

**Exhibit A**

A handwritten signature in black ink, appearing to be 'M. J. ...', written over a horizontal line.

**Chairman  
Special Church Members Meeting  
25<sup>th</sup> November 2015**

**CROSSWAY BAPTIST CHURCH INC.**

**CHURCH RULES**

**Our Vision: “To see our City, Nation and the Nations  
Become Disciples of Jesus”**

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## **PART 1—PRELIMINARY**

### **1. Name**

The name of the incorporated association is "Crossway Baptist Church Inc." (hereinafter called the "Church").

### **2. Introduction**

While these Rules govern the administration of the Church, in other matters, the real spirit of the Church becomes manifest in the harmony of its members as they are guided by the Holy Spirit and as they seek to conduct the ministry of the Church to the glory of God.

### **3. Beliefs**

The Church is a constituent member of the Baptist Union of Victoria. Its members believe:

- (a) The Bible is God's word to us and it is the ultimate authority by which we live (2 Timothy 3:16-17; 2 Peter 1:20-21).
- (b) God is one God in three persons – the Father, the Son and the Holy Spirit (Matthew 28:19, 1 Corinthians 12:4-6).
- (c) The Lord Jesus Christ is fully God who, as a real man, lived on earth (John 1:1, 14, 4:25-26, 42; Hebrews 1:3, Titus 2:13).
- (d) Every person has rebelled against God (we call this "sin") and so is separated from God (Romans 3:23; 5:12).
- (e) All people may be reunited with God, having their sin and its effects cancelled because of Jesus' perfect life, death and rising from the dead as our substitute. Jesus is now with God and prays for us constantly (1 Corinthians 15:3-4, 2 Corinthians 5:21; Ephesians 2:8-9).
- (f) To be reunited with God, it is necessary for us to turn away from our sins, to seek God's forgiveness, to accept what Jesus has done on our behalf and to believe in Him (Acts 2:38, Hebrews 6:1).
- (g) When we do this, the Holy Spirit enters our lives to renew and preserve us, to help us to grow to become more like Jesus (John 16:8-14; 2 Corinthians 3:18, 1 Peter 1:2; Ephesians 4:30).
- (h) One day everyone will rise from the dead to be judged by Jesus Christ (John 5:28-29; Acts 17:31).
- (i) There are two special ceremonies Jesus has commanded us to follow always:
  - (1) Baptism by which believers express their faith in Jesus. They do this by being totally immersed in water as an act of union with Jesus' death, burial and resurrection (Matthew 28:18-20; Acts 8:35-38; Romans 6:3-4);

(2) The Lord's Supper (also known as Communion) is celebrated to remind us of Jesus dying for us and that He is coming again (1 Corinthians 11:23-32).

#### **4. Purposes**

- (a) The purpose of the Church as expressed in these Rules, specifically Rule 3 Beliefs, Rule 5 Mission and Rule 6 Principles, is to share the Christian message of Jesus Christ with others in order to make followers of Jesus Christ who are obedient to God's Word.
- (b) The Church teaches and encourages people to live responsibly, ethically and honestly, in accordance with Jesus Christ's example, respecting God and other people.
- (c) The Church seeks to assist people and offers a wide range of ministries to children, youth, young adults, families and the aged and provides reliable biblical teaching and relevant contemporary Christian worship.
- (d) The Church provides Christian counselling services, Pre-School activities, Primary School Religious Education, lifestyle courses and resources for welfare and aid programs in Australia and overseas.

#### **5. Mission**

The mission of the Church is "Loving God, Loving People and Disciples that Multiply".

#### **6. Principles**

- (a) Jesus Christ is the head of the Church, which is His body. Jesus is the One who leads the flock. The Church is a theocracy with its rule coming from Jesus Christ.
- (b) Each person shall be encouraged to exercise a ministry in the body according to their gifting and scriptural qualifications and all ministries shall be regularly evaluated in the light of the Church's purpose. All groups active in the Church will give equal value to relationships and functions and come together for worship, fellowship, discipleship, ministry and empowerment for mission.

#### **7. Financial Year**

The financial year of the Church is each period of 12 months ending on 31 December.

#### **8. Definitions**

In these Rules-

*absolute majority of the Board*, means a majority of the Board members currently holding office and entitled to vote at the time (as distinct from a majority of Board members present at a Board meeting);

*Board* means the governing body of the Church;

**Board meeting** means a meeting of the Board held in accordance with these Rules;

**Board member** means a member of the Board elected or appointed under Division 3 of Part 5;

**DOA** means the Director of Operations and Administration;

**Church Members' Meeting** means a meeting of the members of the Church convened in accordance with Part 4 which may be any of the following: an annual Church Members' Meeting, an ordinary Church Members' Meeting, an extra-ordinary Church Members' Meeting and a special Church Members' Meeting;

**clear days notice** means a period excluding both the date on which the notice is given and the date on which the meeting the subject of the notice is to be held;

**member** means a member of the Church;

**Schedule B** means Schedule B to the Baptist Union Incorporation Act 1930 (a summary of which is enclosed as Appendix 1) and forms an integral part of these Rules;

**Secretary** means the Secretary of the Church;

**the Act** means the Associations Incorporation Reform Act 2012 and includes any regulations made under that Act; and

**the Registrar** means the Registrar of Incorporated Associations.

Words indicating a gender include the other gender.

Words in the singular include the plural and words in the plural include the singular.

## **PART 2—GOVERNMENT AND POWERS OF THE CHURCH**

### **9. Government and Powers of the Church**

- (a) Subject to the guidance of God and the Bible, the Church shall be governed on congregational principles, with the members of the Church having the power to manage all its affairs according to the ultimate discretion of the members in every respect.
- (b) Subject to the Act, the Church has power to do all things incidental or conducive to the achievement of its purposes with no limitation but including:
  - (1) to invest its money in any security in which trust monies may lawfully be invested and deal with moneys of the Church not immediately required;
  - (2) to raise or borrow money upon such terms and in such manner as it thinks fit;

- (3) to secure the repayment of moneys so raised or borrowed or the payment of a debt or liability of the Church by giving mortgages, charges or securities upon or over all or any of the property of the Church;
  - (4) to establish fund(s) and trust(s) upon such terms and in such manner as it thinks fit;
  - (5) to open and operate accounts with financial institutions;
  - (6) to appoint agents to transact business on its behalf;
  - (7) to enter into any other contract it considers necessary or desirable; and
  - (8) to do all such other things as are incident or conducive to the attainment of the purposes stipulated above.
- (c) The Church may exercise its powers and use its income and assets (including any surplus) only for its purposes (Rule 4).

