

# **New Spring Church Incorporated**

## **RULES**

**Draft 17 September 2018**

**(Updated 6<sup>th</sup> April 2020)**

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## PART 1 — PRELIMINARY

### 1. Name

The name of the Association is **New Spring Church Incorporated** here after referred to as the “Church”.  
The Church is affiliated with the **Churches of Christ WA**.

### 2. Terms used

In these Rules, unless the contrary intention appears —

**ACNC** means the Australian Charities and Not-for-profits Commission;

**Act** means the *Associations Incorporation Act 2015*;

**Board** means the Board of Governance of the church as referred to in Rule 20;

**Board meeting** means a meeting of the Board referred to in Rule 36;

**Board Member** means a Member of the Board referred to in Rule 21;

**Board of Elders** means the Eldership of the church, who provide spiritual headship, vision and direction for the church;

**By laws** means by-laws made by the Church under Rule 55;

**Chairperson** means the Board Member holding office as the Chairperson referred to in Rule 24;

**Churches of Christ WA** is the operating name of the **Churches of Christ Western Australia Inc.**;

**Church** means the incorporated association referred to in Rule 1;

**Commissioner** means the person for the time being designated as the Commissioner under section 153 of the Act;

**Ex officio** means by virtue of one's position or status referred to in Rule 22 (3);

**Financial report**, of a tier 2 association or a tier 3 association, referred to in Rule 54;

**Financial statements** means the financial statements referred to in Rule 54;

**Financial Year**, of the Church, has the meaning given in Rule 4;

**General meeting**, of the Church, means a meeting of the Church that all Members are entitled to receive notice of and to attend;

**Member** means a person who is a Member of the Church referred to in Rule 11;

**Objects** means the Objects of the Church referred to in Rule 3;

**Partner** means a person who is a Partner of the Church referred to in Rule 11;

**Partner Representative** is a person who is appointed to be part of the Membership referred to in Rule 7;

**Register of Members** means the Register of Members referred to in Rule 15;

**Revenue** means income that arises during the course of the ordinary activities of an entity;

**Rules** mean these rules of the Church, as in force for the time being;

**Secretary** means the Board Member holding office as the Secretary referred to in Rule 21 and Rule 25;

**Special General Meeting** means a general meeting of the Church other than the Annual General Meeting referred to in Rule 45;

**Special Resolution** has the meaning given by the Act, that is –

A resolution is a Special Resolution if it is passed by a majority of not less than three-fourths (75%) of the Members of the Church who are entitled under the Rules of the Church to vote and vote in person at a general meeting of which notice specifying the intention to propose the resolution as a special resolution was given in accordance with these Rules.

At a meeting at which a resolution proposed as a Special Resolution is submitted, a declaration by the person presiding that the resolution has been passed as a special resolution shall be evidence of the fact unless, during the meeting at which the resolution is submitted, a poll is demanded in accordance with the rules of the Church or, if the rules do not make provision as to the manner in which a poll may be demanded, by at least three (3) Members of the Church present in person.

If a poll is held, a declaration by the person presiding as to the result of a poll is evidence of the matter so declared;

**Statement of Faith** means the statement of faith referred to in Rule 64;

**Subcommittee** means a subcommittee appointed by the Board under Rule 43;

**Tier 1 association** means an incorporated association with revenue of less than \$250,000 per year;

**Tier 2 association** means an incorporated association with revenue between \$250,000 and \$1,000,000 per year;

**Tier 3 association** means an incorporated association with revenue of or exceeding \$1,000,000 per year;

**Treasurer** means the Board Member holding office as the Treasurer referred to in Rule 21 and Rule 26.

### 3. Objects of the Church

The Objects of the Church shall be to glorify God by: -

- a) Proclaiming the Good News of Jesus Christ, that salvation is available to all who put their faith in the Christ's finished work of the cross.
- b) Discipling Christians in a lifestyle of obedience to God by following Jesus in the power of the Holy Spirit.
- c) Champion the gathering of the local Church to worship God together in its various expressions.
- d) Empowering and equipping Christians through teaching, prayer, discipleship and fellowship.
- e) Providing a place of safety where healing, restoration and reconciliation can occur.
- f) Creating a place of belonging.
- g) Enabling and engaging Christians to use and develop their gifts for Christ's mission in the Church and in the community.
- h) Promoting the spread of the Gospel by engaging in the task of mission, in Australia and overseas.
- i) Working with related incorporated entities to extend the ministry of the Church.
- j) Such other activity consistent with the foregoing Objects

#### **4. Financial Year**

The financial year of the Church is the period of 12 months commencing on July 1 and ending on June 30 of the following year.

#### **5. Powers**

- (1) The powers conferred on the Church are the same as those conferred by the Act, so that subject to the Act and any additions, exclusions or modifications inserted below, the Church may do all things necessary or convenient for carrying out its objects and purposes, and in particular, may -
  - a) Subject to sub-rule (2), acquire, hold, deal with, and dispose of any real or personal property;
  - b) open and operate bank accounts;
  - c) invest its money in any security in which trust monies may lawfully be invested;
  - d) borrow money upon such terms and conditions as the Church thinks fit;
  - e) give such security for the discharge of liabilities incurred by the Church as the Church thinks fit;
  - f) appoint agents to transact any business of the Church on its behalf;
  - g) enter into any other contract it considers necessary or desirable; and
  - h) may act as trustee and accept and hold real and personal property upon trust, but does not have power to do any act or thing as a trustee that, if done otherwise than as a trustee, would contravene this Act or the Rules of the Church.
- (2) Any action to be taken under sub-rule 5(1)(a) must be authorised by a Special Resolution of a Church Members Meeting.

### **PART 2 —NOT FOR PROFIT BODY**

#### **6. Not-for-profit body**

- (1) The property and income of the Church must be applied solely towards the promotion of the objects or purposes of the Church and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to any Member, except in good faith in the promotion of those objects or purposes.
- (2) A payment may be made to a Member out of the funds of the Church only if it is authorised under sub-rule (3).
- (3) A payment to a Member out of the funds of the Church is authorised if it is —
  - (a) the payment in good faith to the Member as reasonable remuneration for any services provided to the Church, or for goods supplied to the Church, in the ordinary course of business; or
  - (b) the payment of interest, on money borrowed by the Church from the Member, at a rate not greater than the secured lending rate of the financial institution with which the Church conducts its financial affairs; or
  - (c) the payment of reasonable rent to the Member for premises leased by the Member to the Church; or
  - (d) the reimbursement of reasonable expenses properly incurred by the Member on behalf of the Church.

