



The Constitution of The Baptist Union of Tasmania (Incorporated)

Adopted at Assembly 26 October 2019

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Preamble

In accordance with the *Baptist Union Incorporation Act 1902* the Baptist Union of Tasmania (“the Union”) the Assembly hereby resolved that henceforth the Constitution of the Union shall be as follows:

1. Interpretation

In this Constitution, unless the contrary intention appears –

“**Act**” and “**the Act**” mean the *Baptist Union Incorporation Act 1902 (Tas)* – an Act to consolidate and amend the law relating to the Baptist Union of Tasmania;

“**Administrator**” means the Secretary and an employee of the Union appointed by Assembly in accordance with this Constitution;

“**Affiliated Organisations**” means an organisation, other than a church, affiliated with the Union whose purpose and function is consistent with one or more Objects of the Union.

“**Agency**” means an organisation, other than a church, established by Assembly or affiliated with the Union whose purpose and function is consistent with one or more Objects of the Union and whose governance structure is directly linked, or accountable to the Union.

“**Appointment**” means individuals, organisations or firms providing a ministry or a professional service to or on behalf of the Union and whose appointment has been formally recognised by Assembly or Council;

“**Assembly**” and “**the Assembly**” means the representative Assembly of Officers and members elective or otherwise of the Union, and may be an Ordinary Assembly, an Annual Assembly, or a Special Assembly;

“**Baptism**” means the total immersion in water of a believer as detailed in the Doctrinal Basis of the Union.

“**By-Laws**” means the By-Laws of the Baptist Union of Tasmania and includes law, rule, regulation, act or resolution of the Assembly duly passed in accordance with this Constitution

“**Chairperson**” means the chairperson of the Council, Assembly, and the Officers, and President in relation to the Act, appointed by Assembly in accordance with this Constitution;

“**Chief Financial Officer**” means a person with oversight of all financial matters related to the Union appointed by Assembly in accordance with this Constitution

“**Church**” means any Congregation anywhere within Tasmania that is known as, or styled as, a Baptist Church and is admitted to the Union in accordance with this Constitution;

“Congregation” means any biblical expression of the life of Jesus in communal form. It comprises those who, affirming Jesus Christ as Saviour and Lord, give evidence of New Life. The main functions of a healthy Christian congregation are: worship, fellowship, discipleship, servant-hood and mission.

“Constitution” and **“the Constitution”** mean the document setting out the rules and regulations governing the affairs of the Union and its constituents;

“Council” means the executive body of the Union constituted in accordance with the Constitution of the Union;

“Delegates” means delegates to the Assembly appointed by constituent churches on the basis of two for the first fifty active members or part thereof, plus one for each additional fifty active members or part thereof;

“Members” means the members of the Union being all the churches constituting the Union, the Pastors and the Officers;

“Mission Leadership Team” means the group of people entrusted with oversight of the Union as set out in this Constitution

“Officers” means the elected officials of the Union;

“Pastoral Leaders List” means the list of pastors who have been approved as “Accredited Pastoral Leader”, or “Candidates in Training”, or “Recognised Pastoral Leaders” or Unofficial Pastoral Leader by the Union;

“Pastors” means those ministers, student pastors, and pastors who are listed on the Pastoral Leaders List of the Union;

“Secretary” means the Secretary in relation to the Act and the Public Officer of the Union for any other legislative requirements appointed by the Assembly in accordance with this Constitution;

“Mission Director” (formerly called the “Superintendent”) means the chief executive officer of the Union appointed by Assembly in accordance with this Constitution;

“Union” and **“the Union”** mean The Baptist Union of Tasmania;

“Union Trusts” means the trusts of the Union as set out in Schedule A of this Constitution as duly passed by Assembly in accordance with the Constitution of the Union

2. Constituents

- a. All the Churches constituting the Union on the 25th October 2008, and such other Congregations as shall hereafter affiliate with the Union.
- b. Assembly may admit to the Union, Congregations:
 - i. upholding and proclaiming the Doctrinal Basis of the Union including the observance of ordinances of Baptism and the Lord's Supper;
 - ii. affirming a renewable covenant of commitment based on the Doctrinal Basis, Principles of the Baptist Faith, and Objects of the Union;
 - iii. accepting and adhering to the Constitution, By-Laws, and Union Trusts; and
 - iv. adopting a model constitution prepared by the Union, or other constitution, or other partnership models of belonging as approved by Council.

