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# Constitution of The Port Church Incorporated

August 2017

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# *The Port Church Incorporated*

(A Member Church of the Baptist Churches of South Australia Incorporated)

## CONSTITUTION

*August 2017*

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## 1 Name

The name of the incorporated association is *The Port Church Incorporated*, referred to herein as “the Church”.

## 2 Definitions

In this Constitution:

- (a) “**the Act**” means the *Associations Incorporations Act 1985 (SA)* as amended from time to time.
- (b) “**Annual General Meeting**” means the annual general Members Meeting of the Church required to be held pursuant to Rule 14.1 below.
- (c) “**BCSA**” means the Baptist Churches of South Australia Incorporated.
- (d) “**the Church**” means The Port Church Incorporated.
- (e) “**Member**” means a person who is a Member of the Church in accordance with Rule 8 below and “**Membership**” has a corresponding meaning.
- (f) “**Members Meeting**” means a meeting of the Members called and held in accordance with Rule 14 below.
- (g) “**Prescribed Church**” means a church that had gross receipts, excluding membership subscription, in excess of \$500,000 in the previous financial year.
- (h) “**Special Members Meeting**” means a Members Meeting of the Church called and held pursuant to Rule 14.2 below.
- (i) “**Church Leadership**” means the management committee of the Church as outlined in 9.7 below.

## 3 Affiliation

- (a) The Church will be a member church of BCSA.
- (b) The Church membership with BCSA may be withdrawn by a resolution carried by not less than seventy five percent (75%) of members present and eligible to vote at a Special Members Meeting.

## 4 Statement of Faith

In addition to the following Statement of Faith, the Church also upholds the Foundational Values of BCSA.

Jesus Christ, our Lord and Saviour, is the sole and absolute authority in all matters of faith and practice. These are revealed in and through the divinely inspired Scriptures, both Old and New Testaments. In worship of Jesus our Lord and in accordance with Holy Scripture, this Church declares:

- (a) We believe that the Bible is God's Word. It is accurate, authoritative and applicable to our everyday lives.
- (b) We believe in one eternal God who is the Creator of all things. He exists in three Persons: God the Father, God the Son and God the Holy Spirit. He is totally loving and completely holy.
- (c) We believe that sin has separated each of us from God and His purpose for our lives.
- (d) We believe that the Lord Jesus Christ as both God and man is the only One who can reconcile us to God. He lived a sinless and exemplary life, died on the cross in our place,

and rose again to prove His victory and empower us for life.

- (e) We believe that in order to receive forgiveness and the 'new birth' we must repent and believe in the Lord Jesus Christ.
- (f) We believe in the ordinance of the Lord's Supper, and baptism by full immersion in water for all believers.
- (g) We believe that in order to live the holy and fruitful lives that God intends for us, we need to be filled with the power of the Holy Spirit who enables us to function in the spiritual gifts.
- (h) We believe that the Church is The 'Body of Christ' on the earth that expresses itself both locally and universally. Every Christian is a vital and equal member of this Body working together to fulfill its purposes of worship, fellowship, teaching, ministry and evangelism.
- (i) We believe that God has individually equipped us so that we can successfully achieve His purpose for our lives which is to worship God, fulfill our role in the Body of Christ and serve the community in which we live.
- (j) We believe that God wants to heal and transform us so that we can live healthy and fulfilled lives in order to help others more effectively.
- (k) We believe that our eternal destination of either Heaven or Hell is determined by our response to the Lord Jesus Christ.
- (l) We believe that the Lord Jesus Christ is coming back again as He promised.

## **5 Mission**

We are a church where loving God, loving people, and loving the community we live in counts for everything.

We desire to be a community of Jesus' followers passionate about knowing, experiencing and living in the Love of God. We believe this can be found through relationships, firstly with God and then with each other in our everyday lives. Our community is committed to adding value to the world we live in no matter gender, race, age, or belief system in the example of Jesus.

## **6 Powers**

### **6.1 Powers conferred by the Act**

Subject to this Constitution, the Church will have all the powers conferred by Section 25 of the Act.

### **6.2 Additional powers**

The Church may undertake all lawful things which are incidental or conducive to the attainment of all or any of the above Mission and, without in any way limiting the generality of this Rule, the Church will have the power to appoint and/or employ a Senior Minister, Pastors and any other staff necessary to carry on the Mission of the Church and to dismiss or suspend any employees.