## **PART 3 — MEMBERS**

### **7. Eligibility for Membership or Partnership**

- (1) A person, who is born again of the Holy Spirit, baptised as a believer in the name of the Lord Jesus Christ, and who gives evidence of their faith in daily life, is eligible to apply to become a Member or Partner.
- (2) A person who is not baptised but is committed to the principle of believers baptism, is willing to be baptised, and otherwise qualifies, shall also be eligible to apply to become a Member or Partner.
- (3) Each applicant for Membership or Partnership is required to express agreement with the Statement of Faith, support the Objects of the Church and be willing to abide by these Rules.
- (4) The voting members must have reached the age of 18 years.
- (5) The Members of the Church will consist of;
  - (a) The Board Members,
  - (b) The Elders, and
  - (c) A minimum of 10 and maximum of 20 partner Representatives.
- (6) The Partner Representatives will be elected by the Members prior to the Annual General Meeting in a manner determined by the Board.

### **8. Applying for Membership or Partnership**

- (1) A person who wants to become a Partner must apply in writing to the Church in a form prescribed by the Board.
- (2) The application must include a Member's nomination of the applicant for Partnership.
- (3) The application must be signed by the applicant and the Member or Partner nominating the applicant.

### **9. Dealing with Member or Partnership applications**

- (1) The Board must consider each application for Membership, being Members or Partners, of the Church and decide whether to accept or reject the application.
- (2) The Board may delay its consideration of an application if the Board considers that any matter relating to the application needs to be clarified by the applicant or that the applicant needs to provide further information in support of the application.
- (3) The Board must notify the applicant of the Board's decision to accept or reject the application as soon as practicable after making the decision.
- (4) If the Board rejects the application, the Board is not required to give the applicant its reasons for doing so.

### **10. Becoming a Member or Partner**

An applicant for Membership or Partnership of the Church becomes a Member or Partner when the Board accepts the application.



The Church must give each person who becomes a Member or Partner of the Church a copy of the Rules in force at the time their Membership or Partnership commences. This may be by electronic transmission or providing the details of the website where the Rules may be downloaded.

## **11. Class of Membership or Partnership**

- (1) A Partner Representative has full voting rights and any other rights conferred on them by these Rules or approved by resolution at a general meeting or determined by the Board.
- (2) A Partner has all other rights of sub-rule (1) other than the right to vote.
- (3) Each Member has one vote at a general meeting of the Church.
- (4) Members and Partners are expected to support the ministry through;
  - (a) Prayer
  - (b) Regular weekly attendance and participation in the services.
  - (c) Engaging in service for Christ in the community through the Church.
  - (d) Giving of finances as God's provision enables.

## **12. When Membership or Partnership ceases**

- (1) A person ceases to be a Member or Partner when any of the following takes place —
  - (a) the individual dies;
  - (b) the person resigns from the Church under Rule 13;
- (2) The Secretary must keep a record, for at least one year after a person ceases to be a Member or Partner, of —
  - (a) the date on which the person ceased to be a Member or Partner; and
  - (b) the reason the person ceased to be a Member or Partner.
  - (c) The person is removed from membership or partnership of the church under rule 16.
  - (d) When a person ceases to be a board member, or an elder, or a partner representative, they cease to be a member and become a partner.

## **13. Resignation**

- (1) A Member or Partner may resign from Membership or Partnership of the Church by giving written notice of the resignation to the Secretary.
- (2) The resignation takes effect —
  - (a) when the Secretary receives the notice and brings it to the Board; or
  - (b) if a later time is stated in the notice, at that later time.

## **14. Membership or Partnership fees**

No Membership or Partnership fees will be payable.

## **15. Register of Members and Partners**

- (1) The Secretary, or another person authorised by the Board, is responsible to maintain the Register of Members and Partners and record in that Register any change in the Membership or Partnership of the Church.
- (2) The Register of Members must include each Member or Partner's name, and a residential, postal or email address, the class of the Member (or Partner) and the date on which each Member and

Partner becomes a Member or Partner or changes class of Member or Partner. When a Member or Partner ceases to be a Member or Partner this date must also be recorded.

- (3) The Register of Members and Partners must be kept at place determined by the Board, including in electronic storage.
- (4) A Member or Partner who wishes to inspect the Register of Members and Partners must contact the Secretary to make the necessary arrangements at a time mutually convenient.
- (5) If —
  - (a) a Member or Partner inspecting the Register of Members and Partners wishes to make a copy of, or take an extract from, the Register; or
  - (b) a Member or Partner makes a written request under section 56(1) of the Act to be provided with a copy of the Register of Members and Partners, the Board may require the Member or Partner to provide a statutory declaration setting out the purpose for which the copy or extract is required and declaring that the purpose is connected with the affairs of the Church.

## **PART 4 — DISCIPLINARY ACTION AND DISPUTES**

### **16. Suspension or removal from Membership or Partnership**

- (1) The Elders may decide to suspend a Member's membership or remove a Member or Partner's Partnership of the Church if —
  - (a) the Member or Partner contravenes any of these Rules; or
  - (b) the Member or Partner acts detrimentally to the interests of the Church; or
  - (c) The Member or Partner fails to attend the regular worship services for a period of 6 months; or
  - (d) The Member or Partner by his or her conduct or lifestyle fails to reflect values consistent with their profession of faith.
- (2) The Secretary must give the Member or Partner written notice of the proposed suspension or removal at least 28 days before the Elders meeting at which the proposal is to be considered by the Elders.
- (3) The notice given to the Member or Partner must state —
  - (a) when and where the Elders meeting is to be held; and
  - (b) the grounds on which the proposed suspension or removal is based; and
  - (c) that the Member or Partner is encouraged to attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the Elders about the proposed suspension or removal;
- (4) At the Elders meeting, the Elders must —
  - (a) give the Member or Partner a reasonable opportunity to make written or oral (or both written and oral) submissions to the Elders about the proposed suspension or removal; and
  - (b) give due consideration to any submissions so made; and
  - (c) decide —
    - (i) whether or not to suspend the Member or Partner's Membership or Partnership and, if the decision is to suspend the Membership or Partnership, the period of suspension; or
    - (ii) whether or not to remove the Member or Partner from the Members of the Church.
- (5) A decision of the Elders to suspend the Member or Partner's Membership or Partnership or to remove the Member or Partner from the Members roll of the Church takes immediate effect.
- (6) The Elders must give the Member or Partner written notice of the Elder's decision, and the reasons for the decision, within 7 days after the Elders meeting at which the decision is made.

