of the Baptist Churches of NSW&ACT (the Baptist Union Incorporation Act 1919) and the Baptist Churches of New South Wales Property Trust Act 1984 – both of are Acts of the NSW Parliament. These members

- a. are not eligible for appointment as a delegate of the church to an Assembly of the Baptist Union of NSW, and
- b. are not entitled to vote on any resolution proposed for the purpose of giving the Baptist Churches of NSW Property Trust a direction under Section 42 of the Baptist Churches of NSW Property Trust Act 1984.

These constraints should be clarified in a constitution

For example...

*A Membership/Partnership Roll shall be maintained by the Secretary. It should identify members who are under 18 years of age and members who have not been baptised as a believer. Such members/partners are not eligible for appointment as a delegate of the Church to an Assembly of the Baptist Union of New South Wales, nor entitled to vote on any resolution proposed for the purpose of giving the Baptist Churches of New South Wales Property Trust a direction under Section 42 of the Baptist Churches of New South Wales Property Trust Act 1984.*

A church should also reflect on the voting rights it will afford to Church members aged under 18 and, if necessary, articulate this in its constitution. Normally, when a person is baptised, they will also become a member of their local church. When the person concerned is under 18 then a church should always include them in Church Members' Meetings, and listen carefully to the contributions they make, but may decide to restrict their right to vote on certain matters.

ii. ***The application process for membership/partnership***

Baptist churches approach this in various ways. Some delegate the processing of applications to their leaders. Others require that final approval rests with a meeting of church members/partners,

For example...

*All applications for membership/partnership shall be processed by the Leadership Team and brought to the Church Members' Meeting for final approval*

Or

*All applications for membership/partnership shall be processed by the Leadership Team*

- iii. ***The process for maintaining and revising the Membership/Partnership Roll, including who is responsible for doing so.***

It is important that a Membership/Partnership Roll be maintained and strongly recommended that this be revised, at least annually, to ensure that is up to date<sup>2</sup>. Normally this is the responsibility of the Church Secretary, or Administrator.

As with the process for approving applications, the constitution should describe the process for deleting names from the Membership/Partnership Roll. Some churches delegate this to the Leadership Team, while others require that final approval rest with a meeting of Church members/partners,

For example...

*A Membership/Partnership Roll shall be maintained by the Secretary*

Or

*The Leadership Team shall review the Membership/Partnership Roll at least annually and bring to the Church Members'/Partners' Meeting any recommendation for the removal of a name from the roll by virtue of transfer, or for any other reason*

A clause should be included to the effect that “the Baptist Churches of NSW & ACT will be notified within 28 days if the Membership/Partnership Roll has fewer than 20 active members/partners”. The Property Trust Acts makes this information relevant to the Baptist Churches of NSW & ACT, particularly if the church owns property.

Some churches keep an Inactive Members/Partners Roll for those who at their own request, or by the decision of the Governance Team, by reason of sickness, age, or travel, are unable to regularly participate in the life of the church community. Members/partners on the Inactive Roll will not be eligible to vote.

<sup>2</sup> In addition to being important for good governance, maintaining the membership roll is required under the Baptist Churches of NSW Property Trust Act. Section 4 of the Act notes that a congregation who may hold property under the act needs to keep a membership roll, and that roll needs to reflect those who actually attend the church regularly. The absence of a membership roll means that for the purposes of the Property Trust Act, the church does not have any members.

It should also be noted that some churches require members/partners to renew their commitment on an annual basis. This may take the form of a covenant that lapses after a year and which a person must re-sign to continue as a member/partner. Those who use this model consider it to be more relational and to better facilitate on-going commitment and belonging.

- iv.   **How members/partners shall not be liable for any mandatory fees or subscriptions, nor have the right to any church property***

For example...

*Members/partners shall not be liable for any mandatory fees or subscriptions.  
Members do not own any Church property and have no legal right or entitlement to any Church property*

See 'What could a constitution include' for guidance about adding a section on Offence & Dispute. A well-developed Safe Church Policy may render such a section unnecessary in the constitution itself, but a clearly defined process for handling offence and dispute should exist.