3. Doctrinal Basis

- a. The divine inspiration and supreme authority of the Holy Scriptures, the only infallible rule of faith and practice in all religious matters.
- b. The existence of one God in three persons: the Father, the Son, and the Holy Spirit.
- c. The deity and the incarnation of the Lord Jesus Christ, who is the Son of God, the Second Person in the Holy Trinity.
- d. The fallen, sinful and lost estate of all mankind.
- e. The salvation of people from the penal consequences and the power of sin through the perfect obedience of the Lord Jesus Christ, His atoning death, His resurrection from the dead, His ascension to the right hand of the Father and His unchanging priesthood.
- f. The direct work of the Holy Spirit in the regeneration of people, in their sanctification and in their preservation to the heavenly kingdom of the Lord Jesus Christ.
- g. The necessity, in order to obtain salvation, of repentance towards God and of faith in the Lord Jesus Christ.
- h. The resurrection of the dead, the final judgement of all people by the Lord Jesus Christ, the "eternal blessedness" of the righteous and "eternal punishment" of the wicked.
- i. The two ordinances of the Lord Jesus Christ, namely Baptism and the Lord's Supper which are of perpetual obligation.
- j. Baptism being the immersion of believers upon the profession of their faith in the Lord Jesus Christ, and a symbol of the fellowship of the regenerate in His death, burial and resurrection.
- k. The Lord's Supper being a memorial, until His second advent, of the sacrifice of the body and blood of the Lord Jesus Christ.
- l. The obligation on the church and on every believer to aid in proclaiming to all, salvation through the Lord Jesus Christ.

4. Principles of the Baptist Faith

- a. Whilst holding many aspects of Christian truth, in common with other denominations, Baptists hold to an absolute conviction that Jesus must be first in our lives. This conviction shapes the way we express and live out our Christian faith, our life together and our attitude to the world around us. Baptists are also committed to the view that Jesus can only be truly first if people have the liberty, free of all human constructs, to freely acknowledge Him. The inevitable result of liberty and freedom under Jesus Christ is considerable diversity.
- b. Baptists believe every individual believer, being a regenerate person fully accepting the truth that Jesus lives within them and fulfils His divine ministry in and through them, is free to access God and serve Him in his or her own way, within biblical truth and the leading of the Holy Spirit.
- c. By practicing believer's baptism and gathering around the Table of Christ in Communion, Baptists signify their identity as the people of God, the Church, called to communal life and mission under Christ's lordship. With Christ as the head, Baptists collectively seek to follow the leading and direction given by Jesus to serve Him to their generation. Similarly, leadership amongst Baptists is based on Jesus' example of servant leadership; a leadership marked by a clear appreciation of the grace and forgiveness of God, a fervent desire to dwell in the presence of God and an abandonment of power and control in favour of love and servanthood. As a result, Baptist Churches, led by Jesus, are free to shape their own style, language and ministry and therefore can be very different from each other.
- d. However, in their diversity Tasmanian Baptists are united by a distinctive emphasis upon fundamental principles of the Christian faith, as revealed in the New Testament and summarised within the doctrinal statement contained within this Constitution.
- e. Baptists, since first emerging in the early 1600s, being convicted by the leading of Jesus to action, have been known as dissenters and nonconformists and have developed a heritage marked by:
 - i. a commitment to be an evangelical people with a conviction to share their faith in Jesus with others through Christian service and the Word, believing that the truth of the Gospel needs no protection and will become clear and evident through the work of the Holy Spirit
 - ii. a commitment to the priesthood of all believers, to the nurturing of the individual soul with the Spirit of Christ within, to an equality amongst believers, to a working out of individual calling through Christian service and missionary work.
 - iii. a commitment to the authority of scripture over all other human traditions and to the separation of church and state in all its forms, a recognition that God's Kingdom is wider than the Baptist denomination, to speaking truth in love trusting God to reveal Himself and draw His people to maturity.
 - iv. a commitment to seek justice, peace and equality, working to alleviate poverty and human suffering throughout the world, challenging the worldly structures that create economic and political bondage, and upholding an ecological perspective that focuses on the care and stewardship of God's total creation.

5. Objects

The Union commits to regularly allow time to enable God;

- to draw us to Himself in prayer;
- to draw us into His community marked by love, respect, confession and forgiveness; and
- to draw us into His mission through theological reflection;

so as to bring life and purposefulness in the outworking of the following Object statements of the Union.