## **7 Government**

The government of the Church will be vested in the Members, who will have full power to manage its affairs and to determine any matter not otherwise specifically provided for in the Constitution.

Meetings of Members will be conducted for these purposes in accordance with this Constitution.

## **8 Membership**

### **8.1 Eligibility for Membership**

For a person to be received into the Membership of the Church, it must be clear that the person:

- (a) Has openly confessed Christ as their Saviour; and
- (b) Has made their own free decision to become a member of the Church; and
- (c) Has attended the Church regularly for a minimum period of 3 months; and
- (d) Has been endorsed for membership by Church Leadership; and
- (e) Has been baptised by full immersion, or has declared intent to be baptised by full immersion, in the name of the Father, Son and Holy Spirit as a testimony of their faith in the Lord Jesus Christ our Saviour.

### **8.2 Becoming a Member**

A person is a Member of the Church if:

- (a) The person has made a declaration to a member of the Church Leadership of their desire to become a member of the Church; and
- (b) The eligibility for membership has been met in full, including endorsement by Church Leadership; or
- (c) The person is appointed as a Senior Minister, Pastor or staff member of the Church; and
- (d) The person's name has not subsequently been removed from the Membership Roll in accordance with this Constitution.

### **8.3 Consideration by Church Leadership**

All applications for Church Membership will be considered by the Church Leadership regarding the suitability of such person(s) in accordance with Rule 8.1 above. The Church Leadership can give special consideration to waive the requirement for clause 8.1(c) above. The Church Leadership will not decline any reasonable request for membership if all of the eligibility criteria can be demonstrated.

### **8.4 Receipt into Membership**

New Members will be received into fellowship at a celebration, or at some other worship service considered suitable. The obligations and privileges of Membership, including the right to vote at Members Meetings, commence upon the person being accepted into Membership or upon the passing of the resolution that the person be appointed as a Senior Minister, Pastor of the Church (as the case may be).

### **8.5 Expectations of Members**

Every Member of the Church will be expected to:

- (a) Act in a manner that is consistent with the Church's Code of Conduct; and
- (b) Take a practical interest in all the Church's work, both at home and abroad, through regular attendance, participation in prayer and active service in the life of the Church; and
- (c) Contribute financially according to ability and with regard to the Biblical principle of giving, to help in support of the Church.

## **8.6 Minors eligible for Membership**

A person who is under the age of 18 years of age is eligible to be admitted to Membership of the Church but will not have voting rights until reaching the age of 18 years.

## **8.7 Membership Roll**

- 8.7.1 A roll of all the Members of the Church ("Membership Roll") will be maintained by the Secretary and reviewed at least annually by the Church Leadership.
- 8.7.2 The name of any Member who, without satisfactory reason, has ceased to regularly attend Church services for a period of at least six months may be removed from the Membership Roll by a resolution of the Church Leadership. Where the Church Leadership proposes to remove a person from the Membership Roll and it is practicable, a notice of intention to do so will be sent to the person.

## **8.8 Reserve Roll**

- 8.8.1 Members, who through distance or other reason are not attending the Church regularly (save for Members who the Church Leadership considers are nevertheless actively engaged in the mission of the Church), may be transferred to a Reserve Roll by the Church Leadership. Notification of such transfer is to be given to the Member in question where possible and such Members will be requested to maintain as close an association with the Church as practicable.
- 8.8.2 Members on the Reserve Roll will not retain voting rights at Members Meetings.
- 8.8.3 A person may be transferred from the Reserve Roll back to the Church Membership Roll at the discretion of the Church Leadership.

## **8.9 Resignation of Member**

Any person who wishes to resign from Membership may do so in writing to the Secretary. Upon receipt of such written notice the Church Leadership will remove the person's name from the Membership Roll.

## **8.10 Resignation, transfer or change in status**

- 8.10.1 At the time the Church Leadership transfers the name of a Member to the Reserve Roll, or accepts the resignation of any Member or the Church Leadership, or the Members suspend or expel a person from Church Membership in accordance with Rule 8.11 below, such person will no longer be eligible to hold any office within the Church or to vote at Members Meetings.

