

CONSTITUTION OF HILLS FAMILY CHURCH INCORPORATED

1. Preamble

The Hills Family Church is a local church affiliated with a family of churches in Australia known as the “CRC Churches International Inc.”. This co-operative fellowship of autonomous interdependent churches is based on mutual love, respect, loyalty and recognition of each other as expressed in the Charter of the CRC Churches International Inc.

2. Name

The name of the organisation is Hills Family Church Incorporated hereinafter referred to as “the Church”.

The names and logos of the Church shall be the property of the Church and may only be changed by the Board (as defined further herein).

3. Definitions

In this constitution, except where the context is inconsistent therewith, the following words shall have the meanings hereby assigned to them.

‘Act’ means the Act under which the church is incorporated.

‘Adopted Church’ means a church that has fallen below minimum requirements for leadership and membership strength and been appointed to a Governing Church whose Board shall be the Board of the Adopted Church.

‘Board’ means the legal governing and overseeing body of the Church and may also be called the ‘Elders’, ‘Eldership’ or ‘Oversight’ or ‘Directors’.

‘City Church’ means a Church in a location declared to be a city by the State or Territory Government.

‘Church’ means a local church which may also be called Assembly, Christian Centre, Christian Fellowship, Family Centre, Community Church or Fellowship or similar and in particular the church named in this constitution.

‘Country Church’ means a church located outside a city.

‘CRC’ means the CRC Churches International Australia Inc.

‘CRC Local Church’ means a local church which has been accepted as a church in CRC Churches International.

‘Executive Leadership Committee’ means a previously minuted subcommittee of the Board who may act collectively as Deputy Senior Minister in situations determined under this constitution (refer to Clauses 11.6, 11.7 & 11.8).

'Financial Year' means the 12 month period ending 31st December.

'General meeting' means a general meeting of Members of the Church convened in accordance with this constitution (refer to Clause 16).

'Governing Church' means a CRC Local Church which is providing the governance of an Adopted Church or an Outreach Church.

'Management Team' means the group of members appointed to serve the Church as defined in this Constitution (refer to Clauses 10.15 & 15.2) to manage the Business Affairs of the Church. This Body may also be called: 'Administration Department', 'Board of Deacons', 'Deacons', 'Business Council', 'Finance Committee' or other similar title.

'Member' means a member of the Church as defined in this constitution (refer to Clauses 12, 13 & 14) unless the context is obviously otherwise and may also be called 'Partner' or similar.

'Membership' may refer to general membership of the church, another church, the Board or Management Committee of the church. In the case of general membership the term 'partnership' may also be used.

'National Council' means the National Council of the CRC Churches International in Australia.

'National Executive' means the National Executive of the CRC Churches International Australia Inc.

'Outreach Church' means a young or new CRC Local Church under the legal governance of another CRC Church or the State Executive.

'Senior Minister' means the person appointed to lead the Church as defined in this constitution (refer to Clause 11) and will have a current CRC Credential approved by the National or State Executive.

'Special Resolution' means a special resolution defined in the Act.

'State Council' means the State Council of the CRC Churches International in the State or Territory.

'State Executive' mean the State Executive of the CRC Churches International Australia Inc of the State or Territory in which the Church is located or assigned to.

**Words indicating the masculine gender shall, where the context permits, be read as including the feminine gender and vice versa.*

*** A reference to the singular may include the plural and vice versa.*

4. Principles and Objects

The Church accepts and agrees to abide by the terms and provisions of the following documents.

4.1. The Charter of CRC Churches International Australia Incorporated

4.2. The Constitution of CRC Churches International Australia Incorporated

4.3. The Constitution of CRC Churches International – State Council

4.4. The Approved Policy Documents and Guidelines of the CRC.

5. CRC Churches International Australia Inc.

Within the framework of the Church Universal, there is the necessity to be associated with a group of local churches of common faith, vision and leadership. This co-operative interdependent fellowship of churches is based on mutual love, respect, loyalty and recognition of each CRC church's autonomy. The CRC Churches International Australia Inc. is such a group and believes that association with it should not interfere with our love for and fellowship with the Church Universal in whatever contact we may have with it.

6. The Local Church

We accept the New Testament portrayal of the Church Universal organized into **autonomous, interdependent** and **self-propagating** local churches. Our concept of the local church is that of a loving Christian community that is:

6.1 Autonomous i.e. self-governing (having full authority to manage its own affairs) and self-ministering (having sufficient ministry-gifts to lead its congregation) according to the Ephesians 4:11-16 pattern;

6.2 Interdependent i.e. relationally connected, cooperative and accountable to the CRC family;

6.3 Self-propagating i.e. seeing itself as a base for outreach activities as expressed in the Vision, Mission and Ministry Focus of the CRC, conducted either on its own local initiative or in cooperation with other local churches;

6.4 Governed by Overseers (or by whatever title the spiritual oversight may be known) and served by Deacons or any other such Helpers; and

6.5 Composed of Accountable People who are in submission to the ministry team and spiritual oversight as they shepherd, disciple and lead the church, and meet the requirements of membership as outlined in Clause 12.