- a. To support and act on behalf of constituent churches in accordance with;
 - i. the Baptist principles of autonomy of the local church and interdependence of all Baptist Churches
 - ii. the Act, Constitution, By-Laws and Union Trusts.

- b. To promote the unity, spiritual health and effective functioning of the Union, by:
 - i. assisting the Churches in proclaiming the Gospel of the Lord Jesus Christ;
 - ii. assisting the Churches in establishing organised Churches of baptised believers;
 - iii. assisting Churches in the provision of necessary buildings, pastoral leadership, and in such other ways as may be deemed appropriate; and
 - iv. defining the area of responsibility of any proposed new church; and providing guidance and assistance in grouping, unifying, or subdividing existing Churches when invited to do so.

- c. To promote involvement in and support missionary work, aid and evangelism particularly in areas served by recognised Australian Baptist organisations.

- d. To arrange and accept responsibility for the training of approved candidates for the ministry.

- e. To assist as necessary aged and incapacitated ministers and agents of the Union.

- f. To provide for properties to be held in trust for the Churches, Departments and Special Ministries and Affiliated Bodies of the Union in accordance with the terms of trust set out in Schedule A attached to this Constitution.

- g. To give advice, direction and assistance, when necessary to ensure appropriate governance and administrative function of Churches.

- h. To give advice, direction and assistance, when requested by Churches in circumstances of difficulty.

- i. To aid in the promotion of public morality and community welfare.

- j. To provide information concerning Baptist history and principles, and promote fraternal relationships with Baptists in other States and countries.

- k. To provide opportunities for conference and for informed declaration of Christian principles and convictions.
- l. To confer and co-operate with other Christian communities as occasion may require.
- m. To publish and/or distribute approved newspapers, periodicals, pamphlets, tracts, etc., as may be deemed expedient.
- n. Generally to plan and put into effect such projects, programmes, and enterprises as will promote the work of God through the Baptists of Tasmania.

6. Operations

The Union shall act by its Assembly and through the Mission Director, appointed Officers, the Council and the Mission Leadership Team of the Union.

7. Officers

- a. The Officers of the Union shall be:
 - i. Chairperson;
 - ii. Vice Chairperson(s) [if appointed];
 - iii. Mission Director [if appointed];
 - iv. Secretary [or Administrator if appointed] and;
 - v. Chief Financial Officer [if appointed]
- b. The functions of the Officers shall be:
 - i. to oversee the work of the Union between Council meetings;
 - ii. act as the executive of Council with full delegated authority (reporting any decisions or actions they have taken in that capacity at the next Council meeting); and
 - iii. to facilitate the work of Council.
- c. The procedure for the appointment or re-appointment of each Officer shall be:
 - i. the Council shall present to Assembly the name of a recommended person to whom a call may be extended;
 - ii. appointment or re-appointment shall be decided by a two thirds majority of Delegates present and voting by ballot;
 - iii. the terms of the call shall be determined by Assembly at the time of the appointment; and
 - iv. the Officer may be re-appointed by Assembly on the recommendation of Council.
- d. Either party may terminate the appointment with a minimum notice of three months but termination by the Union shall be by recommendation of the Council to an Assembly. Provided however, if the Officer has engaged in gross default or misconduct breach or non-observance of any of the stipulations of the appointment, the appointment may be terminated forthwith.

