



# CONSTITUTION OF THE BRISBANE AFRIKAANSE KERK INC

Version2.0

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# **CONSTITUTION OF BRISBANE AFRIKAANSE KERK INC.**

## **PART 1- INTRODUCTION**

### **1. NAME:**

The Church shall be known as BRISBANE AFRIKAANSE KERK INC

### **2. OBJECTIVES OF BRISBANE AFRIKAANSE KERK:**

To establish and maintain in the wider Brisbane a Church for the benefit of people of the Christian faith based on reformed principles, for those people desiring to become members of such Church and for the ministry of faith by the Church.

Church is based on the Biblical and Christian principles as stated in Annexures A and B

### **3. MANDATE OF THE CHURCH COUNCIL:**

- a) In matters relating to the ownership of property, borrowing of money and wherever necessary in matters of commerce or business affecting or undertaken by BRISBANE AFRIKAANSE KERK to invest the Church Council with such powers, rights, authorities and duties as may be required for the time being and from time to time under the laws of the State of Queensland and of the Commonwealth of Australia (hereinafter called "the law").
- b) Wherever necessary to implement and carry out the decisions of the Church in accordance with the standards and principles as accepted by the Reformed churches, which are The Four Standards being the
  - i. Belgic Confession, the
  - ii. Heidelberg Catechism, the
  - iii. Canons of Dordt, and the
  - iv. Westminster Confession of Faith.
- c) To ratify and confirm contracts, agreements and arrangements entered or made by the church through its Church Council.

## PART 2- INTERPRETATION

### 4. DEFINITIONS

In these Rules, unless the contrary intention appears:

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

**“AGM”** means the Annual General Meeting convened under section 34.

**“Association”** means an Association incorporated pursuant to the *Associations Incorporation Act 2015*;

**“Books”** has the meaning given to it in section 3 of the Act and includes;

- a) a register of members;
- b) financial records, financial statements or financial reports, as each of those terms is defined in section 62 of the Act, however compiled, stored or recorded;
- c) a document;
- d) any other recorded information;

**“Church”** means BRISBANE AFRIKAANSE KERK INC an Association incorporated pursuant to the *Associations Incorporation Act 2015*;

**“Church Council”** means the members responsible for the management of the Church as set out in Part 5;

**“Church Council meetings”** means a meeting of the Church Council;

**“Church Council Secretary”** means the secretary elected or appointed by the Church Council.

**“Confessing member”** means those members of the Church, recorded in the register of members, who has confessed the Christian faith and accept the standards of the Reformed principals

**“Financial Records”** has the meaning given to it in section 62 of the Act and includes:

- a) invoices, receipts, orders for the payment of money, bills of exchange, cheques, promissory notes and vouchers;
- b) documents of prime entry; and
- c) working papers and other documents needed to explain;
  - i. the methods by which financial statements are prepared; and
  - ii. adjustment to be made in preparing financial statements;

**“Financial Report”** has the meaning given to it in the Act;

**“Financial Statement”** has the meaning given to it in the Act;

**“Financial Year”** has the meaning given in section 48 hereof;

**“General Meeting”** means a meeting of the Church, which all members are invited to attend to;

**“Member”** means confessing members of the Church;

**“Ordinary Resolution”** means a resolution to decide a question, matter or resolution at a General Meeting that is not a Special Resolution;

**“Quorum”** means the minimum number of members that must be present at Church Council meeting or Annual General Meetings of the Church to make the proceedings of that meeting valid.

**“Register of members”** means the register of members referred to in section 53 of the Act

**“Rules”** means these Rules of the Church;

**“Special Resolution”** is a resolution of the Church passed in accordance with section 51 of the Act;

**“Special General Meeting”** means a General Meeting of the Church other than the Annual General Meeting;

**“Surplus Property”** has the meaning given to it in the Act and means the property remaining when the Church is wound up or cancelled after satisfying;

- a) The debts and liabilities of the Church; and
- b) The costs, charges and expenses of winding up the Church, but does not include books pertaining to the management of the Church;

**“Treasurer”** means the Church Council Member holding office as the Treasure of the Church.

## 5. NOTICES

- a) A notice or other communication connected with these rules has no legal effect unless it is in writing and given as follows:
  - i. delivered by hand to the nominated address of the addressee; or
  - ii. sent by post to the nominated postal address of the addressee; or
  - iii. sent by e-mail or any other method of electronic communication (including facsimile) to the nominated electronic address of the addressee.
- b) Any notice given to a member under these Rules, must be sent to member’s addresses as set out in the Register.

## **PART 3- MEMBERS**

### **Division 1 - Membership**

#### **6. BECOMING A MEMBER**

- a) Those persons who have confessed the Christian faith, accept the standards of the Reformed principals and whose names have been entered on the register of members by the Church Council of the Church, shall be members of the Church for the purpose of this Constitution.
- b) Qualifications for membership shall be a wholehearted agreement to the Christian faith as defined by the Confessional Standards of the Church.

#### **7. NUMBER OF MEMBERS**

- a) The numbers of members shall be unlimited unless otherwise amended by resolution at a General Meeting.