**10. Not For Profit Organisation**

- (a) The Church must not distribute any surplus, income or assets directly or indirectly to its members.
- (b) Subrule (a) does not prevent the Church from paying a member:
  - (1) reimbursement for expenses properly incurred by the member; or
  - (2) for goods or services provided by the member,

if this is done in good faith on terms no more favourable than if the member was not a member.

**PART 3—MEMBERS, DISCIPLINARY PROCEDURES AND GRIEVANCES**

**Division 1—Membership**

**11. Minimum Number of Members**

The Church must have at least 7 members.

**12. Membership Eligibility**

- (a) Any person who has accepted Jesus Christ as Saviour and Lord and who has submitted to a believer's baptism as a confession of their faith in Him is eligible for membership.
- (b) Baptism shall be by immersion in conformity with Clause 9 of Appendix 2 to these Rules unless the Board has approved another method of baptism in accordance with the provisions of paragraph (c) herein.



- (c) Should the candidate for baptism be subject to such physical, medical or other like constraints as to make baptism by immersion practically impossible, then subject to the Board in its absolute discretion approving an application for an alternate method of baptism such alternate method may be adopted.

### **13. Application for Membership**

- (a) Applications for membership of the Church, in the form approved by the Board, shall be made in writing, received by the Secretary and submitted by persons who, in so applying, signify their support for the purposes of the Church and their consent to work harmoniously within the Church and in conformity with its Rules.
- (b) A copy of these Rules shall be presented to every person following that person's request for an application form for membership of the Church.
- (c) The names of applicants as proposed members shall be notified in a Church Bulletin or other similar medium widely available to members to enable them to be advised and to comment.
- (d) All applicants must complete such membership process as is approved by the Board from time to time to be eligible to apply for membership.
- (e) No entry fee or subscription shall be payable in order to be admitted as a member of the Church.

### **14. Consideration of Application**

- (a) The Secretary shall receive and refer applications for membership to the Board.
- (b) The Secretary shall notify each applicant in writing of the Board's decision as soon as practicable.
- (c) No reason need be given for the rejection of an application.

### **15. New Membership**

- (a) If an application for membership is approved by the Board—
  - (1) the resolution to accept the membership must be recorded in the minutes of the Board meeting; and
  - (2) In all cases where the Board approves the application, the decision shall be notified to the Church via the Church Bulletin; and
  - (3) the Secretary must, as soon as practicable, enter information including the applicant's name and address and also the date of the applicant becoming a Member of the Church into the Register of Members.

- (b) All new members shall usually be welcomed into the fellowship of the Church at a worship service.

## **16. General Responsibilities and Rights of Members**

- (a) Each member shall maintain an active Christian witness and do everything possible to extend the Kingdom of God, to co-operate with other members in Christian fellowship, to attend the services of the Church, the Lord's Supper, and Church Members' meetings, to support the Church and its ministries in prayer and to contribute towards the work of the Church through tithes and offerings according to scriptural principles.
- (b) Members who are eligible to vote shall, under God and in accordance with the Bible:
  - (1) consider nominations for the Board and record a decision through the ballot for each nominee;
  - (2) consider for approval the Church's annual budget and other matters specified as the responsibility of the membership;
  - (3) meet half yearly and additionally as required for sharing, testimony, praise, prayer, information and decision making purposes at Members' meetings, to demonstrate our life together in the Body of Christ;
  - (4) be entitled to make submissions to the Board on matters relevant to the ministry of the Church;
  - (5) be involved in the ministry of the Church and support the leadership of the Board, the pastors, administration and ministry groups; and
  - (6) make decisions as may be required by these Rules.
- (c) A member of the Church who is entitled to vote has the right—
  - (1) to receive notice of Church Members' Meetings and the proposed resolutions in the manner and time prescribed by these Rules; and
  - (2) to submit items of business for consideration at a Church Members' Meeting in accordance with these Rules; and
  - (3) to attend and be heard at Church Members' Meetings; and
  - (4) to have access to the minutes of Church Members' Meetings and other documents of the Church as provided under Rule 64.
- (d) Except for Special Church Members' Meetings, a person is entitled to vote at all Church Members' Meetings if –
  - (1) the person is a member; and

- (2) the person's membership rights are not suspended for any reason.
- (e) To be eligible to vote at a Special Church Members' Meeting the member:
  - (1) must be 18 years of age or older; and
  - (2) must have been a member of the Church for at least 6 months; and
  - (3) must have been present at Church for communion at least once in the preceding 6 months.

**17. Rights not Transferable**

The rights of a member are not transferable and end when membership ceases.

**18. Ceasing Membership**

- (a) The membership of a person ceases on resignation, expulsion or death.
- (b) If a person ceases to be a member of the Church, the Secretary must, as soon as practicable, enter the date the person ceased to be a member in the Register of Members.

**19. Resigning as a Member**

- (a) A member may resign by notice in writing given to the Church.
- (b) A member is taken to have resigned if—
  - (1) the Secretary has made a written request to the member who has been absent/inactive for a period of 12 months or more to confirm that he or she wishes to remain a member; and
  - (2) the member has not, within 3 months after the Secretary having made such request, confirmed in writing that he or she wishes to remain a member.