6.6 Has Members In order to be formally recognized by the relevant State Council as an autonomous Local Church, a City Church shall have a minimum of 75 regular adult attendees (of whom 40 are members) and a Country Church shall have a minimum 50 regular adult attendees (of whom 30 are members), with a viable and competent

Board as determined by the State Executive (see Clause 24). Membership shall be approved according to the provisions of this constitution (refer to Clauses 12, 13 & 14).

7. Our Purpose

Our purpose is to:

- Glorify God by proclaiming the complete message of Jesus Christ, and utilising all possible means to achieve this.
- Outreach to our town, state, nation and overseas missions.
- Release people into all areas of service for furthering the gospel message, and to maximise their creativity, skills and talents.

8. Declaration of Faith

'The Church' believes in and identifies with the Statement of Faith expressed in the Charter of the CRC Churches International Inc. which may be briefly summarised in the following basic truths:

- 8.1 The Holy Scriptures – being divinely inspired;
- 8.2 The Godhead – who is the Creator God, comprising Father, Son, and Holy Spirit;
- 8.3 The Lord Jesus Christ – in the Divinity and sinless Humanity of Jesus Christ, His virgin birth, His miraculous ministry, His suffering and death on the Cross as the only Saviour for the sins of the world, His resurrection from the dead, –His ascension to the Father's right hand and His personal return to reign on Earth;
- 8.4 Salvation – by Faith in and confession of Jesus Christ as Lord, whereby a person will witness a transformation in their lives, exemplified by repentance and holiness of conduct;
- 8.5 The Ordinances – water baptism for all believers by immersion, and the Lord's Supper, celebrated regularly in remembrance of Christ;
- 8.6 Divine Healing – secured for every believer through the atonement of Christ, and liberty from bondage originating in Satan;
- 8.7 Holy Spirit – the baptism in Holy Spirit with speaking in other tongues and empowerment for service, the gifts of Holy Spirit for the edification and ministry of the Church, and the fruit of Holy Spirit expressing a Christlike character;
- 8.8 The Church Universal – comprising all born again believers of all nations and denominations under the headship of Jesus Christ, and its responsibility to spread the message of the Gospel to all people and nations;

9. Governance

The governance of the Church shall be vested in a Board who shall have all the powers requisite to effectively govern, including those powers set out in the Act under which the Church is incorporated.

10. Board

The Board shall establish the overall vision and strategic direction, shall manage the affairs of the Church and shall initiate and support the spiritual program of the Church.

The Board is responsible to act as the directors in accordance with the requirements of the Act. The Board shall be responsible for the governance and legal compliance of the Church.

10.1. Responsibilities.

There are three distinct governance responsibilities:

- The welfare and development of the Church assets, both tangible and intangible, to enable the Church to pursue its vision, mission, aims and objectives; and to live out the Core Values and to be in alignment with its Declaration of Faith;
- The development of policy and the determination of standards, including financial, moral and ethical ones by which the Church will function; and
- The compliance with statutory requirements and standard practices of “common law” and the policies and guidelines of the movement.

10.2. Membership of the Board.

Members of the Board should have the proven Christian character, spirituality and governance competencies. They must also have the moral and scriptural qualifications outlined in 1 Timothy 3:1-7 and Titus 1:6-9 to be appointed as Board Members (these may also be known as Elders).

10.3. Appointments to and Removals from the Board.

At incorporation, the Governing church or State Executive will endorse the inaugural Board. Subsequent appointments to and removals from the Board shall be made upon the recommendation of the Senior Minister with the concurrence of at least three-fifths of the Board.

In any case when this Constitution is adopted by a Church after incorporation then at the instigation of the Senior Minister all Board positions shall by way of renewal become vacant following which the Board will be reconstituted by the Senior Minister and such other persons as are nominated by the Senior Minister and endorsed by State Executive. Thereafter subsequent appointments to and removals from the Board shall be made in accordance with the second sentence of this clause.

10.4. Chairman

The Senior Pastor shall be chairperson of the Board and all other committees within the church unless otherwise determined by the Senior Pastor, with the approval of the Board (see Clause 11).