## **8.11 Suspension or Expulsion of Members**

- 8.11.1 The role of Church Leadership;
  - (a) The Church Leadership will investigate the circumstances of all cases where a Member, by any practice inconsistent with the teaching of the New Testament, causes dissatisfaction in the minds of the other Members or whose conduct is discreditable or injurious to the interests of the Church.
  - (b) Subject to giving the Member an opportunity to be heard or to make a written submission, the Church Leadership may resolve to suspend or expel a Member whose conduct is discreditable or injurious to the interests of the Church.
  - (c) Before any Member is suspended or expelled, they shall be given particulars of the charge against them at least 28 days before the meeting of the Church Leadership at which the matter is to be determined.
  - (d) The determination of the Church Leadership shall be notified to the Member in writing and, in the event of a determination that the Member be suspended or expelled, the Member will (subject to Rule 8.11.2 below) cease to be a Member, or will be suspended from Membership for the period nominated,

from the date 14 days after the Member has been notified in writing of the Church Leadership's determination.

- (e) If the Member is part of the Church Leadership, then all relevant actions need to be taken as per the BCSA Code of Conduct (or equivalent document).

#### 8.11.2 Appeal to Members Meeting.

- (a) A Member suspended or expelled by the Church Leadership pursuant to Rule 8.11.1 above may appeal to the Church at a Members Meeting against the suspension or expulsion. The intention to appeal must be communicated to the Secretary in writing within 14 days after the Member has been notified in writing of the Church Leadership's determination.
- (b) In the event of an appeal under paragraph (a) above, the suspension or expulsion will not take effect unless the determination of the Church Leadership to suspend or expel the Member is upheld a two thirds majority vote at a Members Meeting after the appellant has been heard and, in that event, the appellant will cease to be a Member, or will be suspended from Membership for the period nominated, from the date of that Members Meeting.

## 9 Church Leadership

### 9.1 Composition

The Church Leadership will comprise the Senior Minister (ex officio) (if there is a Senior Minister), Chairperson, Secretary, Treasurer plus no less than two additional elected Members.

### 9.2 Eligibility for Church Leadership

For a person to be received into Church Leadership, it must be clear that the person:

- (a) Is a current member of the Church; and
- (b) Has attended the Church regularly for a minimum period of 12 months, or has been appointed as the Senior Minister as per 10.3 below; and
- (c) Has been endorsed for election by Church Leadership; and
- (d) Is willing to comply with the Church Code of Conduct, and the BCSA Code of Conduct (or equivalent document); and
- (e) Demonstrates they meet all of the essential criteria as outlined in the Church Leadership Position Description.

### 9.3 Elections for Church Leadership

A person may be elected to Church Leadership if:

- (a) The person has made a declaration to a member of the Church Leadership of their desire to become a member of the Church Leadership; and
- (b) The eligibility for Church Leadership has been met in full, including endorsement by Church Leadership;

If the above has been confirmed by Church Leadership, nominees can stand for election at the Annual General Meeting.

### 9.4 Consideration by Church Leadership

All nominations for Church Leadership will be considered by the Church Leadership regarding the suitability of such person(s) in accordance with Rule 9.2. The Church Leadership will not



decline any reasonable request for Church Leadership if all of the eligibility criteria can be demonstrated.

### **9.5 Casual vacancies**

In the event of a casual vacancy, the Church Leadership may elect a suitably qualified person who shall hold office until the next Annual General Meeting, at which time that person may be elected to the Church Leadership for the remainder of the term of the casual vacancy thus filled or a new term as is applicable.

### **9.6 Term & Re-election**

- (a) Members of the Church Leadership (other than the Senior Minister) will be elected for a term that expires at the second Annual General Meeting after their election.
- (b) Members of the Church Leadership (other than the Senior Minister) can be elected for a maximum of three terms, after which they must take a one year break before becoming eligible for nomination for the next available position.
- (c) By exception to paragraph (b) above, a Church leader may be re-elected for a further term if there are no suitable candidates to fill their vacated position as determined by the Church Leadership.
- (d) At each Annual General Meeting, one half of the members of the Church Leadership (other than the Senior Minister), being those who have been in office the longest, must retire from the position. These members may be considered for re-election as long as they have not yet completed their three terms, there are no suitable candidates to fill their vacated position or they have completed the required one year break.