8. Assembly

- a. The Assembly will be the final decision making body for matters related to the Union as contained within the Constitution.
- b. Assembly membership shall consist of:
 - i. the Officers of the Union and all other members of the Council;
 - ii. those Accredited Pastoral Leaders and Recognised Pastoral Leaders as recorded on the Pastoral Leaders List of the Union;
 - iii. delegates appointed by constituent Churches on the basis of two (2) for the first fifty (50) Active Members or part thereof, plus one (1) for each additional fifty (50) Active Members or part thereof; and
 - iv. any other person approved by Assembly on the recommendation of Council.
- c. An Annual Assembly of the Union shall be held each year at such time and place as the Council shall determine.
- d. An ordinary Assembly of the Union shall be called not less than once within the year between Annual Assemblies, at such times and places as shall be determined by the preceding Annual Assembly upon the recommendation of the Council.
- e. In any case of necessity, a Special Assembly may be called by the Chairperson of the Union on the determination by Council, or by a two-thirds (2/3) majority of the Mission Leadership Team or the request of the member's meetings of at least six (6) constituent Churches. At such a Special Assembly, no other business may be introduced other than those matters for which it was called.
- f. Council shall determine the agenda for Assembly including any items or reports to be presented together with matters directed by Assembly. Assembly papers shall be made available to the Union Officers for distribution to the Churches not less than four (4) weeks prior to the date of any Annual or Ordinary Assembly. Reports submitted for Annual Assembly shall include statements of Receipts and Expenditure and Assets and Liabilities for the previous financial year together with the Auditor's Certificate and Report.
- g. Although clause 8f requires that assembly papers be circulated not less than four (4) weeks prior to the date of any Assembly an Assembly may accept by simple majority later papers provided that the subject matter of the papers was included in the agenda circulated at least four weeks prior to the date of the assembly.
- h. Assembly may request and/or receive reports from other bodies and organisations when this is appropriate to the achievement of the Objects of the Union.
- i. The minutes of Assembly, including summaries of the questions to reports and answers offered, shall be made available to the constituents and agencies of the Union following each Assembly. Such minutes shall be confirmed 'pro temp' by the Council.
- j. Twenty (20) members, including official delegates representing at least six (6) Churches, shall constitute a quorum for the transaction of business.

9. Council

- a. The Council of the Union shall consist of:
 - i. the Officers of the Union;
 - ii. Up to six elected Representative Councillors who shall be elected on the basis of two from the South, North and Northwest of the State; and
 - iii. up to six Advisory Councillors appointed by Council and ratified by Assembly and whose status shall be non-voting until appointment has been ratified by Assembly.
- b. The Council is responsible to Assembly for the overall governance and strategic direction of the Union. The Council will deliver accountable performance in accordance with the Union's objectives. The role of the Council falls into two broad areas:
 - i. Organisational performance: ensuring the Union develops and implements strategies and supporting policies to enable it to fulfill the objectives set out in the Constitution.
 - ii. Compliance: ensuring the Union develops and implements systems, processes and procedures to enable it to comply with its legal, regulatory and other obligations and ensuring the Union's assets and operations are not exposed to undue risks through appropriate risk management.
- c. The functions of the Council shall include:
 - i. to oversee all financial matters, business functions and matters related to the property of the Union and Trust Funds including establishment of appropriate financial management arrangements;
 - ii. to consider and prepare recommendations on important matters in preparation for Assembly meetings;
 - iii. to implement decisions when so directed by the Assembly;
 - iv. to be available for consultation as and when required;
 - v. to have custody and use of the seal of the Union as provided in the Act of Incorporation;
 - vi. to act as a Nominating Committee with respect to all vacancies within the Union which are required to be appointed by Assembly; and
 - vii. to oversee the provision of resources to support the Officers of the Union and the otherwise functioning of the Union including the appointment of staff and contracting of services.
- d. Fifty percent of members shall constitute a quorum for the transaction of business by the Council.

10. Chairperson

- a. The Union may appoint a person to be the Chairperson of the Union. In addition, the Union may appoint a person(s) to be Vice- Chairperson(s) of the Union.
- b. The functions of the Chairperson shall be to preside over Assembly, Council and the Officers.
- c. In his/her capacity as chairperson of the Assembly, the Council and the Officers, the Chairperson may exercise both a deliberative and a casting vote.

11. Mission Director

- a. The Union may appoint a person to be the Mission Director who shall be the chief executive officer of the Union and the leader of the Mission Leadership Team.
- b. The Mission Director manages the day to day operations of the Union, its people and resources. The Mission Director implements the strategy approved by the Union and ensures that the Union's structure and processes meet strategic and cultural needs.
- c. The Mission Director shall:
 - i. Implement and report on the status of the strategies, policies and plans of the Union;
 - ii. Report to Council all events which may or do have a material impact on the Union's activities or well-being;
 - iii. Work with the Mission Leadership Team, pastors and local churches to accomplish the Objects of the Union;
 - iv. Provide strong clear leadership to the Union;
 - v. Provide internal leadership and support to the Union's personnel;
 - vi. Create and sustain a culture of innovation and enablement, expressing the objectives of the Union;
 - vii. Monitor and interpret the external environment in order to continually position the Union to best advantage;
 - viii. Be the representative leader of the Union in the general community and the official media spokesperson for the Union (both of these roles may be delegated to others); and
 - ix. Participate in appropriate networks and professional associations relevant to the Union's interests.
- d. The specific responsibilities and other terms of appointment for the Mission Director must be in writing and approved by Assembly. The terms of appointment may be varied by mutual agreement of Assembly and the Mission Director.

