

Churches of Christ in Western Australia Inc

Rules 2018

“That the Church of Christ upon earth is essentially, intentionally, and constitutionally one; consisting of all those in every place that profess their faith in Christ and obedience to him in all things according to the Scriptures, and that manifest the same by their tempers and conduct, and of none else; as none else can be truly and properly called Christians.” – Declaration and Address - Thomas Campbell.

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1 Name

The Association shall be called Churches of Christ in Western Australia Inc.

2 Definitions

In these rules, unless the context requires otherwise the following definitions apply:

Act	The <i>Associations Incorporation Act 2015</i> (WA) Terms used in these Rules which are defined in the Act have the meanings given to them in the Act
AGM	Annual General Meeting
Ballot	The method of voting in writing in an election in which Members, by their Delegates or Proxies, may cast up to the number of votes to which they are entitled
Board	The committee of persons who under these rules have the power to manage the affairs of the Association
Council	A meeting of Members and Partners
Delegate	A natural person who exercises a Member's voting rights pursuant to rule 5.7
Good standing	As it relates to a natural person means "in the opinion of the elders or governing body of the Member Church" As it relates to a Member or Partner means "in the opinion of the Board of the Association"
Member or Member Church	A member of the Association with full voting rights
Partner	A member of the Association without voting rights
Poll	The method of voting on a motion in writing in which members, by their delegate or by their proxy, may cast up to the number of votes to which they are entitled
Prescribed	As from time to time prescribed by the Board
Proxy	A natural person who exercises a Member's voting rights otherwise than as a Delegate, pursuant to rule 5.8

3 Objects

The objects of the Association are:

- 3.1 To hold to and promote the beliefs and practices of Churches of Christ in Western Australia as defined in the teachings of the Bible on the authority of Jesus Christ, and related evangelistic, charitable, social and educational activities among its Members and Partners.
- 3.2 To serve and support Member Churches in the achievement of their local objectives through:

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- (a) promoting and enabling cooperation between Member Churches in order to address projects impossible or difficult for each to achieve alone, or as may more beneficially or effectively be done together, and
- (b) providing operational services and resources, and
- (c) assisting Member Churches to review and restructure themselves as they seek to respond to God's particular call in the context of their local community.

3.3 To facilitate links between Member Churches and Partners.

3.4 To maintain membership of the Council of Churches of Christ in Australia Ltd.

3.5 To encourage cooperation and expressions of unity with other Christian traditions.

The property and income of the Association shall be applied solely towards the promotion of these objects, and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to Members or Partners except in good faith in the promotion of these objects.

4 Membership

4.1 Members

The voting Members of the Association shall be Churches of Christ Churches, whether incorporated or not, in membership at the date of adoption of these Rules and those subsequently admitted to membership.

4.2 Partners

A Partner is an entity, whether incorporated or not, which the Board has determined to be eligible for membership as a Partner. Partners are not entitled to vote at Council.

4.3 Applications

A Church that wishes to become a Member or an entity that wishes to become a Partner shall:

- (a) be proposed by one Member and seconded by another Member, and
- (b) apply to the Board in writing using the prescribed form signed by an authorised person, the proposing Member and the seconding Member. In the application form the applicant must agree to be bound by these Rules and to accept the requirements set out in rule 4.4 (where the application is to become a Member) or rule 4.5 (where the application is to become a Partner).

The Board shall consider each application and make a recommendation to the next meeting of the Council to accept or reject that application. The applicant shall be advised of the recommendation.

An applicant who is not recommended by the Board may, within two weeks of receiving notice of the recommendation, appeal to the Council by giving notice to the Secretary of its intention to do so.

If an applicant is not recommended the applicant may, at a Council held no later than the next AGM, make verbal and or written submissions. The meeting shall, after having afforded the applicant a reasonable opportunity to be heard or make representations in writing, accept or reject the application.