### **9.7 Role of the Church Leadership**

- (a) The Church Leadership will be the management committee of the Church and, subject to this Constitution, will be responsible for the management of the administrative affairs of the Church and may do all such things and exercise all such powers as are within the aims and objects of the Church and are not, by the Act, by these Rules, or by a resolution of the Church, required to be done by the Church in any Members Meeting.
- (b) The Church Leadership shall have power to employ such personnel, other than the Senior Minister in accordance with 10.3 below, as may be required to undertake in assisting in the affairs of the Church. The terms and conditions of employment, including remuneration and relevant allowances, shall be clearly determined and documented. The Church Leadership shall be responsible for ensuring compliance with all relevant statutory and other regulatory requirements relating to employees of the Church.
- (c) The Church Leadership will, at least once in each five year period but not more frequently than once each three years, undertake a review of the Senior Minister and the direction of the Ministry of the Church, and report to the Members with such recommendations as the Church Leadership sees fit.

### **9.8 Responsibility to Members**

The Church Leadership will be responsible to the Members to:

- (a) Provide leadership, spiritual oversight and support to the life of the Church as it seeks to fulfil its objectives in accordance with its stated Statement of Faith and Mission; and

- (b) Develop policies and procedures to support the spiritual life and direction of the Church, the Church's legal obligations and the need for good governance of the Church; and
- (c) Exercise oversight of the Church's finances within the levels of authorisation and annual budget set by the Members; and
- (d) Recommend to the Members the appointment of a Senior Minister; and
- (e) Oversee or undertake any other matters which the Members may authorise from time to time.

## **10 Senior Minister**

### **10.1 Role of the Senior Minister**

Within the Church's policies and procedures, the Senior Minister is the person who shall give leadership and direction to the spiritual oversight and guidance of the Church and its ministries.

- (a) By virtue of office, the Senior Minister shall have right of attendance at and participation in all boards, committees, operational units and affiliated bodies.

### **10.2 Eligibility for Senior Minister**

For a person to be considered for the role of Senior Minister, it must be clear that:

- (a) The Senior Minister will subscribe to this Constitution, and their Ministry will be made in accordance with the appropriate provisions of the BCSA Constitution and By-laws; and
- (b) The Senior Minister shall be, or eligible to be, Accredited with BCSA and shall be willing to comply with the BCSA Code of Conduct (or equivalent document); and
- (c) The Senior Minister will demonstrate they meet all of the essential criteria as outlined in the Senior Minister's Position Description.

### **10.3 Appointment**

The Senior Minister will be appointed by Members upon the recommendation of the Church Leadership to a Special Members Meeting called for the purpose. Such recommendation will require the approval of at least a three quarters majority of the Members present and eligible to vote at the Members Meeting.

### **10.4 Review of the Senior Minister**

- (a) The Senior Minister will be subject to regular review and reaffirmation by the approval of a simple majority (more than half) of the Members present and eligible to vote at a Special Members Meeting called for the purpose, pursuant to rule 9.7(c) above.
- (b) In the event that a motion is put to a Members Meeting for the Senior Minister to be reviewed within five years of the last review and the motion is defeated at the Members Meeting, such a motion cannot be put to another Members Meeting for a period of 12 months.

### **10.5 Resignation or Dismissal**

Unless mutually agreed otherwise, three months' notice of resignation or dismissal from office may be given by the Senior Minister or the Church (as the case may be) at any time without cause.

Notwithstanding any such notification, the Church may dismiss the Senior Minister immediately for any significant breach of the BCSA Code of Conduct (or equivalent document).

#### **10.6 Right of participation at Members Meetings**

- (a) The Senior Minister shall be a Member of the Church and, except where otherwise provided, they will have the right of attendance, participation and voting at all meetings of the Church and its Auxiliaries.
- (b) The Senior Minister will not be entitled to vote on any resolution for their appointment or review, and will leave the meeting for the discussion and vote.

## **11 Chairperson**

### **11.1 Chairperson**

The Chairperson of the Church Leadership will be elected annually (or from time to time in the event of a vacancy) by the Church Leadership members from within the elected membership of the Church Leadership. There is no limit to the number of times a person can be elected to this position, subject to 9.6 above.