- (7) In any matter being considered under this Rule, the privacy of the individual(s), the good name of the Church, and the ministry of the Church, as followers of Jesus Christ, shall be given appropriate consideration.

## **17. Consequences of suspension**

- (1) During the period a Member or Partner's Membership or Partnership is suspended, the Member or Partner loses any rights (including voting rights) that may arise as a result of Membership or Partnership.
- (2) When a Member or Partner's Membership or Partnership is suspended, the Secretary or another person authorised by the Board, must record in the Register of Members —
  - (a) that the Member or Partner's Membership or Partnership is suspended; and
  - (b) the date on which the suspension takes effect; and
  - (c) the period of the suspension.
- (3) When the period of the suspension ends, the Secretary or another person authorised by the Board, must record in the Register of Members that the Member or Partner's Membership or Partnership is no longer suspended.

## **18. Disputes**

- (1) Disputes may arise under these Rules —
  - (a) between Members or Partners (or former Members or Partners); or
  - (b) between one or more Members or Partners and the Church.
- (2) The parties to a dispute must meet and discuss the matter in dispute and attempt to resolve the dispute between themselves within 14 days after the dispute has come to the attention of each party.
- (3) If the parties are unable to resolve the dispute the parties may take a support person to a meeting in an attempt to resolve the dispute.
- (4) If the parties are still unable to resolve the dispute between themselves, any party to the dispute may take the matter to the Elders (as the representatives of the Church) by giving written notice to the Senior Pastor or Secretary of —
  - (a) the parties to the dispute; and
  - (b) the matters that are the subject of the dispute.
- (5) Within 28 days after the Senior Pastor or Secretary is given the notice, the Elders meeting must be convened to consider and determine the dispute.
- (6) The Secretary must give each party to the dispute written notice of the Elders meeting at which the dispute is to be considered and determined at least 7 days before the meeting is held.
- (7) The notice given to each party to the dispute must state —
  - (a) when and where the Elders meeting is to be held; and
  - that the party is encouraged to attend the meeting and will be given a reasonable opportunity to make written or oral (or both) submissions to the Elders about the dispute.
- (8) If —
  - (a) the dispute is between one or more Member or Partners and the Church; and
  - (b) any party to the dispute gives written notice to the Secretary stating that the party does not agree to the dispute being determined by the Elders; the Elders must not determine the dispute but must employ the services of an independent third party

## **19. Determination of dispute by Elders**

- (1) At the Elders meeting at which a dispute is to be considered and determined, the Elders must, subject to Rule 18(7)—
  - (a) give each party to the dispute a reasonable opportunity to make written or oral (or both) submissions to the Elders about the dispute; and
  - (b) give due consideration to any submissions so made; and
  - (c) determine the dispute.
- (2) The Elders must give each party to the dispute written notice of the Elders determination, and the reasons for the determination, within 7 days after the Board meeting at which the determination is made.
- (3) A party to the dispute may, within 14 days after receiving notice of the Elders determination under sub-rule (1)(c), give written notice to the Secretary requesting the matter be referred to an independent arbitrator for a decision. Such a decision will be binding on all parties to the dispute.

## **PART 5 — BOARD**

### **20. Board**

- (1) The Board is responsible for the management and direction of the Church seeking to bring into reality the objects and values of the Church.
- (2) The Board Members are the persons who, as the management committee of the Church, have the power to manage the affairs of the Church.
- (3) Subject to the Act, these Rules, the by-laws (if any) and any resolution passed at a general meeting, the Board has power to do all things necessary or convenient to be done for the proper management of the affairs of the Church.
- (4) The Senior Pastor is accountable to the Board and Elders for fulfilling ministry aims and demonstrating leadership.
- (5) The Board must take all reasonable steps to ensure that the Church complies with the Act, these Rules and the by-laws (if any).
- (6) A Member of the Board is not liable in respect of the liabilities of the Church.

### **21. Board Members**

- (1) The Board shall consist of a minimum number of five (5) Members including the Office Holders and Ordinary Board Members. The Senior Pastor will be an ex officio Board Member.
- (2) The Board must determine the maximum number of the Board members.
- (3) The following are the office holders of the Church —
  - (a) The Chairperson;
  - (b) The Deputy Chairperson (if appointed);
  - (c) The Secretary;
  - (d) The Treasurer.
  - (e)
- (4) A person may be a Board Member if the person is —
  - (a) an individual who has reached 18 years of age; and
  - (b) a Member of the Church; or
  - (c) a Partner of the Church.

- (5) The Board Members will, at their first meeting following the Annual General Meeting, elect from within their Membership the office holders of the Church.

## **22. Senior Pastor**

- (1) It is the Senior Pastor's responsibility to;
  - (a) Provide Biblical vision and direction to the Church.
  - (b) Oversee and coordinate the day to day ministry of the congregation and administration of the Church.
  - (c) In consultation with the Board to staff the Church to help administer the affairs of the Church.
- (2) The Senior Pastor is the senior administrator of the Church.
- (3) The Senior Pastor will be an ex officio Board Member with full voting rights.
- (4) The Senior Pastor with the support of the Board is empowered to hire, direct and, if considered appropriate, to suspend or dismiss staff.
- (5) The choice and appointment of the Senior Pastor is vested in the Members of the Church.
- (6) When it becomes necessary to consider the appointment of a Senior Pastor, the Board will establish a sub-committee, that will conduct due diligence and bring forward a recommendation to the Elders and the Board.
- (7) The recommendation of the Board and Elders shall be considered by a Special Members Meeting called for the purpose. The invitation to a Senior Pastor will be by a Special Resolution requiring at least 75% of the Members present and voting by secret ballot in favour of doing so.
- (8) The term of appointment of the Senior Pastor will be included in the invitation and would normally be open ended, or deemed a permanent position, after a probation period of six (6) months.
- (9) The term of service between Church and Pastor may be terminated by three months' notice on either side, unless otherwise mutually agreed upon.
- (10) The Senior Pastor may be removed or suspended from office or face disciplinary action in the event of misconduct. If the Board receives a complaint, alleging misconduct of any kind, against the Senior Pastor it shall be referred to an independent arbitrator to work in collaboration with the Board and Elders for investigation and appropriate action.
- (11) Any decisions made by the Church under sub-rule (9) or (10) shall be by ordinary resolution.