#### **8. MEMBERSHIP FEES**

- a) No entrance fee or subscriptions will be charged to members and all contributions to the Church will be on a voluntarily basis.

#### **9. CLASSES OF MEMBERSHIP**

- a) The Church consists of members.
- b) Only a person as stated in 6.a) shall be a member.
- c) A member has full voting rights and any other rights conferred on members by these rules or approved by resolution at a General Meeting or determined by the Church Council.

#### **10. WHEN MEMBERSHIP CEASES**

- a) A person ceases to be a member when any of the following takes place-
  - i. If the individual dies;
  - ii. A person gives written notice to the Church Secretary of his/her resignation of membership; or
  - iii. the person is expelled from the Church as set out in rule 17;

#### **11. RESIGNATION**

The resignation takes effect:

- a) When the Church Secretary receives the notice of resignation; or
- b) if a later time is stated in the notice of resignation, at that later time.

## **Division 2- Register of Members**

### **12. REGISTER OF MEMBERS**

- a) The Church Secretary or a person authorised by the Church Council from time to time must maintain a register of members and make sure that the Register is up to date.
- b) The Register must contain:
  - i. the full name of each member;
  - ii. a contact postal, residential or email address of each member;
  - iii. the date on which the member becomes a member;
- c) Any change in membership of the Church must be recorded in the Register within 28 days after the change occurs.
- d) The Register must be kept and maintained at the Church Secretary's place of residence, or at such other place as the Church Council decides.

### **13. INSPECTING THE REGISTER**

- a) Any member can inspect the Register free of charge, at such time and place as is mutually convenient to the Church and the member.
- b) A member must contact the Church Secretary to request to inspect the Register.

### **14. COPY OF THE REGISTER**

- a) A member may make a request in writing for a copy of the Register.
- b) The Church Council may require a member who requests a copy of the Register to provide a statutory declaration setting out the purpose of the request and declaring that the purpose relates to the affairs of the Church.
- c) The Church may charge a reasonable fee to the member for providing a copy of the Register, the amount to be determined by the Church Council from time to time.
- d) If the Church Council denies a member's request for a copy of the Register, a member may appeal the decision under rule 19.

### **15. USING THE INFORMATION IN THE REGISTER IS PROHIBITED**

A member must not use or disclose the information on the Register:

- a) to gain access to information that a member has deliberately denied them (that is, in the case of social, family or legal differences or disputes);
- b) to contact, send material to the Church or a member for the purpose of advertising for political, religious, charitable or commercial purposes, or
- c) for any other purpose unless the use of the information is approved by the Church Council and for a purpose that is:
  - i. directly connected with the affairs of the Church or
  - ii. related to administering the Act.



## **PART 4- DESCRIPTIVE ACTION, DISPUTES AND MEDIATION**

### **Division 1- Term Used**

#### **16. TERM USED: MEMBER**

In this Part-Member, in relation to a member who is expelled from the Church, includes former member.

### **Division 2- Disciplinary Action**

#### **17. SUSPENSION OR EXPULSION**

The suspension or expulsion takes effect on the following basis:

- a) The Church Council may, by resolution, suspend or expel a member from the Church if
  - i. The member refuses or neglects to comply with these rules; or
  - ii. The member's conduct or behavior is detrimental to the interests of the Church.
  - iii. A member doesn't attend church meetings on Sundays and participate in church activities for six months continuously without good reason and after discussion with the Church Council, still doesn't participate in the activities of the church.
- b) The resolution to suspend or expel a member may only be decided at a Church Council meeting;
- c) The Church Secretary or Church Council must give the member written notice of the proposed suspension or expulsion at least 28 days before the Church Council's Meeting referred to in rule 17 a) iii. at which the proposal is to be considered by the Church Council.

The notice given to the member must state:

- i. the grounds on which the proposed suspension or expulsion is based; and
  - ii. that the member may attend the meeting and will be given a reasonable opportunity to make a written or oral submission about the proposed suspension or expulsion.
- d) At the Church Council meeting, the Church Council, must:
    - i. Give the member a reasonable opportunity to make written or oral submissions to the Church Council about the proposed suspension or expulsion;
    - ii. Give due consideration to any submissions so made; and
    - iii. Decide:
      - Whether or not to suspend the member's membership and, if the decision is to suspend the membership, the period of suspension; or
      - Whether or not to expel the member from the Church.
  - e) A decision of the Church Council to suspend the member's membership or to expel the member from the Church takes immediate effect.
  - f) The Church Council must give the member written notice of the Church Council's decision, and the reasons for the decision, within 7 days after the Church Council meeting at which the decision was made.

- g) A member whose membership is suspended or who is expelled from the Church may, within 14 days after receiving notice of the Church Council's decision under sub rule 17(f), give written notice to the secretary requesting the appointment of a mediator under rule 20.

## **18. CONSEQUENCES OF SUSPENSION**

- a) A member that has been suspended under rule 17 cannot exercise any rights or privileges of membership, including voting rights, during the period they are suspended from membership.
- b) When a member's membership is suspended, the Church Secretary or Church Council must record in the register of members-
  - i. That the member's membership is suspended; and
  - ii. The date on which the suspension takes effect; and
  - iii. The period of the suspension.
- c) When the period of the suspension ends, the Church Secretary must record in the register of members the member's membership is no longer suspended.