12. Secretary

- a. The Union may appoint a person to be the Secretary of the Union.
- b. The functions of the secretary shall include acting as the official secretary (or public officer) of the Union. In that capacity they shall oversee and manage the use of the Official Seal of the Union on behalf of Council.
- c. The specific responsibilities and other terms of appointment of the Secretary must be in writing and approved by Council. The terms of appointment may be varied by mutual agreement of Council and the Secretary.

13. Administrator

The Union may appoint a person to be the Administrator who shall be the Secretary of the Union and an employee of the Union. If appointed the functions of the Administrator shall be as prescribed for the Secretary.

14. Chief Financial Officer

- a. The Union may appoint a person to be the Chief Financial Officer of the Union.
- b. The role of the Chief Financial Officer is to provide advice and support in relation to the various financial and business activities of the Union and Trust Funds. Assisting with the development of appropriate risk management strategies is a key responsibility.
- c. The specific terms of appointment of the Chief Financial Officer must be in writing and approved by Council. The terms of appointment may be varied by mutual agreement of Council and the Chief Financial Officer.

15. Appointments

- a. No appointment of an individual may be for a period exceeding five years.
- b. Either party may terminate an appointment, without giving reason, provided that a minimum notice of three months is given. Termination by the Union shall be by recommendation of the Council to an Assembly. The Union may pay three months remuneration in lieu of notice.
- c. However, if the appointee has engaged in a gross misconduct or serious non-compliance the appointment may be terminated immediately.
- d. The Council may suspend any appointee (with or without pay) pending an investigation into any alleged gross misconduct or serious non-compliance.
- e. Gross misconduct or serious non-compliance includes intentionally or recklessly engaging in behavior that is not consistent with the Objects or approved policies of the Union to such an extent that it justifies the termination of the appointment.
- f. Unless otherwise stated in the terms of the appointment, Union appointees shall be responsible to the Mission Director.

16. Mission Leadership Team

- a. The oversight of the Union shall be entrusted to the Mission Leadership Team consisting of:
 - i. the Mission Director;
 - ii. and other Appointments or employees of the Union, as appropriate, and approved by Council.
- b. The role and functions of the Mission Leadership Team will be in writing and approved by Assembly.
- c. Each member of the Mission Leadership Team may have their own specific terms of appointment which must be in writing and approved by Council. The terms of appointment may be varied by mutual agreement of Council and the member.
- d. The Mission Leadership Team is a group of people entrusted with oversight of the Union; members are self-directed, operate with a degree of independence and autonomy, with the Mission Director providing supervision and direction where appropriate. Officers of the Union will support the members of the Mission Leadership Team as required and function as the Executive of Council.

17. External Support

- a. The Union may appoint individuals, groups or organisations to assist in progressing the work of the Union in achieving the Objects of the Union.
- b. External support may take many forms such as the appointment of specific individuals or the creation of task forces, working groups and advisory panels. External support may be retained at both the Assembly and Council levels (provided that Council is acting within the scope of the authority and budget approved by Assembly).
- c. The procedure for appointing the external support and the terms of engagement (including if any remunerations is involved) should be appropriate to the circumstances of each case.
- d. Unless otherwise stated in the terms of the appointment individuals, groups and organisations providing external support shall be responsible to the Mission Director.

18. Indemnity for Officers

- a. Every Officer, or other persons as the Union decides, will be indemnified by the Union for any loss or damage suffered by them for action taken or omitted to be taken against them as an Officer or other person, if the action or omission was taken or made:
 - i. within that Officer or other person's scope of authority;
 - ii. in good faith; and
 - iii. that Officer or other person:
 1. exercised the same degree of care and skill as a reasonable person would have exercised or used under the circumstances in the conduct of his own affairs;
- b. that person took or omitted to take the action in reliance upon the written or oral advice of a legal advisor of the Union. No Officer, or other persons as the Union decides, will be under any liability in respect of:
 - i. the acts, receipts, neglects or defaults of any other member of the Union; or
 - ii. any loss or expense happening to the Union through the insufficiency or deficiency of title to any property acquired for or on behalf of the Union; or
 - iii. the insufficiency of any security in or upon which any of the monies of the Union is vested; or
 - iv. any loss or damage arising from bankruptcy, insolvency or the unlawful act of any person with whom any monies, securities or assets are deposited; or
 - v. any other loss, damage or misfortune which may happen if the execution of his or her duties or in relation to them, unless the same happened through his or her dishonesty, willful negligence, default, breach of duty or breach of trust; or
 - vi. a liability for costs and expenses incurred by the Officer, or any person as the Union decides:
 1. in defending proceedings, which includes a claim before proceedings are instituted; or
 2. in connection with an application, in relation to such proceedings, in which the court grants relief to the person.