10.5. Minimum number of Board Members.

The Board shall consist of a minimum of three persons and ideally increase to 5, 7, 9 etc. (odd numbers) as the church grows to ensure that simple majority decisions can be made at all times. In the event that the Board becomes unviable and is unable to maintain three members, refer to clause 24. In situations when the church has viable membership strength but is unable to maintain a three member Board, the remaining Board members can appoint a Nationally Credentialed CRC Pastor(s) with the endorsement of the State Chairman to fill an interim casual vacancy (up to 12 months). In the event that the Board is unable to maintain 3 members beyond 12 months, refer to clause 24.

10.6. Quorum.

A quorum for any meeting of the Board shall be three-fifths of all Members.

10.7. Meetings

The Board shall meet at least 6 times per year.

10.8. Minutes

Minutes are to be prepared for every meeting of the Board and kept in a master file. Copies of these minutes are to be provided to each member of the Board. Upon the ratification of the minutes at the next meeting the Chairman will then sign them.

10.9. Voting

While it is felt consistent with Scripture that there should be total unity in the passing of resolutions, for the purposes of this constitution and unless otherwise stated, a vote carried by a simple majority of the Board members present at the meeting concerned shall be deemed sufficient to constitute a valid resolution or appointment. At meetings of the Board, the Senior Minister shall have the same voting rights as all other Board members and in addition shall have a casting vote, if required, unless the Senior Minister has a clear conflict of interest.

10.10. Written Resolution

A resolution in writing or by electronic means, with which the Board agrees, shall be valid and effectual as if it had been passed at a meeting of the Board duly convened and held. If the matter has to do with a significant policy initiative, Board appointment or major staff appointment then all members must be in agreement. If it is not unanimous, a meeting shall be convened. Decisions made in this manner must be formally ratified at the next convened meeting of the Board.

10.11. Leave of absence

The Chairman may grant Board members leave of absence from its meetings in cases where a Board Member is on extended holiday leave, a work assignment or similar.

10.12. Payments

The Board members are not eligible for payment as Board members but may have necessary expenses reimbursed if approved by the Board. This does not exclude Board members being remunerated normally in a staff capacity (i.e. Senior Minister,

Associate Pastor, Administrator, Secretary, etc.) where Board meetings may overlap regular employment time.

10.13. Media

Only the Senior Minister, or delegate(s) endorsed by the Board, are authorised to speak to the media on behalf of the Church.

10.14. Observers

The Board, through the Chairman, may invite observers to attend Board Meetings as it thinks fit. Such observers may be permitted to speak at such meetings but shall not be entitled to vote.

10.15. Delegation

The Board may delegate authority to a Management Committee, Administration Department or other committees for the function of such matters as determined by the Board. Members of such committees shall ideally be Members of the Church.

10.16. Documents

The Board may develop and implement documents such as Governance Policies, Guidelines, Terms of Reference and By-Laws for various departments and aspects of its operation.

10.17. Review of Decisions of Others

The right of the Board to review and to change any decision made under delegation shall be preserved at all times.

10.18. Matters Unresolved and Board Disputes

In the event of circumstances not envisaged by this constitution, or in the event of a dispute or breakdown of relationships amongst the Board, which the members are unable to resolve by a simple majority decision, the matter is to be referred to the State Chairman of the CRC. The State Chairman may handle this matter in consultation with the National Chairman, or may appoint a Panel of three experienced Nationally Credentialed CRC Pastors for mediation, resolution and a decision. In the event that unresolved matters are protracted the process of Clause 24 shall apply.

11. Senior Minister

11.1. CRC Credentialed Minister

A Senior Minister, who shall hold a CRC National Ministers Credential, Ministers Credential, Trainee Ministers Credential, or Affiliate Ministers Credential and be in good standing within the CRC, shall be appointed by a two-thirds majority decision of the Board. In the case of the retirement of the Senior Minister, the board or the retiring Senior Minister shall seek advice from the CRC State Chairman who will consult the National Chairman about the appointment of a new Senior Minister prior to the appointment being approved.

11.2. Minister without a CRC Credential.

In the event of a local church considering the appointment of a person to lead the church who does not hold a CRC Credential, the Board shall seek the advice of the CRC State Chairman who will consult with the National Chairman, and receive the approval of the State Executive before an appointment is made. This provision shall include a person who may be in the process of coming into the CRC from another denomination and shall also include the possible appointment of a CRC church member who has yet to receive a CRC credential.

11.3. Board Chair

The Senior Minister, as a Ministry-Gift to the Church, will normally be the Chairman of the Board, providing spiritual direction and encouragement and developing the spiritual guidelines and objectives of the Church.

11.4. Senior Minister delegation and responsibility.

The Senior Minister is responsible to ensure that decisions made by the Board are implemented and has the authority to delegate responsibilities to Board members, paid staff and other Leaders within the Church.