## Rules relating to the Government of the Church

This section should refer to:

- The Lordship of Christ
- The principle of congregational government and how the final authority for decision making shall reside with Church members
- The importance of good and godly leadership and how leaders will be appointed with due regard for Biblical principles of leadership
- How leadership in the Church is always collective, though individuals may be appointed to specific roles, including Pastoral roles
- That the Church shall be affiliated with the Baptist Churches of NSW & ACT

Most affiliated churches register with the ACNC and so benefit from the tax concessions this brings. To satisfy ACNC registration a church must appoint a Public Officer. It is recommended that the Church's constitution includes details about how this will take place.

See 'What could a constitution include' for guidance about adding details relating to election and appointment processes, governance and leadership roles, appointment processes for pastoral team members and staff, and meeting and reporting requirements. It is recommended that most of the detail relating to such matters be delegated to separate policies thus allowing maximum flexibility in responding to the changing needs of the Church.

## Rules relating to Church Members' Meetings

Baptist churches are congregational in governance and so must have Church Members'/Partners' meetings. However, the form of such meetings does not need to reflect historical practices, and many churches are discovering that there are better processes for facilitating healthy participation in decision making processes.

This section should clarify:

i) ***The frequency with which Church Members'/Partners' Meetings shall be held***

For example...

*Church Members'/Partners' Meetings shall occur at least twice in each calendar year with one being the Annual General Meeting*

ii) ***The process for convening a Church Members'/Partners' Meeting***, for example...

*Notice of all Church Members'/Partners' Meetings must be given at the Church's primary regular gatherings held during the two weeks that precede the meeting*

iii) ***The process for convening a Special Church Members'/Partners' Meeting***

For example...

*Additional Church Members'/Partners' Meetings may be convened by the Governance Team. Such a meeting may be called for a particular purpose and only consider matters of which written notice has been given.*

Or

*Additional Church Members'/Partners' Meetings may be convened by the Governance Team or by requisition of 15% of the membership/partnership of the Church. Such a meeting must be called for a particular purpose and only consider matters of which written notice has been given.*

iv) ***The quorum for a Church Members'/Partners' Meeting***, for example...

*The quorum for any Church Members'/Partners' Meeting shall be 25% of all members.*

The Church may also choose to require a larger quorum for certain decision, for example to purchase property, borrow money, appoint a pastor, or for annual elections of people to positions in the life of the Church. If so, this should be detailed in the constitution

**v) The process to be followed if a Church Members'/Partners' Meeting does not have a quorum**

For example...

*If a quorum is not present within 15 minutes of the advertised starting time of the meeting, the meeting will be adjourned to a time and place decided by those present, provided it is at least two weeks after the originally scheduled meeting, and that notice of the adjournment is given at the public gatherings of the Church that fall within the intervening period. The quorum required for the recalled meeting shall be 15% of all members.*

Or

*If a quorum is not present, issues on the agenda may be discussed but will be referred to the Governance Team for resolution, excepting sale or purchase of property, borrowing of money, annual elections, and appointment of a pastor. The Governance Team's vote in these instances must be unanimous.*

**vi) If non-church members/partners can be present and take part**

It is increasingly the case that Baptist churches are inviting non-Church members/partners who are part of the wider Church community to attend and take part in Church Members'/Partners' meetings, albeit without the entitlement to vote.

**vii) Reporting requirements for Church Members'/Partners' Meetings**

For example, at a minimum...

*The Governance Team shall ensure an Annual Report, and an Annual Financial Statement which has been audited externally, are submitted to the Annual General Meeting.*

**Special Note:****Church meetings held online**

One of the challenges churches faced during the 2020-2022 global pandemic was how to make congregational decisions when lockdowns were in place. Up until COVID hit most churches required meetings to be held in person. However, there can be values in churches considering providing for a meeting to be held online in particular circumstances (which should be outlined in the constitution) as determined by the Church's Governance Team.

**Proxy voting at church meetings**

The Church meeting is the coming together of the body of Christ to discern His will and purpose for the Church in the matters to be discussed. This requires members/partners to be engaged in the process of discussion, prayer and decision making. For this reason, it is not recommended that provision be made in church constitutions for proxy voting at meetings.



## Rules relating to Property Ownership

This section should clarify:

- The trustee of all Church property

For example...