## **23. Elders**

- (1) <sup>1</sup>The Elders are appointed to support the Senior Pastor in the growth of the spiritual life of the church.
- (2) A person appointed as an Elder will exhibit such qualities as –
  - (a) a mature understanding of the Christian faith
  - (b) wisdom, patience and discernment
  - (c) an ability to teach and encourage

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<sup>1</sup> Correction Note: Item 23 in the original document dated 17<sup>th</sup> September 2018, started at point (2) and continued to point (10). The correction to 23 (1) to 23 (9) is made on the 6<sup>th</sup> of April 2020 By Andrew Hadfield, with Board of Government Consensus. See Minutes of meeting date 6<sup>th</sup> April 2020 for ratification.

- (d) an ability to work within a team structure
  - (e) acknowledged respect and good standing in the church
- (3) A new Elder, must qualify for Membership, will be appointed by the Senior Pastor with the agreement of the Eldership.
  - (4) An Elder's term will be for three years from his or her appointment but he or she is eligible for re-appointment as an Elder.
  - (5) An Elder may be removed from office by the Senior Pastor, with the agreement of the remaining Eldership.
  - (6) The Eldership may remove an Elder from office if he or she fails to attend the regular worship services or if his or her conduct or lifestyle fails to reflect values consistent with their high calling.
  - (7) The Eldership at its meeting must give the Elder a reasonable opportunity to make submissions to the Eldership about the proposed removal, and the Eldership must give due consideration to any submissions so made, and decide whether or not to remove the Elder.
  - (8) A person appointed as an Elder becomes a Member of the Church for their term of office.
  - (9) Meetings of the Elders;
    - (a) The Elders must have at least 1 formal meeting per year.
    - (b) The Senior Pastor will normally chair the formal meetings of Elders.
    - (c) An Elder must act as minute taker to the meetings.
    - (d) Notice of meeting must be given to each Elder similar to Rule 36.
    - (e) Procedure of the meeting will be determined by the elders similar to Rule 37
    - (f) A quorum for a meeting will be 75% of the Elders.
    - (g) Voting on a motion will require a clear majority to proceed.
    - (h) The Elders must ensure that relevant minutes are taken in line with Rule 41.

## **24. Chairperson**

- (1) The Chairperson has the powers and duties relating to convening and presiding at Board meetings and presiding at general meetings provided for in these Rules.
- (2) It is the duty of the Chairperson to consult with the Secretary regarding the business to be conducted at each Board meeting and general meeting.

## **25. Secretary**

The Secretary is responsible for —

- (a) dealing with the Church's correspondence;
- (b) consulting with the Chairperson regarding the business to be conducted at each Board meeting and general meeting;
- (c) preparing the notices required for meetings and for the business to be conducted at meetings;
- (d) unless another Member is authorised by the Board to do so, maintaining on behalf of the Church the Register of Members as required under Rule 15;
- (e) maintaining on behalf of the Church an up-to-date copy of these Rules, as required under the Act;
- (f) unless another Member is authorised by the Board to do so, maintaining on behalf of the Church a record of Board Members and other persons authorised to act on behalf of the Church, as required under Rule 59;

- (g) ensuring the safe custody of the books of the Church, other than the financial records of the Church;
- (h) maintaining full and accurate minutes of Board meetings and general meetings; and
- (i) carrying out any other responsibilities given to the Secretary under these Rules or by the Board.

## **26. Treasurer**

The Treasurer is responsible for —

- (a) ensuring that any amounts received by the Church, are deposited promptly, to the credit of the appropriate (bank) account of the Church, as required under Rule 53 and directed by the Board;
- (b) ensuring that any payments to be made by the Church that have been authorised by the Board or at a general meeting are made on time;
- (c) ensuring the safe custody of the Church's financial records, financial statements or financial reports of the Church;
- (d) Coordinating the preparation of the Church's financial statements or financial reports before their submission to the Church's Annual General Meeting as required in Rule 54;
- (e) providing any assistance required by an auditor or reviewer conducting an audit or review of the Church's financial statements or financial report under Part 5 of the Act;
- (f) carrying out any other duty given to the Treasurer under these Rules or by the Board; and
- (g) reporting to compliance authorities in a timely manner.

## **27. How Members or Partners become Board Members**

A Member or Partner becomes a Board Member if the Member or Partner —

- (a) is elected to the Board at a general meeting; or
- (b) is appointed to the Board by the Board to fill a casual vacancy under Rule 32.

## **28. Nomination of Board Members**

- (1) At least 21 days before an Annual General Meeting, the Secretary must send a written notice to all the Members —
  - (a) calling for nominations for election to the Board; and
  - (b) stating the date by which nominations must be received by the Secretary to comply with sub-rule (2).
- (2) A Member or Partner who agrees to be considered for election to the Board at the Annual General Meeting must nominate for election by completing and sending the nomination form to the Secretary at least 14 days before the Annual General Meeting.
- (3) The nomination form must include a statement by another Member in support of the nomination.

## **29. Election of Board**

- (1) At the Annual General Meeting, an election must be held for each of the vacancies on the Board.
- (2) The Members must vote in accordance with procedures that have been determined by the Board to decide who is to be elected to the vacant positions.
- (3) Each Member may vote for a person for each of the vacant positions.
- (4) A Member who has nominated for a vacancy may vote for himself or herself.
- (5) The new Members of the Board, elected at the Annual General Meeting, take office at the close of the meeting.

- (6) The new persons of the Board at the close of the meeting become a Member of the Church for their term of office.

### **30. Term of office**

- (1) The term of office of a Board Member begins when the Member —
  - (a) is elected at an Annual General Meeting; or
  - (b) is appointed to fill a casual vacancy under Rule 33
- (2) Subject to Rule 31, a Board Member elected under sub-rule (1) (a) holds office for a period not exceeding three years, with one third retiring each year by rotation. A person appointed under sub-rule (1) (b) serves until the next Annual General Meeting.
- (3) A retiring Board Member is eligible for re-election.