## **Division 3 - Resolving Disputes**

## **19. DISPUTES ARISING UNDER THESE RULES**

- a) This rule applies to:
  - i. Disputes between members; and
  - ii. Disputes between the Church and one or more members that arise under the rules or relate to the rules of the Church.
- b) In this rule "member" includes any former member whose membership ceased not more than six months before the dispute occurred.
- c) The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.
- d) If the parties are unable to resolve the dispute, any party to the dispute may initiate a procedure under this rule by giving written notice to the Church Secretary of the parties to, and details of, the dispute.
- e) The Church Secretary must convene a Church Council Meeting within 28 days after the Church Secretary receives notice of the dispute under rule 17 for the Church Council to determine the dispute.
- f) At the Church Council Meeting to determine the dispute, all parties to the dispute must be given a full and fair opportunity to state their respective cases orally, in writing or both.
- g) The Church Secretary must inform the parties to the dispute of the Church Council's decision within 7 days after the Church Council Meeting referred to in rule 17.
- h) If any party to the dispute is dissatisfied with the decision of the Church Council they may elect to initiate further dispute resolution procedures as set out in these Rules.

## Division 4 - Mediation

### 20. MEDIATION

- a) This rule applies:
  - i. where a person is dissatisfied with a decision made by the Church Council under rule 17; or
  - ii. where a dispute arises between a member or more than one member and the Church and any party to the dispute elects not to have the matter determined by the Church Council.
- b) Where the dispute relates to a proposal for the suspension or expulsion of a member this rule does not apply until the procedure under rule 17 in respect of the proposed suspension or expulsion has been completed.
- c) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 17(c), or a party to the dispute is dissatisfied with a decision made by the Church Council under rule 17 a party to a dispute may:
  - i. Provide written notice to the Church Secretary of the parties to, and the details of, the dispute;
  - ii. Agree to, or request the appointment of, a mediator.
- d) The party, or parties requesting the mediation must pay the costs of the mediation.
- e) The mediator must be:
  - i. a person chosen by agreement between the parties; or
  - ii. in the absence of agreement:
    - A. if the dispute is between a member and another member – a person appointed by the Church Council; or
    - B. if the dispute is between a member or more than one member and the Church, the Church Council or a Church Council Member then an independent person who is a mediator appointed to, or employed with, a not for profit organisation.
- f) A member can be a mediator, but the mediator cannot be a member who is a party to the dispute.
- g) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- h) The parties are to exchange written statements of the issues that are in dispute between them and supply copies to the mediator at least 5 days before the mediation session.
- i) The mediator, in conducting the mediation, must:
  - i. give the parties to the mediation process every opportunity to be heard;
  - ii. allow all parties to consider any written statement submitted by any party; and
  - iii. ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- j) The mediator must not determine the dispute and the mediation must be confidential. Information provided by the parties in the course of the mediation cannot be used in any other legal proceedings that may take place in relation to the dispute.

**21. INABILITY TO RESOLVE A DISPUTE**

If a dispute cannot be resolved under the procedures set out in the Rules, any party to the dispute may apply to the State Administrative Tribunal to determine the dispute in accordance with the Act or otherwise at law.

## **PART 5- CHURCH COUNCIL**

### **Division 1- Powers of Church Council**

#### **22. MANAGEMENT**

- a) The business and affairs of the Church shall be under the management and control of the Church Council.
- b) Subject to the Act, these rules and any resolution passed at a General Meeting, the Church Council has the power and authority to do all things necessary or convenient to be done for the proper management of the affairs of the Church.
- c) The Church Council must take all reasonable steps to ensure that the Church complies with the Act and these rules.

### **Division 2 - Composition of Church Council and Duties of the Members**

#### **23. COMPOSITION OF THE CHURCH COUNCIL**

The Church Council consists of the Chairman, Treasurer and the general members of the Church Council, as elected in terms of rule 28 hereof.

#### **24. CHAIRMAN**

The Chairman shall be a Minister of the Church, or an elder, elected by the Church Council from among the members of the Church Council and shall hold office for a term of two years or until death or resignation.

#### **25. SECRETARY**

The Church Council may appoint a Church Council Secretary who shall hold office for a term of two years or until death or resignation. The Church Council Secretary need not be a member of the Church Council.

#### **26. TREASURER**

The Treasurer shall be elected by the Church Council from among the members of the Church Council and shall hold office for a term of two years or until he or she shall resign or be removed from office by a resolution of Church Council.

## **27. DUTIES OF MEMBER OF CHURCH COUNCIL**

### a) Regulations:

The Church Council may from time to time make all such regulations and rules (not inconsistent with this Constitution) as it shall think appropriate for the internal management and wellbeing of the Church.

### b) Common Seal

The common seal is kept by the Church Secretary and only used for official purposes.

### c) Safe keeping of documents, books and records of the Church

All documentation, records and books of the Church are kept in safe custody by the Church Secretary. All documentation is available for inspection or insight by any member of the Church at any time with prior arrangement with the Church Secretary.