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4.4 Requirements of Members

Members agree to:

- (a) support the objects of the Association,
- (b) participate in Council,
- (c) support and be part of the living legacy represented by the Restoration Movement in its continuing expressions of the Western Australian Churches of Christ,
- (d) celebrate faith based on confession of Jesus Christ alone as revealed in the Bible and reliance on the New Testament as their guide for worship, witness, service and mission,
- (e) respect and value the diversity of the Association's membership and work cooperatively and learn from other members in areas of mutual benefit,
- (f) maintain an awareness of the Association amongst its members,
- (g) ensure that they operate in a sustainable manner consistent with good governance and good management practices and to not bring the Association into disrepute,
- (h) ensure that children, minors and other vulnerable people are protected when on their property or taking part in any of their activities,
- (i) pay all fees and costs due to the Association as and when due,
- (j) provide statistical data to the Association, when requested,
- (k) seek guidance and advice from the Association in cases of dispute or legal matters that may have a public impact,
- (l) encourage and support Ministers and leaders to participate in Association activities,
- (m) engage Senior/Lead Ministers who are; or who are progressing toward, or who are eligible to be, accredited by the Association,
- (n) enter into a documented agreement with the Association that clearly states the nature of property ownership.

4.5 Requirements of Partners

Partners agree to:

- (a) support the objects of the Association,
- (b) notify the Board of the Association of appointment of all Board members of the Partner,
- (c) support and be part of the living legacy represented by the Restoration Movement in its continuing expressions of the Western Australian Churches of Christ,
- (d) celebrate faith based on confession of Jesus Christ alone as revealed in the Bible and reliance on the new Testament as their guide for worship, witness, service and mission,
- (e) respect and value the diversity of the Association's membership,
- (f) maintain an awareness of the Association,

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- (g) ensure they operate in a sustainable manner consistent with good governance and good management practices and do not bring the Association into disrepute,
- (h) pay all fees and costs due to the Association as and when due,
- (i) Not vary their objects without first notifying the Board.

4.6 Resignation

Members or Partners may resign by giving written notice of resignation to the Secretary. The resignation takes effect when received by the Secretary.

Members or Partners who have resigned may reapply for membership at any time after one year from the date of resignation.

4.7 Termination

Council may terminate the membership of any Member or Partner, by special resolution.

A Special Resolution of the Council to remove a Member or Partner from membership may only be proposed if Council has received a recommendation from the Board that the Member or Partner be removed from membership.

When a recommendation by the Board that a Member or Partner be removed from membership is made, Council must invite the Member or Partner to make a written submission opposing removal, and provide the Member or Partner with reasonable time in which to make that submission. Any submission provided by the Member or Partner must be made available on a confidential basis to Members eligible to vote at the relevant Council meeting, before the meeting. The relevant Member or Partner may elect to make an oral submission to the Council instead of a written submission, and in that case must be given a reasonable opportunity to make that submission.

4.8 Continuing obligations after Resignation or Termination

After resignation or termination of membership, the former Member or Partner remains liable to pay to the Association the amount of any fees payable and unpaid at the date of resignation and to discharge any other obligation under any loan, contract, trust or other agreement.

4.9 Register of Members and Partners

The Secretary shall keep and maintain a register of Members and Partners and the contact details of their Delegates at the Association's office, in compliance with section 29 of the Act. If possible, email addresses are to be provided and kept up to date by Members and Partners, and where provided these addresses are to be included in the register.

4.10 Membership Fees and Charges for Services

The Board shall determine fees payable by Members and Partners for membership of the Association.

Fees for the following financial year are payable on or before June 30th of each year, or such other date as the Board from time to time determines. The Board may agree to permit payment by installments.

The rights of any Member or Partner whose fees are unpaid by the due date are suspended until the default in payment is rectified, unless the Board decides otherwise. In the absence of special circumstances, the Board will decide otherwise only if arrangements are in place to pay outstanding fees.

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5 Council

5.1 Convening a Council

An Annual General Meeting (Council) shall be held at least once each year.

The Board may call a Council at any time.

Ten Percent (10%) of the Members from time to time may together, in writing, requisition the Secretary to call a Council.