### **31. Resignation and removal from office**

- (1) A Board Member may resign from the Board by written notice given to the Secretary or, if the resigning Member is the Secretary, given to the Chairperson.
- (2) The resignation takes effect —
  - (a) when the notice is received by the Secretary or Chairperson; or
  - (b) if a later time is stated in the notice, at the later time.
- (3) At a special meeting, a Board Member may be removed by the
  - (a) The remaining Board
  - (b) The membership
- (4) A Board Member who is the subject of a proposed resolution under sub-rule (3) may make written representations (of a reasonable length) to the Secretary or Chairperson and may ask that the representations be provided to the Members.
- (5) The Secretary or Chairperson may give a copy of the representations to each Member or, if they are not so given, the Board Member may require them to be read out at the general meeting at which the resolution is to be considered.

### **32. When Membership of Board ceases**

- (1) A person ceases to be a Board Member if the person —
  - (a) dies or otherwise ceases to be a Member; or
  - (b) resigns from the Board or is removed from office under Rule 31; or
  - (c) becomes ineligible to accept an appointment or act as a Board Member under section 39 of the Act;
  - (d) becomes permanently unable to act as a Board Member because of a mental or physical disability; or
  - (e) fails to attend three (3) consecutive Board meetings, of which the person has been given notice, without having notified the Board that the person will be unable to attend.
  - (f)
- (2) Where a person ceases to be a Member of the Board the Act requires that person to, as soon as practicable after their Membership ceases, deliver to a Member of the Board all of the relevant documents and records they hold pertaining to the management of the Church's affairs.



### **33. Filling casual vacancies**

- (1) The Board may appoint a Member who is eligible under Rule 21(4) to fill a position on the Board that —
  - (a) has become vacant under Rule 32; or
  - (b) was not filled by election at the most recent Annual General Meeting.
- (2) Subject to the requirement for a quorum under Rule 40, the Board may continue to act despite any vacancy in its Membership.
- (3) If there are fewer Board Members than required for a quorum under Rule 40, the Board may act only for the purpose of —
  - (a) appointing Board Members under this Rule; or
  - (b) convening a general meeting.

### **34. Validity of acts**

The acts of a Board or sub-committee, or of a Board Member or Member of a subcommittee, are valid despite any defect that may afterwards be discovered in the election, appointment or qualification of a Board Member or Member of a subcommittee.

### **35. Payments to Board Members**

A Board Member is entitled to be paid out of the funds of the Church for any out-of-pocket expenses properly incurred in connection with the Church's business.

### **36. Board meetings**

- (1) The Board must meet at least five (5) times in each year on the dates and at the times and places determined by the Board.
- (2) The date, time and place of the first Board meeting must be determined by the Board Members as soon as practicable after the Annual General Meeting at which the Board Members are elected.
- (3) Special Board meetings may be convened by the Chairperson or any two (2) Board Members.

### **37. Notice of Board meetings**

- (1) Notice of each Board meeting must be given to each Board Member at least 48 hours before the time of the meeting.
- (2) The notice must state the date, time and place of the meeting and must describe the general nature of the business to be conducted at the meeting.
- (3) Unless sub-rule (4) applies, the only business that may be conducted at the meeting is the business described in the notice.
- (4) Urgent business that has not been described in the notice may be conducted at the meeting if the Board Members at the meeting unanimously agree to treat that business as urgent.

### **38. Procedure and order of business**

- (1) The Chairperson or, in the Chairperson's absence, the Deputy-Chairperson must preside as Chairperson of each Board meeting.

- (2) If the Chairperson and Deputy Chairperson are absent or are unwilling to act as Chairperson of a meeting, the Board Members at the meeting must choose one of their number to act as Chairperson of the meeting.
- (3) The procedure to be followed at a Board meeting must be determined from time to time by the Board.
- (4) The order of business at a Board meeting may be determined by the Board Members at the meeting.
- (5) A Member or other person who is not a Board Member may attend a Board meeting if invited to do so by the Board.
- (6) A person invited under sub-rule (5) to attend a Board meeting —
  - (a) has no right to any agenda, minutes or other document circulated at the meeting; and
  - (b) must not comment about any matter discussed at the meeting unless invited by the Board to do so; and
  - (c) cannot vote on any matter that is to be decided at the meeting.
- (7) A Member of the Board who has a material personal interest in a matter being considered at a Board meeting must, as soon as he or she becomes aware of that interest, disclose the nature and extent of his or her interest to the Board; and disclose the nature and extent of the interest at the next general meeting of the Church
- (8) The sub-rule 7 does not apply in respect of a material personal interest
  - (a) that exists only because the Member is an employee of the Church; or
  - (b) that the Member has in common with all, or a substantial proportion of, the Members of the Church.
- (9) A Member of the Board who has a material personal interest in a matter being considered at a meeting of the Board must not be present while the matter is being considered at the meeting or vote on the matter
- (10) Every disclosure made by a Board Member of a material personal interest must be recorded in the minutes of the Board meeting at which the disclosure is made.

### **39. Use of technology to be present at Board meetings**

- (1) The presence of a Board Member at a Board meeting need not be by attendance in person but may be by that Board Member and each other Board Member at the meeting being simultaneously in contact by telephone or other means of instantaneous communication.
- (2) A Member who participates in a Board meeting as allowed under sub-rule (1) is taken to be present at the meeting and, if the Member votes at the meeting, the Member is taken to have voted in person.
- (3) The Board may conduct its business by a circular motion to all Board Members by email. Such a motion is to be approved and recorded in the minutes of the next meeting.

### **40. Quorum for Board meetings**

- (1) Subject to Rule 33(3), no business is to be conducted at a Board meeting unless a quorum is present.
- (2) The higher of four (4) or fifty (50) percent of Board Members will constitute a quorum.

- (3) If a quorum is not present within 30 minutes after the notified commencement time of a Board meeting —
  - (a) in the case of a special meeting — the meeting lapses; or
  - (b) otherwise, the meeting is adjourned to a time, day and place determined by the Chairperson.

#### **41. Voting at Board meetings**

- (1) Each Board Member present at a Board meeting has one vote on any question arising at the meeting.
- (2) A motion is carried if a majority of the Board Members present at the Board meeting vote in favour of the motion.
- (3) If the votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.