## **Division 3- Election of Church Council and Tenure of office**

## **28. ELECTION OF CHURCH COUNCIL**

- a) The members of the Church Council will be elected by the members of the Church, at a General Meeting.
- b) After being elected, the members will accept the appointment and be appointed in their respective posts as Church Council Members.

## **29. TERM OF OFFICE**

The term of office of the Church Council Members will be two years, after which they can be re-elected as members for a term of two years.

## **30. WHEN MEMBERSHIP OF CHURCH COUNCIL CEASES**

The office of a member of the Church Council will become vacant when:

- a) A member resigns out of free will
- b) A member resigns as member from the Church
- c) At the end of his/her term of office.
- d) A member is Suspended or expelled

## **31. VACANCIES ON THE CHURCH COUNCIL**

Casual vacancies occurring on the church council will stay vacant until a new member can be elected according to election procedures set out in rule 28.

## **Division 4 - Meetings of Church Council**

### **32. CHURCH COUNCIL MEETINGS**

- a) The Church Council shall meet at least once a quarter.
- b) A Chairman will lead the meeting.
- c) At a Church Council Meetings fifty one (51%) per cent of the members present shall constitute a quorum.
- d) Minutes of all resolutions and proceedings of the Church Council shall be taken and kept by the Church Council Secretary.
- e) Extraordinary meetings may be convened by the Chairman upon the requisition of at least two of the members of the Church Council.
- f) Subject to this Constitution each Church Council member present is entitled to a deliberative vote and in case of equality of votes, the lot will be casted after seeking the will of God in prayer.

### **33. QUORUM AT CHURCH COUNCIL MEETINGS**

A Quorum at the meetings of the Church Council will comprise of fifty one (51%) per cent of the members present.

## **PART 6- GENERAL MEETINGS OF THE CHURCH**

### **34. ANNUAL GENERAL MEETING**

The Annual General Meeting of the Church shall be held at least once a year, within six months after the end of the financial year, upon a date at a time and place to be fixed by the Church Council for the following purposes:

- a) To receive the Annual Balance Sheet and Statement of Accounts for the preceding financial year.
- b) To ratify any resolution which may be submitted to the meeting by Church Council.

### **35. NOTICE OF GENERAL MEETING**

- a) Unless the Chairman shall determine that a meeting be convened to determine a question of urgent business (which such notice as the Chairman shall determine shall be given at least seven (7) days before the Annual General Meeting or any Special General Meeting) a notice of the meeting and of the business to be transacted thereat shall be given to all members in the Church's Register.
- b) The Church Secretary must give at least:
  - i. 14 days' notice of a General Meeting to each member, or
  - ii. 21 days' notice of a General Meeting to each member if a Special Resolution is proposed to be moved at the General Meeting.
- c) The notice convening a General Meeting must specify:
  - i. the place, date and time of the meeting; and
  - ii. the particulars and order of the business to be conducted at the meeting.
- d) The notice of convening a General Meeting or a Special General Meeting must be issued in the manner prescribed by rule 5.

### **36. PROCEDURE AT GENERAL MEETINGS**

- a) At all General Meetings of the Church the Chairman selected by the Church Council, shall take the Chair.
- b) Subject to this Constitution each member present is entitled to a deliberative vote and in case of equality of votes, the lot will be casted after seeking the will of God in prayer.

### **37. QUORUM**

At a General Meeting thirty three (33%) per cent of the membership, including a majority of the members of the Church Council present in person, constitute a quorum.



## **38. ADJOURNMENT OF GENERAL MEETINGS**

- a) The person presiding over a General Meeting, at which a quorum is present, may adjourn the meetings from time to time and place to place with the consent of a majority of members present at the meetings.
- b) No business may be conducted at an adjourned meeting other than the unfinished business from the meeting that was adjourned.
- c) When a General Meeting is adjourned for 14 days or more, the Church Secretary must give notice of the adjourned meeting in accordance with rule 5 as if the General Meeting was a new General Meeting.

## **39. SPECIAL GENERAL MEETING**

### ***39.1 Request a Special General Meeting by the Church Council***

- a) The Church Council may at any time for any special purpose call a Special General Meeting.
- b) b) The Church Secretary must convene a Special General Meeting of the Church within 28 days after receiving a written request to do so from the Church Council.

### ***39.2 Request for Special General Meeting by the Members of the Church***

- a) A request by the members for a Special General Meeting must:
  - i. state the purpose of the meeting;
  - ii. be signed by at least 40% of the members making the request;
  - iii. be lodged with the Church Council Secretary; and
  - iv. The Church Council Secretary must convene a meeting at an agreed time and place.

### ***39.3 Failure to Convene Special General Meeting***

- a) If the Church Secretary fails to convene a Special General Meeting within the 28 days referred to in rule 39.1(b), the members who made the request; may convene a Special General Meeting within 3 months after the original request was lodged as if the members were the Church Council.
- b) A Special General Meeting must be convened in the same or substantially the same manner as General Meetings are convened by the Church Council and the Church must pay the reasonable expenses of convening and holding the Special General Meeting.