**20. Register of Members**

- (a) The Secretary must keep and maintain a Register of Members that includes—
  - (1) for each current member,
    - (i) the member's name;
    - (ii) the address for notice last given by the member;
    - (iii) the date of becoming a member;
    - (iv) any other information determined by the Board; and
  - (2) for each former member, the date of ceasing to be a member.
- (b) The Board may resolve to instruct the Secretary to remove the name of a member from the Register of Members in any of the following cases:

- (1) A person who has declined or ignored, for a period of 12 months or more, a request in writing to return to active membership; or
  - (2) If the Board has resolved to suspend a person's membership because of moral reasons, the Secretary shall promptly inform such member in writing of the Board's decision. If such person is not willing to repent to the satisfaction of the Board so that they might be restored to full membership, that person's name shall be removed from the Register of Members not less than 12 months after the date of the letter informing that person of the Board's decision to suspend the person's membership; or
  - (3) If the Board has resolved to suspend a person's membership because of doctrinal reasons, the Secretary shall promptly inform such member in writing of the Board's decision. If such person is not willing in the opinion of the Board to accept the doctrine of the Church, that person's name shall be removed from the Register of Members not less than 12 months after the date of the letter informing that person of the Board's decision to suspend the person's membership.
- (c) A person may apply in writing to request that their previous membership be re-established. Such application would be subject to the approval of the Board.
- (d) In the event of any removal of a member's name from the Register of Members as described above, all reasonable attempts will be made to notify in writing the persons thus affected and the implications thereof.

## **Division 2—Disciplinary and Grievance Procedures**

### **21. Disciplinary Procedures**

A person referred to in subparagraph 20(b) who is aggrieved by any such resolution of the Board may, within three months of receiving written notification of the Board resolution, request the Board in writing to convene an Extra-ordinary Church Members' Meeting for the purpose of reviewing the resolution of the Board so that such resolution is either confirmed or changed.

### **22. Grievance Procedure**

- (a) If any issue, grievance or dispute ("the dispute") arises between members of the Church, or members and the Church, it shall be dealt with in accordance with the teaching of Jesus in Matthew 18:15-20 and elsewhere in the Holy Scriptures.
- (b) The matter must first be discussed by the members between whom the dispute exists. If the dispute is not resolved between the members involved, then any of the members involved in the dispute may, at their own initiative, request one or two other members to help resolve the dispute.

- (c) If the dispute remains unresolved, then it must be discussed with a Pastor of the Church. The Senior Pastor or another representative of the Church appointed for the purpose of this process may be asked to help resolve the dispute.
- (d) If the dispute is still not resolved, it may be submitted to a mediator either agreed by the majority of the members in dispute or, failing such agreement, a mediator appointed by the Senior Pastor to conduct a mediation between the members in dispute. At the mediation stage, any one or more of the members in dispute may be represented by a legally qualified person.

#### **PART 4— CHURCH MEMBERS’ MEETINGS**

##### **23. Annual Church Members’ Meetings**

- (a) An Annual Church Members’ Meeting shall be held once in each year within 5 months after the end of each financial year, but usually in the month of March.
- (b) The usual business of the Annual Church Members’ Meeting is as follows
  - (1) to confirm the minutes of previous Annual Church Members’ Meeting;
  - (2) to receive and consider
    - (i) the annual report on the activities of the Church during the preceding financial year; and
    - (ii) the financial statements of the Church for the preceding financial year submitted by the Board in accordance with Part 7 of the Act;
  - (3) to elect the members of the Board;
  - (4) to elect member(s) of the Nominating Committee (if any).
- (c) The Annual Church Members’ Meeting may also conduct any other business of which notice has been given in accordance with these Rules.

##### **24. Ordinary Church Members’ Meetings**

- (a) Ordinary Church Members’ Meetings will be held at least once each year. There will be a meeting usually in the month of November to consider the annual budget of the Church or as required.
- (b) The Board may convene an Ordinary Church Members’ Meeting whenever it thinks fit.
- (c) The Ordinary Church Members’ Meeting may also conduct any other business of which notice has been given in accordance with these Rules.

## **25. Extra-ordinary Church Members' Meetings**

- (a) Extra-ordinary Church Members' Meetings may be called for consideration of any matters (except those matters requiring a Special Church Members' Meeting as set out in Rule 26 below).
- (b) The Board may convene Extra-ordinary Church Members' Meeting at any time as it thinks fit.
- (c) An Extra-ordinary Church Members' Meeting must be convened if a written request to do so is made by:
  - (1) the Board; or
  - (2) the Senior Pastor; or
  - (3) at least 10% of the total number of members.
- (d) A request by Members for an Extra-Ordinary Church Members' Meeting must
  - (1) state the object or business to be considered at the meeting and any resolutions to be proposed; and
  - (2) include the names and signatures of the members requesting the meeting; and
  - (3) be given to the Secretary.
- (e) If the Board does not arrange an Extra-Ordinary Church Members' Meeting within one month after the date on which the request is made, the members making the request under subrule (c)(3) may convene the Extra-Ordinary Church Members' Meeting.
- (f) An Extra-Ordinary Church Members' Meeting convened by members under subrule (c)(3)
  - (1) must be held within 3 months after the date on which the original request was made; and
  - (2) may consider only the business stated in that request.
- (g) The Church must reimburse all reasonable expenses incurred by the members in convening an Extra-Ordinary Church Members' Meeting under subrule (c)(3).

## **26. Special Church Members' Meetings**

- (a) A Special Church Members' Meeting, in accordance with Schedule B shall be convened by the Board when any of the following matters are to be considered:
  - (1) the election or removal of the Senior Pastor;
  - (2) the renting (not including hiring of church premises), sale, purchase, exchange, charge or mortgage of Church property;
  - (3) any proposal by the Board for the sale, charge or mortgage of Church property or insurance payout in relation to Church Property;
  - (4) any other matter referred to in Clauses 4, 5, 6, 7, 8 and 13 of Schedule B.

- (b) Special Church Members' Meetings may be called at any time by the Board or must be called upon the written request of at least one-sixth of the members of the Church and conducted in the manner prescribed in Schedule B.
- (c) A special resolution is required
  - (1) to remove a Board member from office;
  - (2) to alter these Rules, including changing the name or any of the purposes of the Church;
  - (3) to appoint or remove the Senior Pastor;
  - (4) to discuss/approve any other matters as described in this Rule 26.