5.2 Notice

Notice of at least 12 weeks shall be given for each Council to Members and Partners.

Notice is to be given by:

- publication of the Association's website and, if relevant email addresses have been provided to the Secretary, also by
- an emailed newsletter sent to all Members and Partners,
- an email to each Delegate, for whom a standing appointment is in effect at the time of the notice, and
- an email to the Minister of the member.

In addition, when a Special Resolution is to be moved, notice is to be given by posting to each Member and Partner at the address shown in the Register of Members.

5.3 Quorum

One quarter of the Members, present by Delegate or Proxy, constitute a quorum of Council.

5.4 Conducting Business

The business of a Council may only be conducted and decided by Motions on Notice given in writing to the Secretary at least six weeks prior to the Council. Procedural motions may be moved without notice.

The Secretary shall give at least four weeks' notice to all Members and Partners of Motions on Notice.

The Chairperson will ordinarily chair Council. If the Chairperson is unable or unwilling, the meeting shall elect its own Chairperson from among the Board members and Delegates.

The proceedings of Council are to be conducted in such manner as the Chairperson thinks fit and unless the Chairperson rules otherwise shall be conducted in accordance with the rules of debate.

5.5 Special Councils

Special Councils are:

- (a) Meetings called by the Board, other than the AGM, and
- (b) Requisitioned meetings.

Requisitions shall clearly define the business of the proposed meeting and any proposed

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motions as Motions on Notice. Only the business set out in the requisition may be conducted at a Special Council.

The Board shall consider the business of any Special Council and may make a recommendation to the Special Council on any item of business.

5.6 Voting Entitlement

Each Member is entitled to a number of votes, weighted on its annual declaration of adult attendees as at June 30th each year, as follows:

Number of declared adult attendees of the Member Church	Number of Votes
Up to 100 adult attendees	1 vote
More than 100	1 vote plus 1 vote for every 100 additional adult attendees (with no allowance for fractions).

5.7 Delegates to Council

Each Member is entitled to nominate one delegate, who shall be:

- a natural person,
- a member in good standing of a Member Church,
- reasonably informed of the business before the meeting, and
- neither a member of the Board nor a paid staff member of the Association,
- appointed by notice given in the prescribed form to the Secretary not later than one week before the relevant Members Meeting.

The appointment of a Delegate may be a standing appointment which is effective for a specified period or until further notice, or may be made for a particular meeting. A Delegate will not be entitled to vote at Council unless notice of that Delegate's appointment has been received by the Secretary at least one week before the relevant meeting.

Persons representing Partners are entitled to attend Council for the purpose of hearing the business and may, if invited by the Chairperson, address the meeting.

Persons from Member churches are entitled to attend Council for the purpose of hearing the business and conferring with their Delegate and may, if invited by the Chairperson, address the meeting.

5.8 Proxies to Council

A Member may appoint a Proxy if their Delegate is unable to attend a Council, or if they have not appointed a Delegate.

Each such Member is entitled to nominate one Proxy, who shall be:

- a natural person,
- a member in good standing of a Member Church,
- reasonably informed of the business before the meeting, and
- appointed by notice given in the prescribed form to the Secretary not later than one week before the relevant Members Meeting.

Proxies may be persons who are otherwise ineligible to vote.

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Proxies are required to vote in accordance with instructions of the appointing Member and may not speak to a motion.

5.9 Voting

Voting shall generally be on the voices or on a show of hands as the Chairperson chooses, in which case each Member is entitled to one vote.

The Chairperson may, or the meeting may resolve to, call for a Poll. Polls shall be conducted using voting slips provided by the Secretary setting out the members name and the voting entitlement.

If a poll is called for it shall be held at that meeting and the Chairperson shall announce the result immediately after completion of counting.

The Chairperson of Council has a casting vote on any resolution.

6 Board

6.1 Functions

The Board shall govern the business and affairs of the Association and may exercise all such powers and functions and perform all such acts and things as are required for the proper governance of the Association, other than those powers and functions that are required by these Rules to be exercised by the Members.