The Senior Minister is to provide leadership to the church in order for the church to achieve its stated vision and mission and to live out its Core Values and to be in alignment with the Declaration of Faith.

11.5. Staff appointments by the Senior Minister.

The Senior Minister shall have the authority, with the concurrence of at least three-fifths of the Board; to appoint and to terminate the appointment of any paid or unpaid staff of the Church.

11.6. Deputy Leader or Executive Leadership Committee.

Upon the recommendation of the Senior Minister, the Board may appoint a Deputy Leader (who would normally be the Vice-Chairman of the Board) or an Executive Leadership Committee.

11.7. Incapacity, resignation or removal of the Senior Minister.

The Deputy Leader or Executive Leadership Committee shall become the acting Senior Minister upon the Senior Minister's decease, his or her voluntary resignation, incapacity or removal by a two-thirds majority decision of the Board. The Board will consult with the CRC State and National Chairman about the removal of the Senior Minister prior to the appointment being terminated. The Board shall then proceed by a two-thirds majority decision to make a permanent appointment of a Senior Minister for the Church as soon as practicable subject to seeking advice from the CRC State Chairman who will consult with the National Chairman. The permanent leadership appointment does not necessarily have to be chosen from among the Board Members.

11.8. Incapacity or resignation of Senior Minister and Deputy Leader or Executive Leadership Committee.

Should by reason of death, accident or some other incapacity, the Senior Minister and Deputy Leader or Executive Leadership Committee be rendered incapable of carrying out their leadership responsibilities, the Board if necessary shall, subject to

consultation with the CRC State Chairman or his nominee, meet as soon as practicable to appoint an 'Acting Leader' from among their own members by a two-thirds majority decision, whose only duty will be to ensure the Church functions as normal.

11.9. Change of Senior Minister.

If the existing Senior Minister is contemplating a move from the church, or considering resigning, he shall immediately notify the CRC State Chairman. The Senior Minister and Board shall seek advice from the State Chairman who will consult with the National Chairman in the process of identifying and appointing a new Senior Minister.

11.10. Due Diligence and Disclosure

11.10.1 The Pay and Conditions of a prospective Senior Minister and other relevant requirements of clause 17 shall be determined prior to becoming senior minister.

11.10.2 A prospective Senior Minister shall be aware of the full financial condition of the church as expressed in up to date Performance and Position Statements as well as any and all arrangements with other staff continuing with the new leadership, including the retiring Senior Minister, and this accounting shall include all items and expectations, whether brought to book or not, that are liabilities of the church going forward into the new leadership era.

12. Membership

Membership of the Church shall comprise Members with voting rights whose application is approved by the Board of the Church or their delegated authority.

12.1 Members.

Members shall comprise people who:

- Have received Jesus Christ as their personal Lord and Saviour;
- Have been baptised in water by immersion;
- Submit to and support the Board and Ministry of the Church, accepting both the privilege and responsibilities required of membership;
- Accept the CRC Declaration of Faith as it appears in the Charter and the Vision, Mission and Ministry of the Church;
- Have been a Christian for at least 6 months (or other time determined by the Board);
- Have attended the church for at least 6 months (or other time determined by the Board);
- Attend public worship services as regularly as possible; are relationally connected; contribute to the financial support of the church by giving tithes

and free-will offerings; use their abilities and gifts to advance the work of the church; share their faith with those who don't know Jesus; and keep the Board informed of extended leaves of absence such as long service leave, out of town employment contracts, illness etc.;

- Have attained 18 years of age;
- Do not hold membership with any other local church unless they hold a current CRC Ministers Credential;
- Fulfill any other policy requirements the Board establishes; and
- Who agree to offer their resignation if they fall below any of these requirements.

12.1.1 Disqualification of membership

In our local church, subject to issues of care and safety within our congregation, we aim to be inclusive, accepting and welcoming of all people without necessarily affirming certain behaviours.

However the standard of Biblical holiness needs to apply to official church members and leaders. Therefore, any sexual relationship outside of marriage, between a man and a woman (such as adultery, de facto relationships); homosexuality; or any other form of sexual conduct prohibited by Scripture is deemed unacceptable for ministry leaders. Those persons who continue in, or promote as acceptable Christian behaviour such practices, will be disqualified from being an official local church member, ministry leader or eldership board member in our local church.

12.2. Prospective Members

A prospective member shall apply to the Board for membership in the manner determined by the Board and shall not be a member until and unless that application is approved by the Board. The Board may reject the application for Membership of the Church at its discretion.

12.3. Members List

A Members List shall be maintained for the Board on perpetual basis recording details of all Members of the Church.

12.4. Subscription

No subscription or fee shall be payable by members of the Board or Members of the Church.