#### **42. Minutes of Board meetings**

- (1) The Board must ensure that minutes are taken and kept of each Board meeting.
- (2) The minutes must record the following —
  - (a) the names of the Board Members present at the meeting;
  - (b) the name of any person attending the meeting under Rule 38(5);
  - (c) the business considered at the meeting;
  - (d) any motion on which a vote is taken at the meeting and the result of the vote; and
  - (e) any disclosure of a Member's material personal interest.
- (3) The minutes of a Board meeting must be entered in the minute book within 30 days after the meeting is held. The minute book may be physical or electronic repository of the signed minutes of the meeting.
- (4) The Chairperson must ensure that the minutes of a Board meeting are reviewed and signed as correct by —
  - (a) the Chairperson of the meeting; or
  - (b) the Chairperson of the next Board meeting.
- (5) When the minutes of a Board meeting have been signed as correct they are, until the contrary is proved, evidence that —
  - (a) the meeting to which the minutes relate was duly convened and held; and
  - (b) the matters recorded as having taken place at the meeting took place as recorded; and
  - (c) any appointment purportedly made at the meeting was validly made.

#### **43. Subcommittees**

- (1) To help the Board in the conduct of the Church's business, the Board may, in writing establish one or more subcommittees.
- (2) A subcommittee may consist of the number of people, whether or not Member or Partners, that the Board considers appropriate.
- (3) Subject to any directions given by the Board a subcommittee may meet and conduct business as it considers appropriate.

#### **44. Delegation to subcommittees**

- (1) The Board may, in writing, delegate to a subcommittee the exercise of any power or the performance of any duty of the Board other than —
  - (a) the power to delegate; and
  - (b) a non-delegable duty.
- (2) The delegation may be made subject to any conditions or exceptions that the Board specifies in the document by which the delegation is made. However this does not prevent the Board from exercising or performing the power or duty delegated.
- (3) Any act or thing done by a subcommittee under the delegation has the same force and effect as if it had been done by the Board.
- (4) The Board may, in writing, amend or revoke the delegation.

### **PART 6 — GENERAL MEETINGS**

#### **45. Annual General Meeting**

- (1) The Board must determine the date, time and place of the Annual General Meeting.
- (2) If it is proposed to hold the Annual General Meeting more than 6 months after the end of the Church's financial year, the Secretary must apply to the Commissioner for permission within 4 months after the end of the financial year.
- (3) The ordinary business of the Annual General Meeting is as follows —
  - (a) to confirm the minutes of the previous Annual General Meeting and of any Special General Meeting held since then if the minutes of that meeting have not yet been confirmed;
  - (b) to receive and consider —
    - (i) the Board's annual report on the Church's activities during the preceding financial year; or
    - (ii) the financial statements or the financial report of the Church for the preceding financial year; and
    - (iii) a copy of the report of the review or auditor's report on the financial statements or financial report; (if applicable).
  - (c) to elect Board Members of the Church;
  - (d) if applicable, to appoint or remove a reviewer or auditor of the Church; and
  - (e) any other business of which notice has been given in accordance with these Rules.

#### **46. Special General Meetings**

- (1) The Board may convene a Special General Meeting.
- (2) The Board must convene a Special General Meeting if at least 20% of the Members require a Special General Meeting to be convened.
- (3) The Members requiring a Special General Meeting to be convened must —
  - (a) make the requirement by written notice given to the Secretary; and
  - (b) state in the notice the business to be considered at the meeting; and
  - (c) each sign the notice.
- (4) The Special General Meeting must be convened within 28 days after notice is given under sub-rule (3)(a).
- (5) If the Board does not convene a Special General Meeting within that 28 day period, the Members making the requirement (or any of them) may convene the Special General Meeting.

- (6) A Special General Meeting convened by the Members under sub-rule (5) —
  - (a) must be held within 3 months after the date the original requirement was made; and
  - (b) may only consider the business stated in the notice by which the requirement was made.
- (7) The Church must reimburse any reasonable expenses incurred by the Members convening a Special General Meeting under sub-rule (5).

#### **47. Notice of general meetings**

- (1) The Secretary or, in the case of a Special General Meeting convened under Rule 46(5), the Voting Members convening the meeting, must give to each Voting Member —
  - (a) at least 21 days' notice of a general meeting if a special resolution is to be proposed at the meeting; or
  - (b) at least 10 days' notice of a general meeting in any other case.
- (2) The notice must —
  - (a) specify the date, time and place of the meeting; and
  - (b) indicate the general nature of each item of business to be considered at the meeting; and
  - (c) if the meeting is the Annual General Meeting, include the names of the Members who have nominated for election to the Board under Rule 28(2); and
  - (d) if a special resolution is proposed —
    - (i) set out the wording of the proposed resolution; and
    - (ii) state that the resolution is intended to be proposed as a special resolution;
- (3) All notices of and other communications relating to any general meetings of the Church that a Member is entitled to receive must be given to the reviewer or auditor (where appointed).

#### **48. Presiding Member and quorum for general meetings**

- (1) The Chairperson or, in the Chairperson's absence, the Deputy Chairperson must preside as Chairperson of each general meeting.
- (2) If the Chairperson and Deputy Chairperson are absent or are unwilling to act as Chairperson of a general meeting, the Members at the meeting must appoint a Chairperson of the meeting.
- (3) No business is to be conducted at a general meeting unless a quorum is present.
- (4) Fifty (50) percent of Members (being Members entitled to vote under these Rules at a General Meeting) personally present at the beginning of the meeting will constitute a quorum.
- (5) If a quorum is not present within 30 minutes after the notified commencement time of a general meeting —
  - (a) in the case of a Special General Meeting — the meeting lapses; or
  - (b) in the case of the Annual General Meeting — the meeting is adjourned to —
    - (i) the time, day and place the Chairperson specifies; and
    - (ii) a written notice is given to the Members of the adjourned meeting.

#### **49. Adjournment of general meeting**

- (1) The Chairperson of a general meeting at which a quorum is present may, with the consent of a majority of the Members present at the meeting, adjourn the meeting to another time at the same place or at another place.
- (2) Without limiting sub rule (1), a meeting may be adjourned —

- (a) if there is insufficient time to deal with the business at hand; or
  - (b) to give the members more time to consider an item of business
- (3) No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.
- (4) 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 48.