### **11.2 Role of the Chairperson**

- (a) The Chairperson, in consultation with the Church Leadership, will ensure that all administrative functions required by the Church are identified and carried out, including but not limited to all matters relating to Church property, governance and finances.
- (b) The Chairperson shall give leadership in direction, planning, co-ordinating and integrating the work of the Church.
- (c) By virtue of office, the Chairperson, or a member of the Church Leadership as appointed by the Chairperson, shall have right of attendance at and participation in all boards, committees, operational units and affiliated bodies.
- (d) The Chairperson will ensure that the Church complies with Government statutory requirements and meets its legal obligations.

## **12 Secretary**

### **12.1 Role of the Secretary**

- (a) Keep minutes of all elections of members of the Church Leadership; and
- (b) Keep minutes of the resolutions and proceedings of each Church Leadership meeting or Members Meetings; and
- (c) Keep minutes and record of the names of those present at each Church Leadership meeting or Members Meetings.

### **12.2 Public Officer**

- (a) The Secretary will be the Public Officer for the Church.

## 13 Treasurer

### 13.1 Role of the Treasurer

- (a) The Treasurer, in consultation with the Chairperson, will ensure that all matters relating to the financial requirements and functions of the Church are identified and carried out, in accordance with the Act and the Church's policies and procedures relating to financial matters.
- (b) The Treasurer, in consultation with the Chairperson, will be responsible for the preparation of an annual budget to be approved by Members and the preparation of all financial reports to the Church Leadership and the Members.

## 14 Members Meetings

### 14.1 Mandatory Meetings

- (a) A minimum of two Members Meetings will be held each year, one of which will be the Annual General Meeting.
- (b) The Annual General Meeting will be held within five (5) months of the close of the Churches financial year for the purpose of:
  - i. the election of Church Leadership members; and
  - ii. the appointment of an auditor (if required – see “**Prescribed Church**” means a church that had gross receipts, excluding membership subscription, in excess of \$500,000 in the previous financial year.and 17.3 (c) below); and
  - iii. the reception of reports from the Church life and ministry; and
  - iv. any other business.

### 14.2 Special Members Meeting

- (a) Special Members Meetings may be called by a decision of a Members Meeting, the Church Leadership or on receipt by the Secretary of a request signed by not less than one fifth of the Members eligible to vote.
- (b) If a request signed by not less than one fifth of the Members eligible to vote is received by the Secretary for a Special Members Meeting to be convened, the Church Leadership must arrange for the Special Members Meeting to be held no later than 28 days after the date of receipt of the request by the Secretary.
- (c) Special Members Meetings will deal only with the business specified when notice is given.

### 14.3 Notice of Meeting

Notice of Members Meetings and Special Members Meetings will be given to Members at worship services on at least two (2) Sundays prior to each meeting and, as far as is practicable, written information of the subject matter for decision at any meeting will be made available at the time of the notice.

### 14.4 Quorum

- (a) No business can be conducted at a Meeting unless at least one quarter of the Members entitled to vote is present.
- (b) Subject to paragraph (c) below, if a quorum is not present within 30 minutes after the appointed time for the commencement of the Meeting then the Meeting will be adjourned to a day, place and time nominated by the Church Leadership within the following two (2) weeks. Notice of such an adjourned Meeting will be given at all

worship services in the intervening period. The subsequent Meeting will be competent to transact the adjourned business whether or not there is a quorum.

- (c) If a quorum is not present within 30 minutes after the appointed time for the commencement of a Special Members Meeting called on receipt by the Secretary of a request signed by not less than one fifth of the Members eligible to vote, the meeting will lapse.

#### **14.5 Chairperson**

Meetings will be chaired by the Chairperson, or a member of the Church Leadership as appointed by the Chairperson.

#### **14.6 Voting**

- (a) A motion put to a Meeting will be carried by a simple majority (more than half) of Members who are present and eligible to vote, unless otherwise provided for in this constitution or unless the Meeting decides that a particular decision will require a larger majority.
- (b) Voting will be by either a show of hands or by a secret ballot decided at the discretion of the Meeting.
- (c) Absentee or proxy voting is not permitted.

## **15 Church Leadership Meetings**

#### **15.1 Frequency**

Church Leadership meetings will generally take place monthly.