13. Termination of membership and removal of members

13.1. Resignation and Lapse of Membership

A Member may resign from membership of the Church by giving written notice to the Board.

The Board may determine that a membership has lapsed where:

13.1.1. a member has not attended for three (3) months or longer and has not informed the Board of their intention to take extended leave for a valid purpose (e.g. Overseas leave, or similar), or has fallen below any of the requirements of membership as stated in clause 12.1.

13.1.2. a member has relocated to another district, their whereabouts are unknown, attends another church or has resumed a non-Christian life-style. Where the Board determines that a person's membership has lapsed, the member is to be notified in writing to their last known address that their membership has been terminated.

13.2. Appeal of Board Decision to Terminate lapsed Membership

In the event that a member disputes the basis of the decision of the Board relating to 13.1.1 or 13.1.2, they may lodge a formal complaint in writing within 14 days of receiving a letter of membership termination from the Board and provide evidence to support their viewpoint. The Board shall discuss the matter and may, at its discretion, choose to interview the person concerned. The Board shall then make a decision that shall be binding with no right of appeal.

13.3. Termination of Membership

The Board may suspend and terminate the membership of any Member who, in its opinion, violates the basic requirements of Scripture (see 12.1.1) or fails to abide by the conditions of their membership or of this Constitution (See 13.1).

A suspended member is immediately suspended from all leadership positions and committees (See also 17.2 and 17.4) and must be immediately notified in writing and this will remain in effect until their membership is reinstated or terminated (See 13.4).

13.4. Procedure for Discipline of Members

When the Board suspends and proposes to consider terminating the membership of any Member under paragraph 13.3, the decision arrived at should not breach the accepted principles of natural justice. The following procedure shall therefore apply:

13.4.1. The Member concerned shall be given written notice of the proposal to consider terminating his or her membership and such written notice shall provide the general particulars of the reasons why their membership termination is being proposed.

13.4.2. The Member shall have the right to make a written response that must be forwarded to the Board within 14 days of receipt of the notice of termination of membership where the receipt date is determined by the normal time that it would take for the recipient to be able to access the delivery.

13.4.3. The Board may at its discretion invite the Member to present oral submissions. Nothing herein shall require the Board to hear oral evidence or to be bound by the rules of evidence or to allow the Member to be represented by legal counsel. The Board shall act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms.

13.4.4. In the event that there is a dispute as to material allegations of fact, then the

Board shall make such inquiries as it deems fit and make findings of fact, which shall be conveyed to the Member, who shall have 14 days to present a response in such a manner as the Board shall determine.

13.4.5. If no notification or response is received in writing within the specified period, appropriate action may be taken against that Member without further communication.

13.4.6. A determination shall be by a simple majority decision of the Board, and shall be conveyed to the Member in writing.

14. Disputes between members

Disputes between Members shall be settled if possible between the Members concerned and the subsequent mediation of any immediate leaders or counsellors. If this fails, the matter shall be referred for determination by any relevant leader and supervisor and any subsequent appeal shall be brought for consideration by the Board or their nominee, whose decision shall be final.

15. Other Officers and Committees

15.1. Public Officer/Secretary

The Board shall appoint a Public Officer or such other Officer as required for the Church who shall perform such duties as are required of them by the Act.

15.2. Management Committees

The Board may create Management Committees and teams and appoint members and other persons to them who are morally and scripturally qualified (1 Tim 3:8-13) and who shall devote themselves to the service of the Church in facilitating the delegated business and financial affairs of the Church and report to the Board and any other delegated authority as required.

Such activities may include the management of property, finance, catering, Sunday support and other administration and business affairs of the Church as well as caring for the immediate needs of people in the Church, ensuring the smooth running of the various meetings and activities of the Church.

Likewise the Board may create functional positions such as safety officer, fire warden, book keeper etc. who will report back to the Board and any other delegated authority as required.

15.3. Ministry Departments and Leaders

The Board shall have the authority to organize such Ministry Departments as it determines for ministry to children, youth, women and men, outreaches, church plants, missions, training, education, good works and community support etc. as it determines.

The Senior Minister shall have the authority to appoint and to terminate the appointment of all Ministry Leaders of all the Ministry Departments of the Church with the concurrence of three-fifths of the Board.

16. General meetings

16.1. Annual General Meeting

An Annual General Meeting (AGM) of Members of the Church shall be called by the Board at least once every calendar year within the time frame stipulated by the Act. At least 14 days prior to the meeting, formal notice of the meeting must be given to members of the AGM and an audited copy of the income and expenditure account and balance sheet, together with any other statements required under the Act shall be made available to all Members.