**27. Items For Inclusion into Notice of Church Members' Meetings**

- (a) Except for matters brought forward by the Board, not less than one month's notice in writing shall be given to the Secretary of any items for inclusion on the Notice of an Annual Church Members' Meeting or an Ordinary Church Members' Meeting.
- (b) Matters raised for which the required notice has not been given shall be referred to the Board for consideration as an item to be placed on the Notice of a subsequent meeting of members.

**28. Notice of Church Members' Meetings**

- (a) For Annual and Ordinary Church Members' Meetings (other than Special Church Members' Meeting), the Secretary must give to each member of the Church notice of such meeting on the two Sundays preceding the meeting
  - (1) by announcement at each worship service; and/or
  - (2) by publication of the details of such meeting in the Church Bulletin.
- (b) For Extra-Ordinary Church Members' Meetings, the Secretary must give members of the Church notice of such meeting on the Sunday preceding, although two Sundays notice should be given if possible
  - (1) by announcement at each worship service; and/or
  - (2) by publication of the details of such meeting in the Church Bulletin.
- (c) For Special Church Members' Meeting, the Secretary must give members of the Church at least 21 clear days' notice of such meeting if a special resolution is to be proposed at the meeting.
- (d) The notice must—
  - (1) specify the date, time and place of the meeting; and
  - (2) indicate the general nature of each item of business to be considered at the meeting; and
  - (3) if a special resolution is to be proposed—
    - (i) state in full the proposed resolution; and
    - (ii) state the intention to propose the resolution as a special resolution.

**29. Proxies**

No proxy voting will be permitted at Church Members' Meetings.

### **30. Chairperson of Church Members' Meetings**

The Board shall appoint a person who will normally be, but need not be, a Church Member, to preside at each meeting of Church Members.

### **31. Quorum at Church Members' Meetings**

- (a) No item of business may be conducted at a Church Members' Meeting unless a quorum of members entitled under these Rules to vote is present at the time when the meeting is considering that item.
- (b) Seven (7) members personally present (being persons entitled under these Rules to vote at a general meeting) constitute a quorum for the conduct of business at a Church Members' Meeting.
- (c) If, within 30 minutes after the appointed time for the commencement of a Church Members' Meeting, a quorum is not present
  - (1) In the case of a meeting convened upon the request of members – the meeting must be dissolved; and
  - (2) In any other case – the meeting shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairperson at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (d) If at the adjourned meeting the quorum is not present within 30 minutes after the time appointed for the commencement of the meeting, the members personally present (being not fewer than three (3)) shall be a quorum.

### **32. Adjournment of Church Members' Meetings**

- (a) The Chairperson of a Church Members' Meeting at which a quorum is present may, with the consent of a majority of members present at the meeting, adjourn the meeting to another time at the same place or at another place.
- (b) Without limiting subrule (a), a meeting may be adjourned
  - (1) if there is insufficient time to deal with the business at hand; or
  - (2) to give the members more time to consider an item of business.
- (c) No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.
- (d) Notice of the adjournment of a meeting under this rule is not required unless the meeting is adjourned for 14 days or more, in which case notice of the meeting must be given in accordance with Rule 28.



### **33. Voting at Church Members' Meetings**

- (a) Members as recorded on the Register of Members referred to in Rule 20 shall be eligible to vote at all Church Members' Meetings in accordance with Rule 16.
- (b) The vote of the Church shall be taken ordinarily by a show of hands. Subject to subrule (c), the Chairperson of a Church Members' Meeting may, on the basis of a show of hands, declare that a resolution has been carried or lost; and an entry to that effect in the minutes of the meeting is binding and conclusive proof of that fact.
- (c) If a poll or secret ballot (where votes are cast in writing) is demanded by ten or more members on any question—
  - (1) the poll must be taken at the meeting in the manner determined by the Chairperson of the meeting; and
  - (2) the Chairperson must declare the result of the resolution on the basis of the poll.
- (d) A poll demanded on a question of an adjournment must be taken immediately.
- (e) A poll demanded on any other question must be taken before the close of the meeting at a time determined by the Chairperson.
- (f) Subject to subrules (g) and (h), decisions so made by a simple majority of those present and entitled to vote shall be binding and conclusive in the affairs of the Church.
- (g) A vote of not less than two-thirds of the members present and voting is required to approve a resolution on the following matters:
  - (1) the election or removal of the Senior Pastor;
  - (2) the election or removal of Board member(s);
  - (3) any other matters relating to Rule 26(a).
- (h) A vote of not less than three-quarters of the members present and voting is required to approve a resolution on the following matters:
  - (1) the alterations to the Statement of Purposes;
  - (2) the alteration to these Rules.
- (i) The Chairperson, if the Chairperson is a Member of the Church, may exercise a casting vote in addition to the Chairperson's ordinary vote on any matter where the voting is tied. The Chairperson who is not a Member of the Church may not exercise any vote.
- (j) Decisions shall be recorded in minutes maintained by the Secretary and available for inspection by Church Members. At special Church Members' Meetings the recorded minutes will be approved by the Members present and signed by the Chairperson before the meeting is dissolved; at other meetings of Members the minutes of the previous meeting will be confirmed, approved and signed by the Chairperson.

**34. Minutes of Church Members' Meeting**

- (a) The Board must ensure that minutes are taken and kept of each Church Members' Meeting.
- (b) The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.
- (c) In addition, the minutes of each annual Church Members' Meeting must include—
  - (1) the attachment of the sign-in sheet of members attending the meeting; and
  - (2) the financial statements submitted to the members in accordance with Rule 59(b)(4); and
  - (3) the certificate, if required under the Act, signed by two Board members certifying that the financial statements give a true and fair view of the financial position and performance of the Church; and
  - (4) any audited accounts and auditor's report or report of a review accompanying the financial statements that are required under the Act.