## **40. MAKING DECISIONS AT GENERAL MEETINGS**

### ***40.1. Special Resolutions***

- a) A Special Resolution must be moved at a General Meeting where notice of the Special Resolution has been given under rule 40(c).
- b) A Special Resolution of the Church Council is required to:
  - i. amend the name of the Church;
  - ii. amend the Rules, under rule 53;
  - iii. affiliate the Church with another body;
  - iv. transfer the incorporation of the Church;
  - v. amalgamate the Church with one or more other incorporated associations;
  - vi. voluntarily wind up the Church;
  - vii. cancel incorporation; or
  - viii. request that a statutory manager be appointed.
  - ix. amend the Statement of Faith.

- c) Notice of a Special Resolution must:
  - i. be in writing;
  - ii. include the place, date and time of the meeting;
  - iii. include the intention to propose a Special Resolution;
  - iv. set out the wording of the proposed Special Resolution; and
  - v. be given in accordance with rule 5
- d) If notice is not given in accordance with rule 40.1(c), the Special Resolution will have no effect.
- e) A Special Resolution must be passed:
  - i. at a General Meeting at which there is a quorum (see 37) and be supported
  - ii. by the votes of not less than seventy five (75%) percent of the members present and eligible to cast a vote at the meeting.
  - iii. ii. after consultation and approval by the members.

#### **40.2 Ordinary Resolution**

Subject to these Rules, a majority of votes will determine an Ordinary Resolution

#### **40.3 Voting at General Meetings:**

- a) Subject to these Rules, each member has one vote at a General Meeting of the Church.
- b) A person casts a vote at a meeting by voting at the meeting in person.
- c) In the case of an equality of votes at a General Meeting, the lot will be casted after seeking the will of God in prayer according to rule 38b.
- d) A member is only entitled to vote at a General Meeting if the member's name is recorded in the Register as at the date the notice of the General Meeting was sent out under rule 35.

#### **40.4 Manner of Determining Whether Resolution Carried**

- a) Unless a Poll is demanded under rule 40.5 if a question arising at a General Meeting of the Church is determined by general agreement or a show of hands, a declaration must be made by the Chairman of the General Meeting that the resolution has been:
  - i. carried unanimously;
  - ii. carried by a particular majority; or
  - iii. lost.
- b) If the declaration relates to a Special Resolution, then subject to rule 40 the declaration should state that a Special Resolution has been determined.
- c) The declaration made under rule 40 must be entered into the minute book of the Church Council.
- d) The entry in the minute book of the Church Council is evidence of the fact that the resolution has been determined, without proof of the number or proportion of the votes recorded in favour of or against that resolution.

#### **40.5. Poll at General Meeting**

- a) At a General Meeting, a Poll on any question may be demanded by either:
  - i. the chairperson of the meeting; or
  - ii. at least three members present in person.
- b) If a Poll is demanded at a General Meeting, the Poll must be taken in a manner as the Chairman of the meeting directs and a declaration by the Chairman of the result of the Poll is evidence of the matter so declared.
- c) If a Poll is demanded at a General Meeting, the Poll must be taken:
  - i. immediately in the case of a Poll which relates to electing a person to preside over the meeting;
  - ii. immediately in the case of a Poll which relates to adjourning the meeting; or
  - iii. in any other case, in the manner and time before the close of the meeting as the Chairman directs.

#### **41. MINUTES OF MEETINGS**

- a) The Church Secretary or a person authorised by the Church Council from time to time must keep minutes of the resolutions and proceedings of all General Meetings and Church Council Meetings together with a record of the names of persons present at each meeting.
- b) The minutes are to be taken and then to be entered within 30 days after the holding of each meeting, into a minute book kept for that purpose.
- c) The Chairman must ensure that the minutes of a General Meeting or Church Council Meeting are reviewed and signed as correct by:
  - i. the Chairman of the General Meeting or Church Council Meeting to which those minutes relate; or
  - ii. the Chairman of the next succeeding General Meeting or Church Council Meeting.
- d) When minutes have been entered and signed as correct under this rule, they are valid, until the contrary is proved through;
  - i. the General Meeting or Church Council Meeting to which they relate was duly convened and held;
  - ii. all proceedings recorded as having taken place at the General Meeting or Church Council Meeting did in fact take place at the meeting; and
  - iii. all appointments or elections purporting to have been made at the meeting have been validly made.
- e) The minutes of General Meetings may be inspected by a member under rule 27 (c).
- f) The minutes of Church Council Meetings may be inspected by a member under rule 27 (c) unless the Church Council determines that the minutes of Church Council Meetings generally, or the minutes of a specific Church Council Meeting are not to be available for inspection.

## **PART 7- FINANCIAL MATTERS**

### **Division 1- Funds and Accounts**

#### **42. CONTROL OF FUNDS**

- a) The funds of the Church must be kept in an account in the name of the Church in a financial institution determined by the Church Council.
- b) The funds of the Church are to be used in pursuance of the objects of the Church.
- c) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments of the Church must be signed by:
  - i. any two Church Council Members; or
  - ii. one Church Council Member and a person authorised in writing by the Church Council.
- d) All expenditure above the maximum amount set by the Church Council from time to time must be approved or ratified at a Church Council Meeting.