*The Trustees of all Church property shall be the Baptist Churches of NSW Property Trust*

- That all Church buildings and property shall be insured in accordance with requirements of the Baptist Churches of NSW & ACT
- How the assets and income of the Church will be applied

For example...

*The assets and income of the Church shall be applied solely in the furtherance of its charitable purpose and the advancement of religion. No portion shall be distributed directly or indirectly to the members except as bona fide reimbursement of expenses incurred on behalf of the Church or as appropriate remuneration pursuant to an employment relationship with the Church*

- What will happen in the event of the Church being dissolved

For example...

*In the event of the Church being dissolved, the amount that remains after dissolution and the satisfaction of all debts and liabilities shall:*

1. *In the case of property held in trust pursuant to the Baptist Churches of NSW Property Trust Act 1984, be dealt with in accordance with that Act and in particular Section 29 which provides that no portion shall be distributed directly or indirectly to the members of the church.*
2. *In all other cases be transferred to the Baptist Union of NSW or to any other organization (as resolved by a Church meeting prior to the church's closure) with similar purposes and which has rules prohibiting the distribution of its assets and income to its members and which is exempt from income tax.*

## Rules relating to Dissolution

Church constitutions should specify how the decision to close (dissolve) should be made, and at a minimum include provisions:

- confirming the decision to dissolve the Church may be made by a majority of members and specifying the percentage; and
- that address any other specific conditions necessary for a meeting convened to make such a dissolution decision e.g. extended notice time, etc.

For example...

- a. The Church may be dissolved by a resolution passed by at least 75% of the votes cast by Members all of whom must be Members who are eligible to vote, present and voting at a Church Members' Meeting. The meeting concerned must be a Church Members' Meeting formally convened in accordance with this clause.
- b. Notice of such a meeting must be given either:
  - i. At the church's primary gatherings held during the four weeks that precede the meeting; or
  - ii. By mail or email to church members (not including Inactive Members) at their last known address, sent at least four weeks before the date of the meeting
- c. The quorum for such a meeting shall be 50% of the membership, not including those members on the Inactive Members Roll
- d. If within 30 minutes of the time appointed for the commencement of the meeting a quorum is not present, the meeting shall be adjourned to a time and place determined by the members present and which is at least 2 weeks after the originally scheduled date of the meeting.
- e. In the event of such a meeting having to be adjourned due to the lack of a quorum then notice of the recommencement of the adjourned meeting but be given either
  - i. At the church's primary regular gatherings that preceded the recalled meeting; or
  - ii. By mail or email to Church members (not including Inactive Members) at their last known address, sent at least two weeks before the date of the recalled meeting

If within 30 minutes of the time appointed for the recommencement of the adjourned meeting a quorum is not present then the Church may be dissolved by a resolution passed by at least 75% of the votes cast by Members present and voting who are eligible to vote at a Church Members' Meeting.

## Rules relating to Altering the Constitution

This should clarify:

- The quorum for any Church Members' Meeting at which a vote on altering the constitution will be taken.
- The % vote majority of members present for an alteration to the constitution to be accepted.

For example...

*No amendment shall be made to this constitution except by a resolution passed at a Church Members' Meeting by at least 75% of the votes cast by Members present and voting at that Meeting, being Members who are eligible to vote at that Meeting. The meeting concerned must be convened for the purpose of considering and, if agreed, approving the proposed resolution to amend this constitution.*

*The quorum for such a meeting shall be 50% of the membership, not including those members on the Inactive Members Roll.*

*The text of any resolution proposing amendments to this constitution shall be provided in writing to the Governance Team. Any proposal must be either:*

- *signed by at least 15% of the Members of the Church, eligible to vote at a Church Meeting; or*
- *initiated by the Governance Team.*

*The Governance Team shall ensure that any proposed amendment to this constitution does not cause the Church to breach the requirements nominated by the Baptist Churches of NSW & ACT for the Church to remain affiliated.*

*The Governance Team shall ensure that details are distributed to all members not less than one month before the date of such a Meeting.*

*The ACNC must be notified whenever amendments are made to this constitution. A copy of the constitution, incorporating all amendments approved by the Members in accordance with this clause 10, must be provided to the ACNC within 28 days of the date on which the Church Members' Meeting approving these amendments is held.*

## What Could a Constitution Include?

The Sample Constitution is reasonably detailed, and a church may prefer to incorporate some of what it includes in policies e.g., a Governance Policy, a Church Members' Meeting Policy, etc, which are easier to amend. Should a church choose to do this, it is imperative that such policies are in place, and it would be appropriate for Church Members to adopt them at the same time as the Constitution.