**PART 5— BOARD**

**Division 1—Role and Powers of the Board**

**35. Role and Powers**

- (a) The business of the Church must be managed by or under the direction of a Board. In recognising the Church is to be managed by the Board, the members of the Church therefore delegate the entire management and control of the business of the Church to the Board as its governing body.
- (b) The members of the Board shall be elected/appointed by the Members of the Church as its governing body and the Board may exercise all the powers of the Church except those powers that Schedule B or these Rules or the Act require to be exercised by Church Members' Meetings of the Church.
- (c) In addition to the powers expressly conferred on the Board in these Rules, the Board may:
  - (1) do anything necessary or convenient to achieve the purposes of the Church but subject always to constraints imposed by the law and the Church budget as approved from time to time by the Church members.
  - (2) establish and delegate any of its powers, where appropriate, to committee(s), sub-committee(s), trust(s), board(s), panel(s) or fund(s) consisting of members with terms of reference; and to revise, revoke any of the delegations at the Board's discretion.

- (3) appoint and remove officers and employees as are required to carry out the purposes of the Church and may delegate any such power to such officers and employees.
- (d) As the governing body, the Board will have the following roles and responsibilities:
- (1) to be a prayerful body;
  - (2) to select and recommend for consideration of the Church Members its nominee for the position of Senior Pastor;
  - (3) to review the Senior Pastor's performance;
  - (4) to provide advice to the Senior Pastor on all aspects of Church life and on the Senior Pastor's specific responsibilities;
  - (5) to approve the appointment or termination of persons reporting directly to the Senior Pastor;
  - (6) to refer any matters to the Church which may not be satisfactorily resolved with the Senior Pastor or which are required to be so referred as special business in Rule 26(a)(4);
  - (7) to act as a body of appeal for any pastor who may be unable to resolve an issue with the Senior Pastor;
  - (8) to approve and recommend to the Church major policy matters such as finance, property, and doctrine and also to consider other items as may be referred to or requested by the Board from the Church;
  - (9) to determine the date, time and place of Church Members' Meeting and instruct the Secretary to send notice of meeting to Church Members; and
  - (10) to advise the Church of major business decisions made at Board meetings on a regular basis. For this purpose 'business decisions' are deemed to cover administration, finance and organisation structure.
- (e) The function of the Deacons as described in Schedule B shall be exercised by members of the Board.

## **Division 2—Composition of the Board and Duties of Board Members**

### **36. Composition of the Board**

- (a) The Board shall consists of—
- (1) the Senior Pastor;
  - (2) not more than six (6) lay members of the Church nominated by the Nominating Committee and elected as herein provided; and

(3) not more than two (2) staff members nominated at the discretion of the Senior Pastor and otherwise elected as herein provided.

(b) the DOA shall act as secretary to the Board.

### **37. General Duties**

(a) As soon as practicable after being elected or appointed to the Board, each Board member must become familiar with Schedule B, these Rules and the Act.

(b) The Board is collectively responsible for ensuring that the Church complies with the Act and that individual members of the Board comply with these Rules.

### **38. Secretary**

(a) The Secretary shall be appointed by the Board and must perform any duty or function required under the Act to be performed by the secretary of an incorporated Association.

(b) The Secretary must—

- (1) maintain the Register of Members in accordance with Rule 20; and
- (2) keep custody of the common seal (if any) of the Church, the financial records and all books and documents and securities of the Church in accordance with Rules 58, 61 and 64; and
- (3) subject to the Act and these Rules, provide members with access to the Register of Members, the minutes of Church Members' Meetings and other books and documents; and
- (4) perform any other duty or function imposed on the Secretary by these Rules.

(c) The Secretary must give to the Registrar notice of his or her appointment within 14 days after the appointment.

(d) A person ceases to be the Secretary if he or she—

- (1) resigns by written notice addressed to the Board; or
- (2) is removed from office by the Board; or
- (3) ceases to be a member of the Church; or
- (4) dies; or
- (5) ceases to reside in Australia.

## **Division 3— Nomination and Election of Board Members and Tenure of Office**

### **39. Nomination of Board Members**

(a) According to these Rules,

- (1) Six (6) lay Board members described in Rule 36(a)(2) above will be nominated by the Nominating Committee.
- (2) Up to two (2) members may be nominated as Board members mentioned in Rule 36(a)(3) at the discretion of the Senior Pastor.

- (b) Composition of Nominating Committee and Election of Nominating Committee members
  - (1) The Nominating Committee will comprise two (2) elected members, together with one (1) member appointed by the Board from among its number who will act as Chair of the Nominating Committee, and the Senior Pastor (ex officio).
  - (2) The elected members shall be elected for a term of two years. Each year, the member who has completed the two year term shall retire at the Annual Church Members' Meeting and is eligible for re-election. The member appointed by the Board shall serve for a term of one year.
  - (3) The Secretary will, not later than two Sundays before the Church Members' Meeting for election of Nominating Committee member(s), advise the Church Members of the name of the member(s) nominated by the Board, for appointment to the Nominating Committee.
  - (4) The name of the person standing for election to the Nominating Committee will be put before the Church Members' Meeting. The person will be elected if he receives the vote of a simple majority of the members present and voting.
- (c) Roles and responsibilities of Nominating Committee
  - (1) The Nominating Committee is responsible for receiving names from church members, identifying and considering potential members to serve on the Board.
  - (2) The Nominating Committee will nominate a number of members equal to the number of vacancies.
- (d) Nominated Board members (under Rules 36(a)(2) and 36(a)(3)) shall be endorsed by the Board before the Board nominees are proposed for election at a Church Members' Meeting.

#### **40. Election of Board Members**

- (a) The Secretary will, not later than two Sundays before the Annual Church Members' Meeting, advise the Church Members of the names of the lay members, nominated by the Nominating Committee.
- (b) Election shall be by secret ballot (Rule 41). Ballot lists shall be prepared containing the names of the nominees in alphabetical order of their surnames and identifying the endorsed nominees and separately identifying the additional nominee(s) nominated by the Senior Pastor.
- (c) The nominees must receive the vote of at least two-thirds of the members present and voting to be eligible to take office as a Board member.