6.2 Composition of Board and Appointment of Elected Officers

The Board shall comprise up to nine persons nominated and elected in accordance with these Rules, together with the Executive Minister as an ex officio Board member.

The Executive Minister has the same rights of membership as every other Board member. The elected officers of the Association are Chairperson, Secretary and Treasurer. Subject to the provisions of this rule the Board must elect the officers of the Association from among its number whenever there be any vacancy. Office Bearers may serve until their Term of Office as a Board Member expires.

The Board shall ensure that a register of Officers, whether elected or not, is maintained and kept up to date, in accordance with the Act.

6.3 Eligibility

To be eligible as a Board Member, a person must:

- have attained the age of 18 years,
- be willing to accept the office, and
- have been a member in good standing of a Member Church for at least two years.

No more than two persons from the same Member Church may serve as Board Members at the same time.

6.4 Term of Office of Board Members

Board Members are appointed for a term of two years and are eligible to be reappointed for a further two terms, after which they shall not be eligible for reappointment until at least 12 months have passed.

6.5 Election of Board Members

The Board is responsible for ensuring the identification, selection, recruitment, nomination, training and development, and succession of Board Members to fill the needs of the

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Association.

Board members shall be elected by the Members at a ballot held at any meeting of the Members.

The Secretary shall advise the Members of vacancies arising on the Board, and the skill-set most desired to fill these vacancies.

Any Member may nominate to the Secretary suitable persons for election to the Board. Such nominations are required no less than 12 weeks before the election is held.

The Board shall assess all nominations and recommend suitable candidates for the ballot to fill vacancies on the Board.

In any Board election:

- (a) all Members are eligible to vote by Delegate (if the Ballot is conducted at Council), or by Proxy,
- (b) Members may cast a number of votes up to but not exceeding the number of vacancies available, limited to one vote for any candidate; and
- (c) The candidates elected shall be those (not exceeding in number the number of vacancies available) who achieve the highest number of votes cast, provided that no candidate shall be elected unless their election is supported by at least 50% of the votes possible for a candidate.

6.6 Vacancies

The position of a Board member becomes vacant when that Board member:

- completes their term,
- dies,
- resigns,
- is convicted of an offence under the Act or any other offence involving dishonesty, immoral conduct or lack of good faith,
- is incapacitated by mental or physical ill-health,
- is absent from more than three consecutive Board meetings without leave of absence, or
- ceases to be endorsed by, or to be a member of, a Member Church.

A vacancy in the membership of the Board arises when the position of a Board member becomes vacant under this rule, or when an election of Board members is held and the number of candidates elected is less than the number of vacancies existing immediately prior to the election.

The Board may appoint a person to fill a vacancy in the membership of the Board. Any such appointment shall be subject to the approval of the next Council, and shall be for a term ending at the time of the next Board elections.

6.7 Executive Minister

The Board may from time to time appoint an Executive Minister of the Association with remuneration and conditions determined by the Board.

Subject to any contract between the Association and the Executive Minister, the Executive Minister may be removed or dismissed by the Board at any time, with or without cause.

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The Board may, in writing:

- (a) confer on an Executive Minister powers, discretions and duties (including any powers, discretions and duties vested in or exercisable by the Board) as they think fit,
- (b) withdraw suspend or vary any of the powers, discretions and duties conferred on an Executive Minister, and
- (c) authorise the Executive Minister to delegate all or any of the powers, discretions and duties.

6.8 **Delegation of Powers**

The Board may delegate any of its powers to a person or committee in writing, and may terminate or vary the terms of any such delegation. A person or committee receiving delegated power must report to the Board from time to time as required by the Board, and in the absence of any other requirement must report not later than one month prior to the AGM in each year.

6.9 **Board Meetings**

The Board shall meet at least six times in each year.

Notice of a Board meeting may be in any written form (including by any electronic means) and is required to be given to every Board member at least 48 hours before the meeting.