## **50. Voting at general meeting**

- (1) On any question arising at a general meeting —
  - (a) subject to sub-rule (3), each Member has one vote; and
  - (b) Members shall vote in person.
- (2) Except in the case of a special resolution, a motion is carried if a majority of the Members present and voting at a general meeting vote in favour of the motion.
- (3) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.

## **51. Determining whether resolution carried**

- (1) Subject to sub-rule (3), the Chairperson of a general meeting may, by a show of hands, declare that a resolution has been —
  - (a) carried; or
  - (b) lost.
- (2) If the resolution is a special resolution, the declaration under sub-rule (1) must identify the resolution as a special resolution.
- (3) If a poll is demanded on any question by the Chairperson of the meeting or by at least 3 other Members present in person —
  - (a) the poll must be taken at the meeting in the manner determined by the Chairperson; and
  - (b) the Chairperson must declare the determination of the resolution on the basis of the poll.
- (4) If a poll is demanded on the election of the Chairperson or on a question of an adjournment, the poll must be taken immediately.
- (5) A declaration under sub-rule (1) or (3) must be recorded in the minutes of the meeting as evidence of how the resolution was determined.

## **52. Minutes of general meeting**

- (1) The Secretary, or a person authorised by the Board from time to time, must take and keep minutes of each general meeting.
- (2) The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.
- (3) In addition, the minutes of each Annual General Meeting must record —
  - (a) the names of the Members attending the meeting; and
  - (b) the financial statements or financial report presented at the meeting; and
  - (c) any report of the review or auditor's report on the financial statements or financial report presented at the meeting.

- (4) The minutes of a general meeting must be entered in the Church's minute book within 30 days after the meeting is held. The minute book may be a physical or electronic repository of the signed minutes of the meeting.
- (5) The Chairperson must ensure that the minutes of a general meeting are reviewed and signed as correct by —
  - (a) the Chairperson of the meeting; or if he or she is not available then
  - (b) the authority is given to the Board to review and approve.
  - (c)
- (6) When the minutes of a general meeting have been signed as correct they are, in the absence of evidence to the contrary, taken to be proof that —
  - (a) the meeting to which the minutes relate was duly convened and held; and
  - (b) the matters recorded as having taken place at the meeting took place as recorded; and
  - (c) any election or appointment purportedly made at the meeting was validly made.

## **PART 7 — FINANCIAL MATTERS**

### **53. Control of funds**

- (1) The Church must open accounts in the name of the Church with a financial institution from which all expenditure of the Church is made and into which all funds received by the Church are deposited.
- (2) Subject to any restrictions imposed at a general meeting, the Board may approve expenditure on behalf of the Church.
- (3) The Board may authorise the Treasurer or appointed staff members to expend funds on behalf of the Church up to a specified limit without requiring approval from the Board for each item on which the funds are expended.
- (4) All electronic transfers, cheques, drafts, bills of exchange and other negotiable instruments of the Church must be authorised or signed by two persons, where practicable at least one of them being a Board Member.
- (5) All funds of the Church must be deposited into the Church's account promptly after their receipt
- (6) The Church must keep financial records that;
  - (a) correctly record and explain its transactions and financial position and performance; and
  - (b) enable true and fair financial statements to be prepared in accordance with Part 5 of the Act.
- (7) The Church must retain its financial records for at least 7 years after the transactions covered by the records are completed.

### **54. Financial statements and financial reports**

- (1) For each financial year, the Board must ensure that the requirements imposed on the Church under Part 5 of the Act relating to the financial reporting of the Church are met.
- (2) Those requirements include —
  - (a) if the Church is a tier 1 association, the preparation of the financial statements;
  - (b) if the Church is a tier 2 or tier 3 association, the preparation of the financial report.
  - (c) the presentation to the Annual General Meeting of the financial statements or financial report, as applicable
- (3) Where the Association is a tier 2 or tier 3 association, or where the Members of the Association request it, an audit or review (as appropriate) of the financial report is required for presentation to the Members Meeting.

## **PART 8 — GENERAL MATTERS**

### **55. By-laws**

- (1) The Church may, by resolution at a general meeting, make, amend or revoke by-laws.
- (2) By-laws may —
  - (a) impose restrictions on the Board's powers, including the power to dispose of the Church's assets; and
  - (b) provide for any other matter the Church considers necessary or convenient to be dealt with in the by-laws.
- (3) A by-law is of no effect to the extent that it is inconsistent with the Act, the regulations or these Rules.
- (4) At the request of a Member, the Church must make a copy of the by-laws available for inspection by the Member.

### **56. Executing documents and common seal**

- (1) The Church may execute a document without using a common seal if the document is signed by —
  - (a) 2 Board Members; or
  - (b) one Board Member and a person authorised by the Board.
- (2) If the Church has a common seal —
  - (a) the name of the Church must appear in legible characters on the common seal; and
  - (b) a document may only be sealed with the common seal by the authority of the Board and in the presence of —
    - (i) 2 Board Members; or
    - (ii) one Board Member and a person authorised by the Board,and each of them is to sign the document to attest that the document was sealed in their presence.
- (3) The Secretary must make a written record of each use of the common seal.
- (4) The common seal must be kept in the custody of the Secretary or another Board Member authorised by the Board.

### **57. Giving notices to Members**

A notice or other document that is to be given to a Member under these Rules is taken not to have been given to the Member unless it is in writing and —

- (a) delivered by hand to the recorded address of the Member; or
- (b) sent by prepaid post to the recorded postal address of the Member; or
- (c) sent by electronic transmission to an appropriate recorded electronic address of the Member.

### **58. Custody of books and securities**

- (1) Subject to sub-rule (2), the books and any securities of the Church must be kept in the Secretary's custody or under the Secretary's control.
- (2) The financial records and, as applicable, the financial statements or financial reports of the Church must be kept in the Treasurer's custody or under the Treasurer's control.



- (3) Sub-rules (1) and (2) have effect except as otherwise decided by the Board.
- (4) The books of the Church other than the Minute Book must be retained for at least 7 years. The Minute Books should as far as possible, be retained as a permanent record.

## **59. Record of office holders**

The record of Board Members and seal holders of the Church that is required to be maintained under the Act must be kept in the Secretary's custody or under the Secretary's control. The record of office holders must include each person's name, and a residential, postal or email address, and the date on which each Member becomes an office holder. When a Member ceases to be an office holder this date must also be recorded.