### Rules relating to the Appointment of the Governance/Leadership/ Administration Teams

Affiliated churches organise themselves in different ways. Often the way in which a church does so is related to its size. A smaller church has less people available to serve than a larger one and so it is likely that some people will occupy more than one role.

It is recommended that a church differentiate between governance and operations and that this be done even when the same people are responsible for both. It is further recommended, that as a church grows it amend its structures to reinforce the differentiation by creating separate teams for each.

Governance concerns the oversight of all the church's affairs, in keeping with its mission, values, vision, direction and rules. It delegates the management and leadership of the church to the Senior Pastor and others.

Operations involves the hands-on organisation of the church. It is led by the Senior Pastor and others who implement the policies, processes, and strategic plan of the church.

Churches use various terminology (Eldership/Diaconate/Governance Team /Ministry Leadership Team/etc) when referring to those who have oversight and bring leadership. This terminology is used in different ways by different churches. In one church the Eldership is responsible for spiritual oversight, the Diaconate for governance, and the Pastor and Ministry Leaders for the hands-on organisation of the church. In another church the Eldership is responsible for both spiritual oversight and governance, while the Diaconate or Ministry Leadership Team is responsible for the hands-on operations. This document uses "Governance Team" when referring to the group of people who are elected by the church to oversee all its affairs, and "Leadership Team" when referring to the group of people who take responsibility for the management and leadership of the church.

See the sample constitution for examples of rules relating to the appointment of a Governance Team.

## Rules relating to the Appointment of Pastors

Most affiliated churches appoint pastors to lead them.

In making such an appointment a church should be guided by the Baptist Churches of NSW & ACT Managing the Call document and its Remuneration Recommendations.

In making such appointments a church should also understand the important differences between Employment and Spiritual Appointment. The Baptist Ministry Centre Team has produced Guidelines relating to this.

When it comes to employment a church should ensure that it complies with all relevant legislation and meets minimum national employment conditions including those of Fair Work Australia.

Traditionally, church constitutions have included clauses to the effect that the Church Members' Meeting can vote to dismiss a pastor. Such an approach may contravene the Fair Work Act. While it is still appropriate for a Church Members' Meeting to vote for the appointment of a pastor it is the Governance Team that then makes the appointment and manages that pastor. It is also the Governance Team that is responsible for suspending, or dismissing, a pastor. However, the Governance Team may, in its discretion, ask church members to affirm its decision. In every such instance the Governance Team must ensure fair process in accordance with the requirements of the Fair Work Act.

See the sample Detailed Constitution for an example of rules relating to the appointment of pastors.

## Rules relating to the Handling of Offence and Dispute

Affiliated churches are expected to have Safe Church policies and processes in place, including one that relates to the handling of offence and dispute. More information about Safe Church can be obtained from the Baptist Ministry Centre.

Name of Baptist Church

# Sample Constitution

Approved at a Church Members' Meeting on \_\_ / \_\_ / \_\_

## **1. Name of the Church**

1.1 The name of the Church is ..... (hereinafter the “Church”)

1.2 The Church is an unincorporated association

1.3 The Church is established to be, and continue as, a charity

## **2. The Basis of the Church**

The Church shall consist of members who give evidence of a sincere profession of faith in the Lord Jesus Christ and who affirm the Foundational Beliefs, which are set out in the Constitution of the Baptist Churches of NSW & ACT<sup>4</sup>.

## **3. The Purpose of the Church**

The purpose of the Church is to advance the Christian religion by making disciples of Jesus Christ, so extending the Kingdom of God by sharing the gospel with others.