16.2. Special General Meeting

A Special General Meeting of Members may be called by the Board. At least 14 days written notice and an agenda shall be made available to all Members. Only items on the agenda shall be discussed.

16.3. Special General Meeting to Change Constitution

When changes to this constitution are proposed they shall be referred to the State Executive of the CRC for endorsement before the Church Board approves them and prior to the Church Board presenting them to the members for their consideration. If there is an intention of a possible withdrawal from CRC Churches International, the procedures given in clauses 22 and 25 must be followed.

16.4. Chairman

The chairman of any general meeting shall be the Chairman of the Board or his nominee.

16.5. Conduct at an AGM:

16.5.1. An audited statement of Income and Expenditure and a Balance Sheet together with any other statements required under the Act in respect of that year shall be presented.

16.5.2. Reports from the Board Chairman or Senior Minister or any other members of the Board of the Church and from the various Departmental Leaders or a member of the Board appointed by the Board to report on behalf of the various Departmental Leaders may be presented or received as having been presented or published at some other time e.g. Annual Magazine or Report.

16.5.3. Members shall vote on the acceptance of the minutes from the previous AGM and the financial statements and on any other matter that may be presented for a decision or affirmation.

16.5.4. Other matters shall be presented as determined by the Board and which appear on the agenda as presented to the meeting.

16.6. Voting at General Meetings of Members

While it is felt consistent with Scripture that there should be total unity in the passing of resolutions, for the purposes of this Constitution and unless otherwise stated, a vote carried by a simple majority of the Members present and voting at the meeting concerned shall be deemed sufficient to constitute a valid resolution of all procedural items.

In relation to changes to the constitution a vote carried by a two-thirds majority of the Members present and voting is necessary. In relation to affiliation and constitutional matters, refer to clauses 22 and 25.

16.7. Minutes

Minutes are to be prepared for every general meeting of the Church and kept in a master file. Copies of these minutes are to be sent to each member of the Board and shall be available to all Members.

17. Personnel

17.1. Staff

For employment by the Church a person must:

17.1.1. Demonstrate their support of the vision, mission, ministry, ethos and values of the Church,

17.1.2. Have a Police Check, and/or a 'Working with Children Card', if working with minors as required by State or Territory authorities.

17.1.3. Receive and sign the terms of employment.

17.2. Termination as a Member of Staff

A staff member may be dismissed immediately if that person:

17.2.1. Has deliberately or wilfully violated the moral, ethical and scriptural requirements specified by the CRC Charter, National Constitution and State Constitution, or

17.2.2. Has deliberately or wilfully breached an important requirement of this Constitution, or

17.2.3. Has committed a serious breach of his or her employment contract and conditions of employment, or

17.2.4. Has acted in a manner as to bring the Church into disrepute, or

17.2.5. Is guilty of serious or wilful misconduct, or

17.2.6. Is persistently absent from duty without proper cause, or

17.2.7. Is guilty of serious and wilful neglect of duty, or

17.2.8. Refuses to obey any reasonable order.

17.3. Volunteers

Volunteers regularly working with people associated with the Church must:

17.3.1. demonstrate their support of the vision, mission, ministry, ethos and values of the Church,

17.3.2. Have a Police Check and/or a 'Working with Children Card' if working with minors as required by State or Territory authorities.

17.4. Violation of Principles

Any staff member or volunteer actively involved with the Church, who in the opinion of the Board deliberately violates the basic requirements of Scripture or the Declaration of Faith, or wilfully breaches the requirements of this Constitution, the CRC Charter, National Constitution and State Constitution in the absence of true repentance, shall have their involvement or employment terminated and any membership suspended (see also 13.3).

Examples of violations shall include areas such as moral failure, financial mismanagement, unethical behaviour, disregard to the Declaration of Faith, wilful disregard for (or breach of) the law, or activities that bring discredit to the Church.

18. Finance

18.1. Non-profit Organisation

The Church is a not for profit organisation.

18.2. Financing

18.2.1. The Church shall be financed by any legal means that the Board determines as ethical such as;

- freewill offerings, tithes, bequests, gifts of members, adherents and supporters;
- buying and selling of any assets of any description (subject to Clause 20);
- returns on investments and hire & lease of any kind;
- trading of any kind, and grants and funding of any kind from any source and loans of all kinds; and
- the proceeds of any funds derived from trading using business name(s), but only as authorised in accordance with the relevant State and Territory Associations Incorporation Act or not for profit company under Commonwealth law.

18.2.2. All revenues received through these means become Church property and cannot be reclaimed by any officer, member, adherent or supporter.

18.3. Financial Statements

A financial statement shall be presented to the Board at least quarterly or as prescribed by the Board.