## **60. Inspection of records**

- (1) A Member may, at any reasonable time, inspect without charge the Rules, minutes of any general meeting, the Membership Register, the Register of office holders and any reports presented at any general meeting.
- (2) The Member must contact the Secretary to make the necessary arrangements for the inspection at a mutually convenient time.
- (3) The Member may make a copy of or take an extract from a record or document referred to in sub-rule (1) but does not have a right to remove the record or document for that purpose.
- (4) The Member must not use or disclose information in a record or document referred to in sub-rule (1) except for a purpose —
  - (a) that is directly connected with the affairs of the Church; or
  - (b) that is related to complying with a requirement of the Act.

## **61. Publication by Board Members prohibited**

A Board Member must not publish, or cause to be published, any statement about the business conducted by the Church at a general meeting or Board meeting unless —

- (a) the Board Member has been authorised to do so at a Board meeting; and
- (b) the authority given to the Board Member has been recorded in the minutes of the Board meeting at which it was given.

## **62. Distribution of surplus property on cancellation or winding up**

- (1) On the cancellation of the incorporation or the winding up of the Church, its surplus property must be distributed as determined by special resolution of the Members to another Incorporated Association having objects wholly or substantially similar to the Church and which has been endorsed by the ACNC as a charity.
- (2) A meeting convened under this Rule requires 28 days written notice
- (3) In this Rule *surplus property*, in relation to the Church, means property remaining after satisfaction of —
  - (a) the debts and liabilities of the Church; and
  - (b) the costs, charges and expenses of winding up or cancelling the incorporation of the Church,but does not include books relating to the management of the Church.

- (4) The Board shall continue in office subsequent to the decision to cancel or wind up the Church for the purpose of giving effect to the efficient realisation of assets and the winding up in accordance with the provisions of the Act.

### **63. Alteration of Rules**

- (1) If the Association wants to alter or rescind any of these Rules, or to make additional Rules, the Association may do so only by special resolution approved at a Members meeting of which 28 days written notice has been given.
- (2) The Association must lodge with the Commissioner, within one month, the notice of the special resolution setting out the particulars of the alteration together with a certificate given by a Member of the Board certifying that the resolution was duly passed as a special resolution and that the Rules so altered conform to the requirements of the Act.
- (3) The Alteration to the Rules of the Association do not take effect until the approval of the Commissioner is given.

### **64. Statement of Faith**

We hold that:

- (1) Jesus Christ alone is head of the Church.
- (2) The Church is the community called into being by God. In both its universal and local expressions, it consists of persons who have personally and knowingly accepted Jesus Christ as Saviour and Lord, and have pledged themselves to worship, follow and serve him as a priestly community.
- (3) By his high-priestly ministry, Jesus Christ has opened the way for every believer to approach God the Father directly through him.
- (4) Jesus Christ is the supreme authority in all matters of faith and conduct in the life of both churches and individuals.
- (5) He has given to all churches and to every individual the right and responsibility to understand and to do God's will. Therefore, being accountable to God, Christians are not to despise their fellow believers but to accept one another as Christ's servants, allowing each other freedom of conscience.
- (6) God has given to human governments the right and responsibility to promote what is just and good but not to coerce belief or practice contrary to conscience.

In common with many other Christians, we also hold that:

- (7) There is only one God. He is infinitely good and great and has revealed himself to be personal and triune in essential being eternally existing as Father, Son and Holy Spirit.
- (8) God speaks to us through the Bible, the sixty-six Scriptures of the Old and New Testaments. Being God-breathed they are fully trustworthy and supremely authoritative in all matters of faith and conduct.
- (9) God created the heavens and the earth and all that exists in them. He continues to care for and govern his creation, working out his purposes for all he has made.

- (10) God created humans in his image, male and female, intending that we live in fellowship with him. However, tempted by Satan, God's adversary, the first man and woman disobeyed God. As a result, we all sin, falling short in our responsibilities to love God and neighbour and to care for the world.
- (11) Despite our sin, which alienates us from God and rightly deserves his judgment, God, because of his grace and great love for all people, sent his Son into the world to save us.
- (12) The incarnate Son, Jesus of Nazareth, was conceived by the virgin Mary through the Holy Spirit. Fully human and fully divine, he lived on earth a sinless life of perfect obedience. He died on the cross as a sacrifice on our behalf and in our place, redeeming us from the penalty and power of sin and triumphing over Satan. He was raised bodily from the dead and ascended to his Father's presence where he lives forever as our great High Priest and reigns as Lord of all.
- (13) The Gospel, the good news concerning Jesus Christ and his reconciling work, is God's powerful way of bringing salvation. All who respond in repentance and faith God sets right with himself, forgiving and cleansing them from sin, giving them his Holy Spirit and eternal life, and incorporating them into his Church.
- (14) The Holy Spirit gives new life to all believers and resides in them permanently. He makes them holy and enables them to grow into the likeness of Christ. Through his Spirit God empowers all his people for life and witness, granting them various gifts for the well-being, functioning and mission of the Church.
- (15) While all believers belong to the universal Church, God gathers them into local churches which exist to worship and serve him. Jesus Christ, the head of the Church, has established both baptism and the Lord's Supper.
- Baptism is the immersion of believers on their profession of faith, an act of identification with the death, burial and resurrection of the Lord Jesus Christ. It involves commitment to a life of discipleship in fellowship with his people.
- In the Lord's Supper, believers remember Christ's sacrificial death, share in fellowship with their risen Lord and with one another, and look forward to his return.
- (16) All Christians are commanded to love God with all their heart, soul, mind and strength, and their neighbours as themselves. We discover what love means in practice through searching the Scriptures, which reveal God's character and will. Such love includes the responsibility of every Christian to participate in the proclamation of the Good News throughout the world.
- (17) Jesus Christ will return visibly and victoriously from his Father's presence to gather his people to himself and to complete his conquest of sin and evil.
- (18) All people, both believers and unbelievers, will be raised bodily and be judged by God. Believers will enjoy eternal blessedness in God's presence, while unbelievers will suffer the eternal punishment of exclusion from his presence. The whole creation will be so transformed that righteousness will characterise the new heavens and the new earth for ever.

End