## **4. Government of the Church**

- a. The Church seeks to exist, and act, under the Lordship of Jesus Christ, the leadership of the Holy Spirit, and the teaching of the Bible.
- b. The Church shall be governed in accordance with the principle of congregational government and so the final authority for decision-making shall reside with Church members.
- c. The Church affirms the importance of good and godly leadership and will appoint leaders with due regard for Biblical principles of leadership.
- d. Leadership in the Church is always collective, though individuals may be appointed to specific roles, including Pastoral roles. Pastoral roles may be paid positions.
- e. Those appointed to Governance and Leadership teams shall be members of the Church.
- f. Members of the Governance Team shall be appointed at the Church’s Annual General Meeting, or at a Special Church Meeting called for this purpose.
- g. Members of the Leadership Team shall be appointed by the Governance Team and appointments shall be reported to the Church Meeting.

<sup>4</sup>Or insert the Church’s own beliefs/statement, ensuring they are not inconsistent with the Foundational Beliefs and Position Statements of the Baptist Churches of NSW & ACT.



- h. The Governance Team is responsible to the Church Meeting for the life and ministry of the Church. It will provide oversight of all the Church's affairs, in keeping with its mission, values, vision, direction and rules.
- i. The Leadership Team is responsible for the hands-on organisation of the Church. It is led by the Senior Pastor and comprises others who implement the policies, processes, and strategic plan of the Church. It will be accountable to the Governance Team via the Senior Pastor.
- j. Leadership appointments will include a Secretary, who shall also be the Church's Public Officer, and a Treasurer, who shall manage and report on Church finances.

## **5. The Governance Team**

- a. Members of the Governance Team shall be members of the Church.
- b. The number of members of the Governance Team shall be determined by the Church.
- c. Members of the Governance Team shall be appointed at the Church's Annual General Meeting, or at a Special Church Meeting that is called for this purpose, upon a two-thirds majority vote of the Church members present and voting.
- d. Nominations papers for election to the Governance Team shall be available at least three weeks prior to the meeting and shall be returned to the Secretary, signed by the nominator, not later than ten days prior to the meeting.
- e. The names of all nominees shall be made available to Church members at least seven days prior to the election meeting.
- f. All Governance Team appointments are for two years, after which a person is eligible for re-election, up to a maximum of three consecutive terms whereupon a period of at least 12 months must lapse until that person is eligible for re-election.
- g. In the event of a position remaining unfilled, the Governance Team may appoint a person in an acting capacity until the appointment can be confirmed by resolution at a Church Members' Meeting, requiring a two-thirds majority.
- h. If a casual vacancy occurs during the term of office, a person shall be appointed by the Governance Team for the remainder of the term of the person who is so replaced.
- i. Together with the Senior Pastor the Governance Team shall lead the Church in accordance with sections 2, 3 & 4 of this constitution.
- j. The Governance Team shall appoint from within its membership a Chairperson.
- k. The Governance Team shall meet alternate months and may convene any other meeting as required.
- l. The Governance Team shall prepare and submit an Annual Report to the Annual General Meeting.
- m. The Governance Team shall prepare and submit an Annual Financial Statement, which has been audited externally, to the Annual General Meeting.

## **6. Membership**

- a. Church members shall be persons who give evidence of a sincere profession of faith in the Lord Jesus Christ, who affirm the beliefs outlined in section 2 of this constitution and who are committed to the life and ministry of the Church.
- b. Any person wishing to apply for membership shall make application to the Leadership Team.
- c. All applications for membership shall be processed by the Leadership Team and brought to the Church Members' Meeting for final approval.
- d. Members shall not be liable for any mandatory fees or subscriptions.
- e. Members do not own any Church property and have no legal right or entitlement to any Church property.
- f. A Membership Roll shall be maintained by the Secretary. It should identify members who are under 18 years of age and members who have not been baptised (normally by immersion) as a believer. Such members are not eligible for appointment as a delegate of the Church to an Assembly of the Baptist Union of New South Wales, nor entitled to vote on any resolution proposed for the purpose of giving the Baptist Churches of New South Wales Property Trust a direction under Section 42 of the Baptist Churches of New South Wales Property Trust Act 1984
- g. The Leadership Team shall revise the Membership Roll at least annually and bring to the Church Members' Meeting any recommendation for the removal of a name from the roll by virtue of transfer, or for any other reason.
- h. The Church Secretary shall notify the Baptist Churches of NSW & ACT if the Membership Roll falls below 20 active members who are able to vote in a resolution to direct the Baptist Churches of NSW Property Trust.