Any Board member may by notice in writing requisition the Secretary to call a meeting of the Board. The requisition must state the nature of the business to be considered and may contain a Motion on Notice.

6.10 **Meetings held by Electronic Means**

The contemporaneous linking together by telephone or other electronic means of Board members in person constitutes a meeting of the Board, provided the number of Board members participating is sufficient to constitute a quorum and each Board member participating can hear and be heard by the others.

A Board member who takes part in a meeting by telephone or other electronic means is taken to be present in person at the meeting.

A meeting by telephone or other electronic means is taken as held at the place decided by the Chairperson of the meeting, as long as at least one of the Board members involved was at that place for the duration of the meeting.

6.11 **Resolutions**

A resolution is taken to have been passed by the Board if:

- (a) it is passed at a duly constituted Board meeting by a simple majority of the Board members present and eligible to vote, or
- (b) all Board members (other than those who are on leave of absence or ineligible to vote on the resolution) sign or give consent to a written resolution, provided that number of Board members who sign or give consent to the resolution would have been sufficient to constitute a quorum at a Board meeting held to consider that resolution.

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A member may give consent to a resolution for the purposes of this rule by signing the document containing the resolution (or a copy of that document), or by giving consent in any written form (including by any electronic means) to the Secretary or to the Chairperson.

6.12 Quorum

The quorum for a Board meeting is half of the number of Board members for the time being in office, plus one.

The Executive Minister is not counted in determining the number required for a quorum or the number who constitute a quorum.

6.13 Material Personal Interest

A Board Member having a Material Personal Interest in a matter being considered at a Board meeting must disclose the fact.

The disclosure must be recorded in the minutes.

6.14 Voting

(a) Chairperson has no Casting Vote

The Chairperson does not have a casting vote at Board Meetings.

(b) Executive Minister Board Vote

The Executive Minister has a vote at Board Meetings.

(c) Voting Restrictions and Disclosure of Interest

In addition to the disclosure of pecuniary interests in any contract with the Association as required by section 21 of the Act, Board members must make disclosure to the Board of any material personal interest, or any material interest of their Member Church, in any matter under consideration by the Board.

Disclosure must be made as soon as the Board member becomes aware of the interest. A Board member is not eligible to:

- (a) vote on any matter under consideration by the Board, in which he or she has a material personal interest or in which his or her Member Church has a material interest, or
- (b) participate in discussion of any such matter of material personal interest by the Board, unless the Board (by resolution on which the interested member does not vote) decides otherwise.

6.15 Records of Board Meetings

Minutes of all Board meetings shall be kept by the Secretary.

6.16 Committees of the Board

The Board may as it sees fit establish committees, either standing or ad hoc. Any such committee shall:

- (a) comprise no less than one and no more than six Board members. The Executive Minister (or a nominated representative of the Executive Minister) is ex officio, a member,

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- (b) be accountable to the Board,
- (c) elect its own Chairperson,
- (d) exercise such powers as may be delegated to it by the Board, and
- (e) conduct business by holding meetings at which a quorum shall be half the number of Committee members plus one,
- (f) meet in any manner it chooses including by any electronic means.

6.17 Reporting to Members

The Board is to report to the Members and Partners annually on:

- achievements and accomplishments of the Association since the last report,
- plans and goals of the Association for the next year,
- the number and names of the Members and Partners, and
- the next planned council date and venue.

Reporting is to be by publication on the Association website; and

- (a) where the Member or Partner provided an email address to the Secretary, by email to the Member or Partner with (in the case of a Member which has provided relevant email addresses) copies to the Delegate (if any) and the Minister of the Member Church; or
- (b) in the case of a Member or Partner which has not provided an email address, by posting to the Member or Partner at the address shown in the Register of Members.

7 Finances

7.1 Board Responsibility

The Board is responsible for managing the financial resources of the Association comprising:

- (a) all funds, properties, assets and investments held by the association as trustee on specific trusts (**Trust Funds**); and
- (b) all funds that belong to the Association in its own right (ie that are not Trust Funds).