#### **41. Ballot**

- (a) If a ballot is required for the election for a position, the Chairperson of the meeting must appoint one member to act as returning officer to conduct the ballot and as many scrutineers to assist the returning officer as seem appropriate to the Chairperson.
- (b) The returning officer must not be a member nominated for the position.
- (c) Each member present must be given a ballot paper containing blank boxes marked “For”, “Against” or “Abstain” corresponding against the names of the endorsed nominees as described in Rule 40(b) so that each member is able to cast their vote accordingly.
- (d) Ballot papers shall be prepared in accordance with subrule (c) regardless of the number of endorsed nominees, even if only one person is nominated.
- (e) Each ballot paper on which the “For” box is marked counts as one vote for that endorsed nominee.
- (f) The returning officer must report the voting results to the Chairperson of the meeting.

#### **42. Term of Office**

- (a) All Board members shall be elected for a term of two years. Each year, the members who have completed their two year term shall retire and an election shall be held as herein provided to fill the positions vacated.
- (b) No lay Board member shall be eligible to serve more than three consecutive terms, but will be eligible for re-election after standing down for at least one year.

#### **43. Removal of Board Members**

- (a) A Church Members’ Meeting may
  - (1) by special resolution remove a Board member from office; and
  - (2) elect an eligible member of the Church to fill the vacant position in accordance with Division 3 of these Rules.
- (b) A member who is the subject of a proposed special resolution under subrule (a)(1) may make representations in writing to the Secretary or Chairperson of the Board (not exceeding a reasonable length) and may request that the representations be provided to the members of the Church.
- (c) The Secretary or the Chairperson may give a copy of the representations to each member of the Church or, if they are not so given, the member may require that they be read out at the meeting at which the special resolution is to be proposed.

#### **44. Cessation/Vacation of Office**

- (a) A person ceases to be a Board member if he or she—
  - (1) resigns from the Board by written notice addressed to the Board; or
  - (2) the Board member is removed from office by special resolution in accordance with the provisions of Rule 43; or
  - (3) ceases to be a member of the Church; or
  - (4) dies; or
  - (5) becomes an insolvent under administration within the meaning of the Corporations Law; or
  - (6) has their membership on the Board terminated for disciplinary reasons.

#### **45. Filling Casual Vacancies**

- (a) In the event of a casual vacancy occurring on the Board:
  - (1) it shall be filled by the nominee nominated by the Nominating Committee; and
  - (2) an election will be held as herein provided at the next ordinary Members' Meeting.
- (b) Any person elected to fill a casual vacancy on the Board shall hold office for the residue of the term of the Board member who vacated the office.

#### **Division 4—Meetings of the Board**

#### **46. Meetings of the Board**

- (a) The Board members may meet together for the despatch of business and adjourn and otherwise regulate their meetings as they see fit.
- (b) The Board must meet at least 4 times in each year at the dates, times and places determined by the Board.
- (c) The Board shall appoint its Chairperson from amongst its own members.

#### **47. Circulating Resolutions**

- (a) The Board members may pass a resolution without a Board Members' Meeting being held if all of the Board members entitled to vote on the resolution sign a document containing a statement that they are in favour of the resolution set out in the document.
- (b) Board members may pass a resolution as provided for in Rule 47(a) above in any number of counterparts.
- (c) The resolution is passed when the last Board member signs a counterpart.

- (d) A facsimile or electronic mail or scanned document addressed to or received by the Church and purporting to be signed or sent by a Board member for the purpose of this rule must be treated as a document in writing signed by that Board member.

**48. Notice of Meetings**

- (a) Reasonable notice of each Board meeting must be given to each Board member before the date of the meeting.
- (b) Any notice of a Board meeting may be given in writing or orally, and whether by facsimile, telephone, electronic mail or any other means of communication.
- (c) The notice must state the date, time and place of the meeting.

**49. Urgent Meetings**

- (a) In cases of urgency, a meeting can be held without notice being given in accordance with Rule 48 provided that as much notice as practicable is given to each Board member by the quickest means practicable.
- (b) Any resolution made at the meeting must be passed by an absolute majority of the Board.
- (c) The only business that may be conducted at an urgent meeting is the business for which the meeting is convened.

**50. Use of Technology**

- (a) A Board member who is not physically present at a Board meeting may participate in the meeting by the use of technology that allows that Board member and the Board members present at the meeting to clearly and simultaneously communicate with each other.
- (b) For the purposes of this Part, a Board member participating in a Board meeting as permitted under subrule (a) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

**51. Quorum for Board Meetings**

The quorum for a Board meeting is 5 Board members. The quorum must be present at all times during the meeting.

**52. Voting**

- (a) On any question arising at a Board meeting, each Board member present at the meeting has one vote.
- (b) A motion is carried if a majority of Board members present at the meeting vote in favour of the motion.



- (c) Subrule (b) does not apply to any motion or question which is required by these Rules to be passed by an absolute majority of the Board.
- (d) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.
- (e) Voting by proxy is not permitted.

### **53. Conflict of Interest**

- (a) A Board member who has a material personal interest in a matter being considered at a Board meeting must disclose the nature and extent of that interest to the Board.
- (b) The member—
  - (1) must not be present while the matter is being considered at the meeting; and
  - (2) must not vote on the matter.
- (c) Under section 81(3) of the Act, if there are insufficient Board members to form a quorum because a member who has a material personal interest is disqualified from voting on a matter, a Church Members' Meeting may be called to deal with the matter.

### **54. Minutes of Meeting**

- (a) The Board must ensure that minutes are taken and kept of each Board meeting.
- (b) The minutes must record the following—
  - (1) the names of the members in attendance at the meeting;
  - (2) the business considered at the meeting;
  - (3) any resolution on which a vote is taken and the result of the vote;
  - (4) any material personal interest disclosed under Rule 53.