## **7. Church Members' Meetings**

- a. Church Members' Meetings shall occur at least twice in each calendar year with one being the Annual General Meeting.
- b. Additional Church Members' Meetings may be convened by the Governance Team, or upon a written request to the Governance Team signed by 15% of the total number of Church members. Such a meeting may be called for a particular purpose and only consider matters of which written notice has been given.
- c. Notice of all Church Members' Meetings must be given at the Church's public gatherings held during the two weeks that precede the meeting.
- d. The Chairperson of the Governance Team shall also be Chairperson of the Church Members' Meeting.
- e. The Governance Team shall ensure that an Annual Report and Annual Financial Statement which has been audited externally, are submitted to the Annual General Meeting.
- f. The quorum for any Church Members' Meeting shall be 25% of all members, not including those members on any Inactive Members Roll. If a quorum is not present,

issues on the agenda may be discussed but will be referred to the Governance Team for resolution, excepting sale or purchase of property, borrowing of money, annual elections, and appointment of a pastor. The Governance Team's vote in these instances must be unanimous.

- g. In the event of a Church Members' Meeting having to be recalled due to the lack of a quorum and lack of resolution of the issues on the agenda by the Governance Team in accordance with clause 7(f), notice of the recalled meeting must be given at the Church's public gatherings held during the two weeks that precede the meeting. If within 30 minutes of the time appointed for the recommencement of the adjourned meeting a quorum is not present then any issue on the agenda may be resolved by a majority of members present and voting.
- h. Non-Church members may be invited to be present at and to take part in the whole or any part of a Church Members' Meeting, but without the right to vote.
- i. Ordinarily, the vote of the Church shall be taken either verbally or by a show of hands. However, elections/appointments shall be by ballot, and a ballot may be demanded on any other occasion by a majority of members present.
- j. A Notice of Motion shall be submitted in writing to the Chair of the Governance Team one month prior to a meeting.
- k. Matters taken to the Church Members' Meeting for final resolution shall include:
  - i. The election of members of the Governance Team
  - ii. The appointment of Pastors
  - iii. The purchase, sale, or lease of land or buildings
  - iv. The borrowing of money
  - v. Changes to the constitution

## **8. Pastor/s**

- a. The Church may decide to appoint one or more paid Pastors/Pastoral Leaders. Such appointments shall be made according to the processes set out in this constitution and in consultation with the Baptist Churches of NSW & ACT.
- b. Pastors shall be Accredited or Recognized, or in the process of applying to be Accredited or Recognized, by the Baptist Churches of NSW & ACT.
- c. Pastors shall hold to the Basis of the Church as it is set out in section 2 of this constitution.
- d. The Senior Pastor shall have responsibility for leadership of the Staff Team.
- e. When a pastoral vacancy occurs the Governance Team shall establish a Pastoral Search Committee.
- f. The Pastoral Search Committee shall present a suitable nomination to the Governance Team and with the unanimous agreement of the Governance Team to the church,
- g. When the vacancy is for an Associate Pastor then the Senior Pastor shall lead the Pastoral Search Committee.

- h. When the vacancy is for a Senior Pastor then no Associate Pastor shall be a member of the Pastoral Search Committee.
- i. Any Pastor shall only be appointed by the Governance Team upon a 75% majority vote of the Church members present and voting at a meeting of which notice has been given at the Church's regular gatherings held during the preceding two weeks and in which the purpose of the meeting has been specified. The quorum for such a meeting shall be 50% of the membership.
- j. All terms and conditions of call shall be conveyed to a Pastor in writing, having previously been agreed by both parties.
- k. The Governance Team has the authority to suspend, or dismiss, a pastor with due regard to fair process and in accordance with the requirements of the Fair Work Act. However, the Governance Team may, at their discretion, ask Church members to affirm its decision.
- l. The tenure of office of a Pastor may be terminated by two months' notice, in writing, by either the Governance Team or the Pastor.