#### **43. SOURCE OF THE CHURCH'S FUNDS**

- a) The funds of the Church mainly derive from contributions voluntarily made by members, donations, fund raising activities, grants, interest, and any other sources approved by the Church Council.
- b) The Church must, as soon as practicable:
  - i. deposit all money received by the Church, to the credit of the Church's bank account, without deduction; and
  - ii. after receiving any money, issue an appropriate receipt if requested.

#### **44. FINANCIAL RECORDS**

- a) The Church must keep Financial Records that:
  - i. correctly record and explain its transactions, financial position and performance; and
  - ii. enable true and fair financial statements to be prepared in accordance with Part 5 of the Act.
- b) The Church must retain its Financial Records for at least 7 years after the transactions covered by the records are completed.

#### **45. FINANCIAL STATEMENTS AND FINANCIAL REPORTS**

- a) For each financial year, the Church must ensure that the requirements under Part 5 of the Act are met.
- b) Without limiting sub rule (a), those requirements include—
  - i. if the Church is a Tier 1 Association, the preparation of the Financial Statements;
  - ii. If the Church is a Tier 2 Association or Tier 3 Association, the preparation of the Financial Report;
  - iii. if required, the review or auditing of the Financial Statements or Financial Report (whichever is applicable);
  - iv. if the Church is a Tier 1 Association, the presentation of the Financial Statements to the Annual General Meeting of the Association (and, if required, a copy of the report of the review or auditor's report, whichever is applicable);
  - v. if the Church is a Tier 2 Association or a Tier 3 Association, the presentation of the Financial Report to the Annual General Meeting of the Association (and a copy of

- the report of the review or auditor's report, whichever is applicable); and
- vi. if required by the regulations made under the Act, the lodgment of the annual return with the Commissioner.

## **Division 2- Review or audit of financial statements or financial report**

### **46. REVIEW OR AUDIT OF FINANCIAL STATEMENTS OR FINANCIAL REPORTS**

The Church must ensure that a review or audit is undertaken of the Financial Statements or Financial Report of the Church if:

- a) is a Tier 2 or Tier 3 Association;
- b) the members require a review or audit by resolution at a General Meeting;
- c) an audit or review is directed by the Commissioner; or
- d) an audit or review is required as a condition of a funding arrangement; or holding of a charitable collections license.

### **47. AUDIT**

- a) Once at least in each financial year the accounts of the Church shall be examined by an Auditor who shall have been appointed at a previous meeting of the Church Council and who shall certify to the correctness of the Balance Sheets, Income and Expenditure and accompanying accounts and schedules which shall be submitted to the Annual General Meeting.
- b) The Auditor may be a members of the Church, but no person shall be eligible as Auditor who is interested otherwise than as a member in any transaction of the Church. An Auditor may be paid for his services such sum (if any) as the Church Council may from time to time determine.
- c) Any casual vacancy occurring in the office of an auditor shall be filled by the Church Council.
- d) The Auditor shall have a list delivered to them of all books kept by the Church and shall at all reasonable times have access to the books and accounts of the Church. They may employ persons to assist them in investigating such accounts and may in relation to such accounts examine the Church Council or any employees of the Church.
- e) The Auditor shall make a report to the Church Council upon the Balance Sheet and Accounts to be submitted to the Annual General Meeting and in every report shall state whether in their opinion the accounts are properly drawn up so as to exhibit a true and correct statement of the affairs of the Church.

### **Division 3 - Other Finance Matters**

#### **48. FINANCIAL YEAR**

The financial year of the Church shall commence on the first day of July in each year and end on the thirtieth day of June in each year to which latter date the accounts of the Church shall be balanced.

#### **49. MEMBERS NOT TO MAKE PROFIT**

- a) No member shall, except for professional services rendered at the request of the Church Council, or any honorarium or other payment authorized by the Church Council to any official of the Church for his services rendered, on any pretense or in any manner receive any profit salary or emoluments from the funds or transaction of the Church.
- b) No member of Church Council may receive any of the Church's funds without such payment being authorized by a resolution of the Church Council.
- c) The purpose of the Church is to establish and maintain in Brisbane a Church for the benefit of people of the Christian faith based on reformed principles, for those members desiring to become members of such Church and for the ministry of such Church. The property and income of the Church shall be applied solely towards this objective and no part of the property or income may be paid or otherwise distributed, directly or indirectly, to members of the Church, except in good faith in the promotion of these objectives.

#### **50. BORROWING POWERS**

The borrowing powers of the Church shall be and are hereby invested in the Church Council. If at any time the Church Council shall pass a resolution authorizing the Trustees to borrow money, the Trustees shall thereupon be empowered to borrow for the purposes of the Church such amount of money either at one time or from time to time and at such rate of interest and in such form and manner and upon such security as shall be specified in such resolutions and thereupon the Trustees shall at the direction of the Church Council make all such dispositions of the Church property or any part thereof and enter into such agreement in relation thereto as the Church Council may deem proper for giving security for such loans and interest.

## **PART 8- GENERAL MATTERS**

### **51. REAL PROPERTY**

Any resolution of the Church Council to acquire or dispose of real property shall be submitted to a General Meeting for approval and must be approved by a majority of not less than 75 % of the members present and voting at such General Meeting.