## **PART 6 – SENIOR PASTOR**

### **55. The Senior Pastor**

- (a) The Board shall select and recommend to the Church the person the Board considers should be appointed as Senior Pastor of the Church.
- (b) The Church members shall vote by secret ballot on such recommendation at a special Church members' meeting as required by Schedule B.
- (c) Only such person as holds, preaches, teaches and maintains the doctrines and practices stated in Clause 4.0 of Schedule B (Appendix 1) shall be eligible for appointment as Senior Pastor.
- (d) The Senior Pastor will have the following roles and responsibilities:
  - (1) to develop and to keep the Church faithful to its vision and values;

- (2) to teach, preach and to be responsible for the Church's doctrine, mission and practice;
- (3) to plan strategically and set goals for the Church;
- (4) to allocate the resources of the Church;
- (5) to generate and implement appropriate policy, staffing and ministry initiatives which will be referred to the Board and the Church, where appropriate; and
- (6) to lead the Church.

## **PART 7—FINANCIAL MATTERS**

### **56. Source of Funds**

The funds of the Church may be derived from donations, fund-raising activities, grants, interest and any other sources approved by the Board.

### **57. Management of Funds**

- (a) All funds of the Church shall be managed in accordance with current accounting standards applicable to an Incorporated Association.
- (b) The Board shall be responsible for approving delegated authorities for the receipt and expenditure of all Church funds.

### **58. Custody of Documents**

- (a) Financial records

The Church must retain its financial records for 7 years after the transactions covered by the records are completed.

- (b) All documents evidencing title to real property owned by the Church shall be deposited for safe keeping with the Church's bankers or by other similar, secure means.
- (c) All Church financial and staff records shall be held in the custody of the administration in accordance with the provisions of the relevant State or Commonwealth legislation.

### **59. Financial Statements**

- (a) For each financial year, the Board must ensure that the requirements under the Act relating to the financial statements of the Church are met.
- (b) Without limiting subrule (a), those requirements include—
  - (1) the preparation of the financial statements;
  - (2) if required, the review or auditing of the financial statements;
  - (3) the certification of the financial statements by the Board;
  - (4) the submission of the financial statements to the annual Church Members meeting of the Church; and

- (5) the lodgement with the Registrar of the financial statements and accompanying reports, certificates, statements and fee.

## **60. Auditors**

The Church shall annually appoint an auditor or auditors at the annual Members' Meeting on the recommendation of the Board. The auditor shall report to the members on the accounts of the Church as required from time to time, but in any event not less than once in each year.

## **PART 8—GENERAL MATTERS**

### **61. Common Seal**

- (a) The Church may have a common seal.
- (b) If the Church has a common seal,
  - (1) the name of the Church must appear in legible characters on the common seal;
  - (2) the common seal must not be affixed to any instrument except by the authority of the Board and the affixing of the common seal must be attended by the signatures of two members of the Board or of one member of the Board and the Secretary.
- (c) the common seal must be kept in the custody of the Secretary.

### **62. Registered Address**

The registered address of the Church is the address determined from time to time by resolution of the Board.

### **63. Notice Requirements**

- (a) Any notice required to be given to a member or a Board member under these Rules may be given—
  - (1) by handing the notice to the member personally; or
  - (2) by sending it by post to the member at the address recorded for the member on the register of members; or
  - (3) by email or facsimile transmission; or
  - (4) for Church Members meetings, leaving the notice at the registered address of the Church available for collection by members.
- (b) Any notice required to be given to the Church or the Board may be given
  - (1) by handing the notice to a member of the Board; or
  - (2) by sending the notice by post to the registered address; or
  - (3) by leaving the notice at the registered address; or
  - (4) if the Board determines that it is appropriate in the circumstances
    - (i) by email to the email address of the Church or the Secretary; or
    - (ii) by facsimile transmission to the facsimile number of the Church.

#### **64. Custody and Inspection of Books and Records**

- (a) Members may on request in writing accompanied by a reason for the request to the Secretary to inspect free of charge
  - (1) the register of members;
  - (2) the minutes of Church Members' Meetings;
  - (3) subject to subrule (b), the financial records, books, securities and any other relevant document of the Church, including minutes of Board meetings.
- (b) The Board may refuse to permit a member to inspect records of the Church that relate to confidential, personal, employment, legal matters or the provisions of the privacy policy of the Church or where to do so may be prejudicial to the interests of the Church.
- (c) Inspection, if granted, will take place within 28 days of the receipt of such request in the presence of the Secretary.
- (d) The Board must on request make copies of these rules available to members and applicants for membership free of charge.
- (e) Subject to subrule (b), a member may make a copy of any of the other records of the Church referred to in this rule.
- (f) For purposes of this rule, *relevant documents* means the records and other documents, however compiled, recorded or stored, that relate to the incorporation and management of the Church and includes the following—
  - (1) its membership records;
  - (2) its financial statements;
  - (3) its financial records;
  - (4) records and documents relating to transactions, dealings, business or property of the Church.

#### **65. Winding up of Deductible Gifts Recipient Funds**

If any endorsed Deductible Gifts Recipient (DGR) fund of the Church is wound up or if the endorsement (if any) of the Church as a DGR for operation of the fund is revoked, any surplus assets of that DGR fund remaining after the payment of liabilities attributable to it, shall be transferred to a fund to which income tax deductible gifts can be made.

#### **66. Winding up and Cancellation**

- (a) The Church may be wound up voluntarily by special resolution.
- (b) In the event of the winding up or the cancellation of the incorporation of the Church,
  - (1) the surplus assets of the Church must not be distributed to any members or former members of the Church; and
  - (2) the assets of the Church must be disposed of in accordance with Schedule B and the provisions of the Act.

**67. Alteration of Rules**

- (a) No alteration shall be made to these Rules except by special resolution with a vote of not less than three-quarters of those Church members present and voting.
- (b) An alteration of these Rules does not take effect unless or until it is in accordance with the Act and approved by the Registrar.
- (c) No motion for alteration of the Rules shall be considered by the meeting of members referred to in sub-paragraph (a) above which has not been considered by the Board and approved by it in the three months immediately prior to such meeting of Church members.
- (d) Not less than one month's notice in writing shall be given to the Church of any meeting called to alter these Rules. Any resolution to change these Rules shall be treated as a special resolution.
- (e) In altering these Rules, some or all of the current Rules may be suspended in their operation and effect on a provisional or trial basis.
- (f) No organisation of the Church, or bearing the name of the Church, shall bring into effect or amend its Rules without prior approval of the Board.