## **9. Offence & Dispute**

- a. The Church will actively maintain a culture of peace.
- b. The Church acknowledges that there will be times in its life when members will disagree with one another, and that conflict may arise. Therefore, in keeping with its purpose to be disciples of the Lord Jesus Christ who make disciples of the Lord Jesus Christ, and if conflict or disagreement does arise, members agree to follow the process outlined in the Church's Safe Church Policy with the aim of bringing about forgiveness, peace, and restoration.

## **10. Property Ownership**

- a. The Trustees of all Church property shall be the Baptist Churches of NSW Property Trust.
- b. All Church buildings and property shall be insured in accordance with the requirements of the Baptist Union of NSW.
- c. The assets and income of the Church shall be applied solely in the furtherance of its charitable purpose and the advancement of religion. No portion shall be distributed directly or indirectly to the members except as bona fide reimbursement of expenses incurred on behalf of the Church, or as appropriate remuneration pursuant to an employment relationship with the Church.
- d. In the event of the Church being dissolved, the amount that remains after dissolution and the satisfaction of all debts and liabilities shall:
  - i. In the case of property held in trust pursuant to the Baptist Churches of NSW Property Trust Act 1984, be dealt with in accordance with that Act which

provides that no portion shall be distributed directly or indirectly to the members of the Church.

- ii. In all other cases be transferred to the Baptist Union of NSW or to any other organization (as resolved by a church meeting prior to the Church's closure) with similar purposes and which has rules prohibiting the distribution of its assets and income to its members and which is exempt from income tax.

## **11. Dissolution**

- f. The Church may be dissolved by a resolution passed by at least 75% of the votes cast by members all of whom must be members who are eligible to vote, present and voting at a Church Members' Meeting. The meeting concerned must be a Church Members' Meeting formally convened in accordance with this clause.
- g. Notice of such a meeting must be given either:
  - iii. At the Church's primary gatherings held during the four weeks that precede the meeting; or
  - iv. By mail or email to Church members (not including Inactive Members) at their last known address, sent at least four weeks before the date of the meeting
- h. The quorum for such a meeting shall be 50% of the membership, not including those members on the Inactive Members Roll
- i. If within 30 minutes of the time appointed for the commencement of the meeting a quorum is not present, the meeting shall be adjourned to a time and place determined by the members present and which is at least 2 weeks after the originally scheduled date of the meeting.
- j. In the event of such a meeting having to be adjourned due to the lack of a quorum then notice of the recommencement of the adjourned meeting but be given either
  - iii. At the Church's primary regular gatherings that preceded the recalled meeting; or
  - iv. By mail or email to Church members (not including Inactive Members) at their last known address, sent at least two weeks before the date of the recalled meeting
- k. If within 30 minutes of the time appointed for the recommencement of the adjourned meeting a quorum is not present then the Church may be dissolved by a resolution passed by at least 75% of the votes cast by members present and voting who are eligible to vote at a Church Members' Meeting.

## **12. Alterations to the Constitution**

- a. No amendment shall be made to this constitution except by a resolution passed at a Church Members' Meeting by at least 75% of the votes cast by members present and voting at that Meeting, being members who are eligible to vote at that Meeting.

- The meeting concerned must be convened for the purpose of considering and, if agreed, approving the proposed resolution to amend this constitution.
- b. The quorum for such a meeting shall be 50% of the membership, not including those members on the Inactive Members Roll.
  - c. The text of any resolution proposing amendments to this constitution shall be provided in writing to the Governance Team. Any proposal must be wither:
    - i. signed by at least 15% of the members of the Church, eligible to vote at a Church Meeting; or
    - ii. initiated by the Governance Team.
  - d. The Governance Team shall ensure that any proposed amendment to this constitution does not cause the Church to breach the requirements nominated by the Baptist Churches of NSW & ACT for the Church to remain affiliated.
  - e. The Governance Team shall ensure that details are distributed to all members not less than one month before the date of such a Meeting.
  - f. The ACNC must be notified whenever amendments are made to this constitution. A copy of the constitution, incorporating all amendments approved by the members in accordance with this clause 12, must be provided to the ACNC within 28 days of the date on which the Church Members' Meeting approving these amendments is held.