18.4. Auditing

When required to do as in clause 16.1, or at any other time, the Board shall cause the Church accounts (namely such Balance Sheet and Income and Expenditure accounts) to be duly audited. The Auditor shall not be one of the Board or any other officer or Member of the Church. The Board shall select an Auditor who is approved to conduct audits under the relevant State and Territory Authorities.

18.5. Use of Income

The income and property however derived shall be applied solely towards the promotion of the objectives of the Church. In the pursuit of these objectives the church, as directed by the Board, may legally and ethically: defray all expenses; purchase and maintain assets of land; equipment and buildings; develop enterprises; deposit in or buy investments of all kinds; donate and gift toward various churches, ministries, missions, organisations and causes that further the objects; save that no portion of it shall be paid or transferred directly or indirectly by way of profit to any individual, although nothing herein contained shall prevent:

18.5.1. The remuneration of any staff or servants of the Church.

18.5.2. The payment to any other person in return for any service actually rendered to the Church.

18.5.3. The payment in good faith by the Church of contributions to a Superannuation Fund for the benefit of salaried employees of the Church, as determined by legislation.

18.5.4. The appointment of Trustees by the Church for the purposes of providing superannuation benefits.

18.5.5. The payment to any person in respect of moneys advanced by them to the Church.

18.6. Use of Information

No Officer or staff member of the Church shall make improper use of any information acquired by virtue of his/her position so as to gain directly or indirectly an advantage for themselves or any other person, or so as to cause a detriment to the Church or members of the Church.

18.7. Conflict of Interest

If there is a conflict of interest for any Board member, Management Council Member, Officer, Member or regular attendee who has any direct or indirect or personal interest in a contract transaction, or dealing with a proposed contract transaction or dealing made by or in the contemplation of the Church, they shall disclose the nature and extent of his or her interest to the Board. The validity of any such contract transaction or dealing shall not be impeached or liable to be avoided by the Church where the member has such an interest or fiduciary relationship.

18.8. Indemnity

Members of the Board, Management Committee, Staff members and any other officers or employees of the Church shall be indemnified against any liability incurred in defending any proceedings, whether civil or criminal, brought by reason of their actions in relation to or connected with the Church in which judgment is given in their favour or in which they are acquitted or in which relief is granted by the Court in respect of any negligence, default, breach of duty or breach of trust and the Church may enter into such contracts of insurance in respect of such liability as are permitted by law.

18.9. Financial Year

The Financial Year of the Church shall be a twelve-month period as determined by the Board from the first day of January to the last day of December.

18.10. Signatories

The Board in its absolute discretion shall appoint and rescind any member as a signatory, password holder, or key holder of any kind for all and any accounts and other records of possession and liability with instruments and documents of all kinds to such assets and liabilities and trusts of all kinds in facilitating the working of the objects of the Church.

19. Accounts

19.1. Records

The Church shall keep and retain proper accounts and records in accordance with the various acts and regulations and good business practice. The accounts and records shall be separate from the accounts and records of other separately constituted institutions or undertakings which are connected with the Church. Financial accounts shall show moneys received and expended, the manner in which such receipt or expenditure takes place and the property credits and liabilities of the Church.

19.2. Inspection and transparency

The accounts and records relating to Church shall be available for inspection by the Board, church members and authorised officials.

20. Property

20.1. Rules

The Church, through the Church Board, has authority and power to make rules and regulations for the administration of its local affairs and for the administration, management, provision and disposal of all monies, revenues, legacies, donations and documents of every description under its control or under the control of any officer elected or appointed in accordance with the provision of this Constitution, but always and only subject to the formal trust, if any, affecting the same.

20.2. Ownership

The Church, through the Church Board, shall have all the powers of property ownership as laid down in the Act. Without in anywise limiting the effect of this clause:

20.2.1. The Church may in its corporate name hold, purchase or take on lease of any land, and may sell, exchange, mortgage, lease or build upon the same with power to alter and pull down buildings and again rebuild, and otherwise deal with the same as fully and effectually as a natural person could do subject to clause 20.2.2.

20.2.2 Prior to entering into any contract of sale or pledge or assigning of properties, the State Chairman and National Chairman shall be consulted. In the process of such consultation, additional time may be requested to further ensure the proposal aligns with this constitution such as clause 10.1.

20.2.3. The Board may assist another association, person or body corporate to further the church's vision by giving any guarantee and/or indemnity upon such terms as the Board may deem fit.

21. Common Seal

21.1. Seal Holders

Every member of the Board shall be a seal holder. The Board may specify in writing that other Members are to be Seal Holders.

21.2. Use of Seal

The Church does not require the use of the Common Seal in States and Territories that do not themselves require it.