**Schedule B to The Baptist Union Incorporation Act 1930**  
**... a plain English summary...**

*This summary has been prepared by the Union office as a guide to the operation of Schedule B.*

The Baptist Union of Victoria ("Union") holds property on trust for its member churches for the following purposes and subject to the following conditions:

- 1.0** To allow the member church concerned ("Church") to build/alter a sanctuary, manse or other buildings/structures as desired by the Church. These buildings are to be used as directed by the Church.
- 2.0** Based firmly on the principles of congregational government, the Church has complete discretion to manage its affairs, subject to clause 10 below.
- 3.0** The Church is entitled to direct the use of money received by it.
- 4.0** A pastor called (including for a new term) to the Church:
  - 4.1 must be Baptist;
  - 4.2 must be called (including for a new term) by a Special Church Meeting complying with clause 10 below;
  - 4.3 must subscribe to the Doctrinal Basis [reproduced as Appendix 2].  
and
  - 4.4 a pastor removed from the Church must be dismissed by a Special Church Meeting complying with clause 10 below.
- 5.0** The Church is entitled to use its property as security to borrow money. The decision to mortgage or otherwise charge the Church property must be made at a special Church meeting complying with clause 10 below.
- 6.0** The Church is entitled to:
  - 6.1 create easements over;
  - 6.2 construct roads over;
  - 6.3 sell;its property. Without the consent of the Executive Council of the Union ("Executive Council"), the Church may *not* sell its property at substantially less than current market value.
- 7.0** Money received by the Church:
  - 7.1 raised by way of mortgage of Church property;
  - 7.2 derived by sale of Church property;
  - 7.3 received as an insurance payout in relation to Church property;

must be used for further property purchase or building improvements. Moneys so derived are deposited with the Union in the normal course until the Church directs the use of the money.

- 8.0** The Church is entitled to rent Church property on terms decided by a special Church meeting complying with clause 10 below.
- 9.0** Where the Union receives money on behalf of the Church, the payee has no further responsibility to follow up the payment.
- 10.0** The special Church meetings referred to above:
  - 10.1 may generally be called at any time;
  - 10.2 may be called by the Church leadership;
  - 10.3 must be called upon the written request of at least one-sixth of the members of the Church;
  - 10.4 must be convened by 14 days' clear notice specifying the time, place and purpose of the meeting

At a special Church meeting:

- 10.5 persons voting must be over 18 years, must have been members of the Church for at least 6 months, and must have been present at Church for communion at least once in the preceding 6 months; and
- 10.6 a two-thirds majority vote is required.  
(The two-thirds rule relates to two-thirds of all those members present and voting. ...if the vote is by ballot and invalid votes are cast, the number of invalid votes must still be included in the total number of votes against which the two-thirds requirement is measured.)
- 11.0** A minute signed by the chairperson of a Church meeting is sufficient evidence that the minute is an accurate record of a Church decision.
- 12.0** (Transitional provision)
- 13.0** In special circumstances of the Church owing money that the Union is liable to pay, the Union may, having given 6 months written notice to the Church, mortgage or sell Church property so as to cover the debt.
- 14.0** The beneficial ownership and control of Church property by the Church is not affected per se if the Church moves to another locality.
- 14A.** In relation to the powers vested in the Church by clauses 4,5,7,8 and 13 above, the Church may, at any time, ask Executive Council to stand in the shoes of the Church and be able to exercise those powers in the Church's stead. Executive Council and the Church may later both determine that those powers will revert back to the Church.

- 15.0** If:
- 15.1 the Church is dissolved;
  - 15.2 the Church is dispersed;
  - 15.3 the membership of the Church is reduced below 6; or
  - 15.4 public worship in the Church sanctuary property stops for six months (not being for building alterations);

the Union automatically assumes full control of the Church property. (At this stage any proceeds of sale of Church property by the Union would be deposited in the Union's Advancement Fund.)

- 15A.** If the resident membership of the Church is reduced to less than 29 but more than 5, Executive Council may exercise the powers vested in the Church by clauses 4,5,7,8 and 13 above. Executive Council may only exercise this discretion to stand in the shoes of the Church if it has given three months written notice of its intention to the Church and to Assembly. The Executive Council action must also have the endorsement of Assembly. Executive Council and the Church may later agree and both determine that the powers vested in Executive Council will revert back to the Church.

- 16.0** If the Church moves to another locality and leases the original Church property, then, until the end of the lease, the clause 15 "trigger" above, relating to the absence of public worship for at least six months, does not apply.



**The Baptist Union of Victoria  
Doctrinal Basis**

1. The divine inspiration and supreme authority of the Scriptures of the Old and New Testaments.
2. The existence of one God in three persons - the Father, the Son, and the Holy Spirit.
3. The deity and incarnation of the Lord Jesus Christ, who is the Son of God, the second person of the Holy Trinity.
4. The fallen, sinful and lost estate of all people.
5. The salvation of men and women from the penal consequences and power of sin through the perfect obedience of the Lord Jesus Christ, His atoning death, His resurrection from the dead, His ascension to the right hand of the Father, and His unchanging priesthood.
6. The immediate work of the Holy Spirit in the regeneration of men and women, in their sanctification, and in their preservation to the heavenly Kingdom of the Lord Jesus Christ.
7. The necessity, in order to know salvation, of repentance towards God and of faith in the Lord Jesus Christ.
8. The resurrection of the dead, and the final judgment of all people by the Lord Jesus Christ.
9. The two ordinances of the Lord Jesus Christ, namely Baptism and the Lord's Supper, which are of perpetual obligation: Baptism being the immersion of believers upon the profession of their faith in the Lord Jesus Christ, and a symbol of the fellowship of the regenerate in His death, burial and resurrection; the Lord's Supper being a memorial, until He comes, of the sacrifice of the body and blood of the Lord Jesus Christ.