#### **15.2 Quorum**

No business can be conducted at a Church Leadership meeting unless at least half of the members of the Church Leadership are present.

#### **15.3 Chairperson**

Meetings will be chaired by the Chairperson, or a member of the Church Leadership as appointed by the Chairperson.

#### **15.4 Decision making**

- (a) The Church Leadership will make decisions consistent with God's Word, the Statement of Faith (4), the Mission of the Church (5) and any applicable laws, rules, regulations and government requirements.
- (b) Wherever possible, the Church Leadership will endeavour to reach decisions by consensus but, in the absence of agreement and unless this Constitution specifies otherwise, a decision will be determined by a three-quarters majority vote of those present and eligible to vote.

## **16 Minutes of Meetings**

#### **16.1 Minutes to be kept**

Minutes will be kept of all Members Meetings and meetings of the Church Leadership by the Secretary.

## **16.2 Confirmation of minutes**

Minutes will be confirmed at the next meeting and signed by the Chairperson of the meeting.

# **17 Finance**

## **17.1 Financial Year**

The Church's financial year will run from **1 July to 30 June** of the following year.

## **17.2 Financial Management**

Subject to the authority of the Church Members Meeting the Church Leadership shall manage the financial affairs of the Church.

## **17.3 Accounting and Auditing**

- (a) The Church shall maintain and keep such accounting records as are necessary to explain the financial transactions and position of the Church. The records must be kept for 7 years after the completion of the transactions to which they relate.
- (b) A Church is not required to lodge an annual return unless it is a Prescribed Church.
- (c) A Church is not required to appoint an auditor, or have its accounts audited, unless it is a Prescribed Church or it chooses to do so.
- (d) Prescribed Church
  - i. A Prescribed Church shall arrange to have accounts prepared and audited. The accounts, together with the auditor's report on the accounts, the Church Leadership's statement and the Church Leadership's report shall be laid before Members at an Annual General Meeting.
  - ii. A Prescribed Church shall it lodge its annual return within the time frame prescribed by the Act. The annual return must be accompanied by a copy of the accounts, the auditor's report, the Church Leadership statement and the Church Leadership's report.
  - iii. A Prescribed Church shall at its Annual General Meeting, appoint a person to be auditor of the Church. The person appointed auditor shall hold office until the next Annual General Meeting and is eligible for re-appointment.

# **18 The Common Seal**

## **18.1 Seal Holders**

The Seal of the Church shall be kept in the custody of the Church Secretary or of such other person as the Church Leadership may decide from time to time.

## **18.2 Seal Application**

Any two members of the Church Leadership may affix the Seal.

## **18.3 Seal Approval**

Each use of the Seal will be approved by a two thirds majority of the Members and recorded in the Minutes of the Members Meeting in which the use was approved.

# **19 Dispute Resolution**

In the event of any dispute or difference causing serious division in the Church or any dispute between the Senior Minister or other employees and the Church, that is not reaching satisfactory

settlement, such a dispute or difference will be referred by the Church Leadership, and may be referred by a resolution of the Members at a Members Meeting, for decision to a moderator or panel of arbitrators appointed by BCSA, whose decision will be conclusive and binding on all parties.

## **20 Prohibition Against Securing Profits For Members**

The income and capital of the Church will be applied exclusively to the promotion of its objects and no portion will be paid or distributed directly or indirectly to Members or their associates except as bona fide remuneration of a Member for services rendered or expenses incurred on behalf of the Church.

## **21 Winding Up**

If for any reason the Church is to be wound up, it will be wound up in accordance with the Act. Subject to the Act, the assets remaining after paying all the liabilities of the Church and the expenses of winding up will be transferred by the Liquidator to BCSA for the furtherance of the work of BCSA.

## **22 Constitution**

### **22.1 Alteration to the Constitution**

No change shall be made to the Constitution except by the approval of a three-quarters majority of Members present and eligible to vote at a Church Members Meeting.

### **22.2 Notice of Proposed Changes**

Notice of any proposed change must be given in writing at an earlier Church Members Meeting and the full text of the proposed changes shall be made available to all resident Members at least one month prior to the Meeting at which the proposal will be presented. Any such proposal may be adopted as presented or as amended by the Church Members Meeting.