However, all States and Territories and organisations whose instruments entered into may require execution or authentication by the Church under seal shall be sealed with the Common Seal if so required and countersigned by two of the Seal Holders, save that the Common Seal shall not be used without a resolution of a simple majority of the members of the Board of the Church.

21.3. Seal Register

Each use of the Seal will be recorded in the minutes of a meeting of the Board.

22. Affiliation with the CRC

The Church shall maintain affiliation with the CRC Churches International Australia Inc. and abide by CRC policies and guidelines unless all the following requirements are met.

22.1. Written Notice

In the event that the church intends to withdraw from the CRC, notice of the church boards decision shall be given in writing to the State Chairman to enable representatives of the State Executive of the CRC to meet with the Board of the Church before a final decision is taken by the Board to discuss the reason for their proposed action. The State Executive shall be given at least 30 days notice of such a meeting of the Board.

22.2. Process

If, after a meeting with the State Executive or their representatives, the Board decides to pursue their intentions to withdraw their affiliation with the CRC, all the following requirements must be met:

22.2.1. The Board of the Church must vote unanimously to withdraw from the CRC.

22.2.2. Due consideration to be given to any encumbrances by any trust by way of donations and bequeaths to do so (e.g. historical donations to the CRC Church to purchase property).

22.2.3. A properly convened Special General Meeting of the Members of the Church (16.3) must be called to discuss the proposed withdrawal.

22.2.4. Formal notice in writing must be given to the Members of the Church regarding the nature, date, time and place of such meeting at least 30 days prior to the scheduled date of the Meeting.

22.2.5. Notification of the nature, date, time and place of such meeting must be given in writing by the Board to the State Chairman of the CRC at least 60 days prior to the scheduled date of the meeting with a summary of the reasons that such a meeting is being convened, so that representatives of the State Executive or their nominees may be entitled to be present to express the views of the CRC.

22.2.6. At such a meeting, a majority of four-fifths of all Members of the Church must be in agreement with any motion to withdraw from the CRC Churches International Australia Inc.

23. Ceasing to function

In the event of the Church ceasing to function, there remains after the satisfaction of all of its debts and liabilities, a surplus of property or moneys, this surplus shall not be paid to, or distributed amongst the Members or Officers of this Church, but shall be transferred to the CRC Generations Fund under the management of the National Council of the CRC, or its delegated Committee, or other fund determined by the National Executive.

These funds must also have similar objects to the winding up church, which prohibits the distribution of its income and property to the members and officers of the CRC National Council.

If the Church would cease to function and the Board strength is below the requirements of clause 10.5 or the membership strength is below the requirements of clause 24.2 then the wind up of the Church shall be conducted by the governing church, see Clause 24, under the guidance of the State Chairman or his nominee to ensure current CRC policies are followed.

24. Leadership Viability and Membership Strength

24.1 Leadership Viability

If the Church ceases to be able to constitute a viable and competent Board in accordance with clause 10.5, as determined by the CRC State Executive, the CRC State Chairman, in consultation with the National Chairman, shall direct the Church to become an Adopted Church. In this case, the governance authority and responsibility of the Board will be transferred to a suitable CRC Church which shall become known as

the Governing Church. The Board of the Governing Church will assume all the responsibilities of the Church Board and operate in accordance with this constitution.

24.2 Membership Strength

If the number of adult members and regular attendees of a City Church falls below 30 adults or below 20 adults for a Country Church, the church shall become an Adopted Church as soon as the governance authority and responsibility is transferred by the CRC State Executive to a suitable CRC Church which shall become known as the Governing Church.

24.3 Recognition of the Local Church

Any continuing or appointed leader of the Adopted church would be subject to the Governing church Board and any associate leaders may be considered as local team members by the Governing Church.

The CRC State Executive on the recommendation of the Governing Church may recognise the Church as a separate entity when it grows in membership strength and able to maintain a viable leadership.

25. Alterations to this Constitution

25.1 All proposed changes to this Constitution shall be approved by the Board and endorsed by the CRC State Executive or their nominees to verify that the proposed changes are consistent with the stated vision, values, ethos and operational procedures of the Church and the CRC.

25.2 Once the proposed changes have been endorsed by the Board and the CRC State Executive or their nominees, the proposed changes shall be sent out to all Members at least 60 days before the planned Special General Meeting (16.3.) at which the changes are to be considered.

25.3 Any amendment to or repeal of the provisions of this Constitution (except for Clause 22, 23 and 24) shall be made by a vote carried by a majority of two-thirds of the Members of the Church present and voting at a Special General Meeting of the Church to Change the Constitution (16.3). The quorum for this meeting shall be 40%.

26. Trading

The church is authorised to trade as an Associated Incorporation under the relevant State or Territory Act or as a Non Profit Company under the Commonwealth Act.