- c. The indemnities granted by this section are intended to apply retrospectively, including to conduct any Officer, or other person as the Union decides that occurred on or before the commencement of this section.
- d. The Union's obligations in this section are absolute and unconditional and will not be affected by anything that may abrogate, prejudice or limit them.
- e. The Union may, but is not obligated to, make by-laws about who is intended to be included within the scope of this section as an "Officer", or other person as the Union decides.

19. Vacancies

In the case of death, resignation, refusal or inability to act, or cessation of membership of an affiliated Church, of an Officer, Councillor, or Appointment the office shall become vacant and may be filled at the next Assembly on the recommendation of the Council. Until such time as Assembly has filled the vacancy, Council may assign functions including appointment of a person on a temporary basis.

20. Funds

- a. Funds of the Union may be provided by private donations, offerings, bequests, and membership fees from Churches. The Union may also generate income from commercial activities such as the rental of property.
- b. The Council may recommend to Annual Assembly in any year a scale of membership fees to be paid by the Churches to the Union. Assembly shall have the power to levy a membership fee and to determine the timetable for payment of such a fee.
- c. Gifts received for a particular purpose should be used for that purpose unless Council determines that the purpose is unlawful, not consistent with the Union objects or it is no longer practical to do so.

21. By-Laws

By-Laws providing for implementation of this Constitution may be made, rescinded, or altered by simple majority decision at any constituted Assembly, subject to at least three months written notice being given to the Council, and subject also to circulation of such proposals to the Churches at least three months before presentation to Assembly.

22. Alterations

This Constitution may be amended by decision of a two-thirds majority of members present and voting at Assembly, subject to written notice of the proposed amendments being given to the Council at the preceding Assembly, or within one month of the conclusion thereof and subject to circulation of such proposed amendments to the Churches at least three months before presentation to Assembly, with the exception that no change shall be made to the Doctrinal Basis until such change has been approved by a ninety percent (90%) majority present and voting at two successive Annual Assemblies.

Council may reformat this constitution and correct mistakes in the text at any time provided no change of intended meaning occurs in any of the clauses. The changes are confined to matters such as spelling, punctuation, grammar and page numbering. Any corrections are to be recorded in a version control listing which must be appended to the Constitution.

The By-Laws of The Baptist Union of Tasmania

1. Nominations

Nominations by the Churches for positions on Council must be in the hands of the Secretary or Administrator not less than three weeks before the opening day of Assembly. The Council shall be empowered to add further nominations to those received from Churches.

Only persons who are members of constituent Churches may be nominated for election to Council. No nomination shall be valid without the consent of the nominee.

2. Elections

All Assembly elections shall be conducted by ballot. Scrutineers shall be appointed at the first business session of Assembly. The ballot for the election of the Chairperson and Vice- Chairperson(s) shall be held on the first day of business of Assembly.

The ballot for all other regular Assembly elections shall be held at a convenient time following the declaration of the ballot for the Chairperson and Vice- Chairperson(s).

3. Pastors

The Union shall recognise:

- a. pastors who have been accepted by Council on the recommendation of the Mission Leadership Team and listed on the Pastoral Leaders List with, such persons meeting the requirements outlined in the Union Trusts and are in full or part-time pastoral charge of a Baptist Church;
- b. student pastors with pastoral oversight of Churches preparatory to, or during, the period of their theological training and who have been accepted by Council on the recommendation of the Mission Leadership Team and listed on the Pastoral Leaders List; and
- c. any ordained pastor, retired or otherwise, whose name remains on the Pastoral Leaders List with the approval of Council.

4. Registration for Marriage

The Council shall be responsible for the registration of pastors recognised by the Union as set out in Clause 3 of these By-Laws.