7.2 Payments made to any Board member, other than those exempt under the Act, must be approved by the Board and recorded in the minutes

8 Accounts and Audit

The Board shall:

- (a) cause accounting records to be kept in compliance with section 25 of the Act,
- (b) cause each Financial Year to commence on July 1st.
- (c) cause annual financial statements to be prepared in accordance with the Act and applicable Australian Accounting Standards,
- (d) cause those financial statements to be audited; and
- (e) present the financial statements and the report of the auditor at the AGM, in accordance with the Act.

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9 Property

The Board is responsible for all of the association's properties and in the discharge of that responsibility shall ensure that the following principles are observed:

- (a) the Association's Property Policy is reviewed annually and submitted to the Members for approval whenever a material amendment is made,
- (b) proceeds from the sale of properties shall be used for the acquisition of other properties and shall not be used to meet the operational needs of the Association without the approval of Members,
- (c) no property is sold without approval of the Members, when the value is greater than the value limit set from time to time by the Members.

10 Incorporation of Ministries

In the event that the Board approves the separate incorporation of any of the ministries or activities of Churches of Christ in Western Australia Inc it shall ensure that the rules contain provisions requiring that:

- (a) membership is concurrent with membership of Churches of Christ in Western Australia Inc,
- (b) the Board (Committee) members are appointed by the Members of the Churches of Christ in Western Australia Inc and are able to be dismissed by the Members of the Churches of Christ in Western Australia Inc, and
- (c) upon dissolution all surplus funds are paid to Churches of Christ in Western Australia Inc or an association which has similar objects.

11 Custody and Inspection of Records

The Secretary is responsible for custody of all records, books, documents and securities all of which shall be kept at the office of the Association unless in secure storage elsewhere.

Any Member, by their Delegate, may inspect the Register of Members, the Rules and the record of office-holders, during normal business hours by prior arrangement with the Secretary.

12 Common Seal

The Association shall have a Common Seal (the **Seal**). The Secretary shall store the Seal at the Association's office and maintain a register of the documents to which the Seal is affixed.

Use of the Seal requires a resolution of the Board.

The Seal shall be affixed to documents when required in the presence of any two persons authorised by the Board.

13 Dispute Procedure

- (a) The procedures set out in these Rules affirm not only the procedures laid down in the Act and but also the principles as expressed in the Bible.
- (b) The procedure set out in these Rules applies to disputes or differences under these Rules between either a member, including a Partner, and another member, or Partner, or a member, or Partner, and the Association.
- (c) Before commencing proceedings in any jurisdiction the parties to the dispute or grievance must meet personally, or, if an incorporated body, by personal representative authorised

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to settle the dispute, and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after notice of the dispute is given to all parties.

- (d) If the parties are unable to resolve the dispute or difference at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days advise the Executive Minister in writing about the dispute.
- (e) The Executive Minister shall refer the dispute or grievance to mediation in accordance with and subject to, The Institute of Arbitrators & Mediators Australia Mediation Rules and request that The President of the Institute of Arbitrators & Mediators Australia appoint a mediator.
- (f) If the dispute or difference is not settled within 30 days of submission to mediation (unless such period is extended by agreement of the parties), either of the parties may make an application to the State Administrative Tribunal to have the dispute determined by that Tribunal.
- (g) Notwithstanding the existence of a dispute or difference each party shall continue to perform any Contract they have between them.

14 Rules

14.1 Amendment of the Rules

These Rules may be amended by special resolution in accordance with the Act.

14.2 Revocation of former Rules

Upon adoption, these Rules revoke any previous Rules and revoke any standing motion inconsistent with these Rules.

15 Dissolution

The Association shall only be dissolved in accordance with the Act.

If upon the winding up or dissolution of the Association there remains after satisfaction of all its debts and liabilities any property whatsoever, that property must not be paid to or distributed among the members, or former members.

The surplus property shall be given or transferred to another incorporated association as determined by resolution of the Members, being an association which has similar objects which are not carried out for the purposes of profit or gain to its members.