### **52. DISSOLUTION OF THE CHURCH**

If the Church faces the possibility of dissolution because there are not sufficient members to keep the Church financially operative or for reason of amalgamation with a neighboring Christian Reformed Church, then, after consent of 75% of the members voting at a General Meeting, the Church Council shall proceed to dissolve the Church.

If upon the winding up of the Church there remains after satisfaction of all its debts and liabilities any surplus property whatsoever, the same shall not be paid or distributed amongst the members or former members, but shall be given or transferred to one or more of the following only:

- i. to another association incorporated under the Act which has similar objects;
- ii. a body corporate that at the time of the distribution is the holder of a license under the charitable collections legislation in Queensland;
- iii. a company limited by guarantee that is registered as mentioned in section 150 of the Corporations Act 2001 (Cwth);
- iv. a company holding a license that continues in force under the Corporations Act section 151;
- v. a body corporate that:
  - is a member or former member of the Church; and
  - at the time of the distribution of surplus property, has rules that prevent the distribution of property to its members which association or purposes, as the case requires, shall be determined by resolution of the members.

### **53. ALTERATION OF THE CONSTITUTION**

This Constitution may be added to, repealed or amended by a special resolution pursuant to rule 39.

No resolution affecting this Constitution shall invalidate any contracts or agreements entered into or made by the Church Council or the Trustees on behalf of the Church prior to the passing of such resolution nor relieve the Church Council, the Trustees or the members from liabilities which may have arisen or been incurred prior to the passing of such resolution.

### **54. INTERPRETATION OF THE CONSTITUTION**

The Church Council shall be the sole authority for the interpretation of this Constitution and of any regulations and rules made there under. The decision of the Church Council upon any question of interpretation or upon any matter affecting the Church and not provided for by this Constitution or any regulation or rules made thereunder shall be final and binding on the members, but in all circumstances the Church Council shall consider itself bound to the Four Standards.

## ANNEXURE A - STATEMENT OF FAITH

1. We believe that the One True God (Psalm 46:10; Deut 4:39; Isaiah 44:6, 45:21) revealed Himself to the world in three persons (John 10:30; 1 Cor 8:4-6; Colossians 1:15; Acts 5: 3- 4): Father (John 17:24- 26; 1 John 3:1), Son (Matt 3:17; John 1:18) and Holy Spirit. (Haggai 2:5; John 14:16,17)
2. We believe in God, the Father Almighty (Gen 14:18-20,17:1; Psalm 96:1-6), Maker of heaven and earth. (Gen 1:1, Ps 33: 6-9, Ps 115:15; Heb 11:3)
3. We believe that Jesus Christ alone is head of the Church and that He is the supreme authority in all matters of faith and conduct in the life of both churches and individuals. (Is 33:22; Eph 1:22-23; Eph 4:15; Col 1:16&18; Eph 5:23 Heb 1:1-4)
4. We believe that Jesus Christ is the Son of God, and we believe in His virgin birth and that He was fully God and fully human. (Is 7:14; Matt 1:22 & 23; Matt 16:13-17; Luke 1:27-28; Luk 1:30-33; Luk 9:34-36; John 1:1&2; John 1:13-14; Phil 2:5-8; Gal 4:4&5; 1 Ti 2:5; 1 Ti 3:16)
5. We believe that God proved His love for sinners through Jesus Christ taking the penalty of their sin upon Himself by dying on the cross on their behalf, that He rose bodily from the dead and that He ascended to heaven where He intercedes for His people. (Luk 24:1-8, 50&53; John 3:16&17; 2 Cor 5:21; Acts 1:1-3, 9-11; Acts 4:11&12; Col 2:13&14)
6. We believe that the Lord Jesus Christ will return personally and in glory. At that time He will judge those who have died and those who are alive. (John 5:22, 23 &27; Acts 17: 30&31; Phil 1:6, 9&10; 2 Cor 5: 9&10; 2 Pet 3:11(b)-13; Matthew 16:27; Matthew 25:31-46; Rev 20:11-15)
7. We believe that by the grace of God, He forgives and reconciles to Himself all who turn to Him in true repentance, turning from sin and trusting in Christ's atoning death. God imputes to them the righteousness of Christ Himself and adopts them as His children. (Rom 4:5-7; John 1:29; Acts 26:18; 1 John 2:1-3 Rom 8:1; Eph 4:20-24; Heb 7:25; Heb 10:10; John 1:12-13; 2 Cor 5:17-19; 1 Thes 5:23; Ez 36:25- 26; Rom 8:15-17; Heb 9:14; Col 1:21-23)
8. We believe in the resurrection of both the believers and the unbelievers; the believers to the resurrection of eternal life and the unbelievers to the resurrection of eternal damnation. (2 Cor 5:10; Acts 17:30-31; Matt 16:27; 2 Tim 4:1&2; Matt 25:31-46)
9. We believe that there is no other name than 'Jesus Christ' by which people can be brought into the right relationship with God. (John 14:6-7; Acts 4: 10-12; Acts 10:43)
10. We believe in the Holy Spirit who imparts new life to those who believe in Jesus Christ. Through His indwelling presence and transforming power He gives assurance of salvation and eternal life and equips believers for holy living and effective service. (Matt 3:11; Matt 1:18: Matt 28:19-20; John 20:21 & 22; Ez 36:26-27; 1 Thes 1:4-6; Titus 3:4-7; Eph 1:13- 14; Eph 2:8-10; 1 Cor 2:10-13; Mark 13:10&11; Luke 12:11-12; John 14:25&26)



11. We believe that, in order to build up the Body of Christ, the Holy Spirit gives many different gifts to equip all God's people for ministry. There are different kinds of gifts, but they are all given by the same Spirit. The gifts of the Spirit are given to each of us in a special way, to be used for the common good. (1 Cor 12:4-11; Eph 4:7,11-16; Rom 12:6- 8; 1 Pet 4:10, 11; 1 Cor 12:18, 21-25)
12. We believe the church is the body of Christ, the fellowship of all believers and commissioned to make disciples of all nations. (1 Cor 12: 27; Ephesians 1:23; Rom 12:5; Col 3:15b; Matt 28:18-20; Mark 16:15; 2 Cor 5:19)
13. We believe that the Bible is the inspired Word of God and that its content and message is authoritative and trustworthy. It is therefore our supreme guide on what to believe and how to live. (Ps 119:9-11; Ps 119:103-105; 2 Tim 3:16&17; Heb 4:12)
14. We believe that we are called to bring people to Christ, enfold them in His church and equip them to go into their community as effective disciples. (Matt 28:18-20; John 17:20- 23; Ephesians 4:11-13; Heb 2:11-13; Heb 10:24-25)
15. We acknowledge the traditions of the historic church: We believe that only the Word of God is our guide and that there is no other saviour than Jesus Christ alone. We believe that we are only saved by grace. That through faith in the Triune God alone we are His Children and That the church exists to glorify God alone. (Luke 2:11; Acts 4:11-12; John 14:6; Rom 3:23-24; Eph 2:8-10; 2 Tim 3:14-16; Tit 2:11-14; Tit 3: 7-8; John 1:12; 1 John 4:13-16; 1 Joh 5:11b-12)
16. We believe that Satan exists as a person, the enemy of Jesus Christ and of the believers, deceiving mankind. God has condemned Satan to eternal damnation. (John 14:28a, 29- 31; Rom 16:19-20; 2 Cor 4:4; 2 Thes 2:9-10; Rev 20:2; Rev 20:10)
17. We believe that every Christian is called to love the Lord God with all heart, soul, mind and strength; and to love their neighbour as oneself. Therefore, all believers are to live godly lives, doing all things to the glory of God. The indwelling Holy Spirit makes this new life a reality as believers yield themselves to Him. (Deut 6:5; Matt 22:37-40; Eph 2:4-10; John 15:5-8; Rom 8:5-9; Gal 5 :25; Rom 13:8-10; 1 Cor. 6:19-20; Eph 5:17-20)
18. We believe that baptism is an ordinance/sacrament given by Christ as a sign and seal of a covenant of grace. (Matt 3:13-15; Matt 28:18-19; Gal 3:27; Col 2:11-12; 1 Peter 3:21-22; Romans 6:3- 5; Acts 2:37-38 & 41; Acts 9:17-18; Acts 19:4-5)
19. We believe the Lord's Supper is an ordinance/sacrament given by Jesus Christ. It is to be observed in the church for a perpetual remembrance and showing forth of the sacrifice of Christ, the spiritual nourishment of believers and a sign of their communion with one another (Matt 26:26-28; Mark 14:17; 22-24; 1 Cor 10:3-4; 16-17; 1 Cor 11: 23-25; 28-29; John 6:53-58; Acts 2:46)

## **ANNEXURE B**

### **THEOLOGICAL FOUNDATIONS**

We accept both Reformed and Evangelical Theological Foundations as being inseparable and complimentary to our beliefs:

#### **1.1. Reformed**

- 1.1.1.** In the spirit of reformed Christianity we constantly return to the source of our faith and practice, the Bible, which is our only guide; infallible and inerrant.
- 1.1.2.** We are saved by grace alone.
- 1.1.3.** There is no other saviour than Jesus Christ alone.
- 1.1.4.** By faith in the Triune God alone we are His Children.
- 1.1.5.** The church exists to glorify God alone.
- 1.1.6.** We hold to the Apostles Creed, Athanasian Creed and the Nicene Creed as historic Christian confessions.
- 1.1.7.** We accept the Belgic Confession, the Heidelberg Catechism, the Canons of Dordt, and the Westminster Confession of Faith as summaries of the central Biblical teachings.

#### **1.2. Evangelical**

- 1.2.1.** The Bible is inspired by the Holy Spirit; the only infallible, authoritative Word of God. We reject any school of thought that undermines the authority of the Word.
- 1.2.2.** The substitutionary death of Jesus Christ on the cross is the central message of the Bible. For this reason we confess that salvation comes from God alone and that we are recipients of God's grace on the basis of Jesus' atoning death.
- 1.2.3.** The salvation of lost and sinful people and regeneration by the Holy Spirit is absolutely essential.
- 1.2.4.** Believers are called to bring people to Christ, enfold them in His church and equip them to go into their community as effective disciples.