Such other applications as may arise shall be referred to the Council for decision.

5. Baptism

The Union, while holding to the Baptism of believers by immersion, recognises that this is not possible or practical in a small number of cases, such as physical incapacity or illness. In such circumstances, a pastor or constituent church may consider it appropriate to baptise a candidate in a method other than by immersion.

When this situation arises, the pastor or the person authorised by the Church to conduct the baptism should consult with the leadership of the Church and the Mission Director or the Mission Director's delegate prior to conducting the service. The purpose of these consultations is to provide support and pastoral peer review.

Baptisms, other than by immersion, conducted with the support of the Church and subjected to review by the Mission Director or the Mission Director's delegate, are to be recorded in the Church's baptismal register and will be recognised by the Union.

6. Church Membership

The Union will recognise constituent churches who practice either an "open" or "closed" membership tradition or other approved partnership models of belonging in accordance with the Church's constitution.

Closed membership is taken to mean; to restrict membership to believers who have, on profession of faith in the Lord Jesus Christ, been baptised by the total immersion in water. Open membership is taken to mean; to restrict membership to believers who have affirmed faith in Jesus as Saviour and Lord.

The Union acknowledges that variations on, and between, open and closed membership traditions exist as well as other models of belonging and, when requested, will through the Council or Mission Leadership Team, provide assistance to Churches who wish to explore an appropriate alternative model.

7. Church Constitution

The Union is to hold a current copy of the constitution of each constituent church. Churches are to provide to the Union a copy of any Notice of Motion to amend, vary or otherwise do away with the Church's constitution or by-laws within 7 days of such notice being tabled at a duly constituted meeting of members.

A copy of the amended constitution, together with a copy of the Minutes of the Members' Meeting approving the variations is to be provided to the Union within 7 days of such amendments being approved.

Notwithstanding the principle of autonomy of the local Church, Churches are to recognise and sustain the obligations of mutual counsel and co-operation which are common among Baptist churches. Constituent churches recognise that Baptist churches are interdependent as well as independent.

Constituent churches will conduct themselves in accordance with the constitution approved by their members.

8. Variations to Church Affiliation

Where a Congregation applies for affiliation with the Union and is incorporated in its own right or where the Congregation seeks a variation to their affiliation, and subject to the variation only applying to sub clause 2(b)(iii) of the Constitution, such matters are to be investigated by the Mission Leadership Team who, if appropriate, shall recommend such special affiliation conditions as deemed appropriate to Assembly.

Where a Congregation applies for affiliation with the Union and in the opinion of the Mission Leadership Team, the on-going sustainability of the congregation is questionable or is dependent on the current leadership, the Mission Leadership Team shall recommend such special affiliation conditions as deemed appropriate.

Where a Congregation applies for affiliation with the Union and where the Congregation seeks a variation to their affiliation other than a variation to sub clause 2(b) (iii) of the Constitution, such matters are to be investigated by the Mission Leadership Team who, if appropriate, shall refer the application to Council together with the basis of their support and any special affiliation conditions deemed appropriate. Council shall review the application and undertake such other inquiry or action as deemed necessary. Once satisfied, Council shall present the application along with any recommendations on such variation and special conditions as deemed appropriate to an Assembly. In such cases affiliation shall be by a two third majority vote of Assembly.

9. Guidelines and Returns

Council will make available to Churches and other affiliated bodies, from time to time, guidelines, policies, instructions and decisions of Assembly in accordance with the Act, Constitution, By-Laws, Union Trusts and other relevant Commonwealth and State legislative requirements including, when indicated, those matters that Assembly has agreed will be binding on constituted churches.

Churches and other affiliated bodies will provide the Union with annual returns, reports and other documentation when requested to support the appropriate and efficient functions of the Union.

The Union will produce a Handbook annually detailing such matters as directed by Assembly or Council.

10. Offence and Dispute

Where a constituent church by its conduct, or its failure to act appropriately, in matters of immoral or un-Christian conduct, illegal conduct, or unbecoming conduct that is offensive to the Assembly or Council or if a constituent church fails to uphold conditions of association, the Mission Director or members of the Mission Leadership Team will make every effort, in accordance with biblical principles, to reconcile the Church to the Assembly.

Where such efforts fail, Assembly may terminate, or suspend for a specified time, or take other lawful action to maintain and uphold the Objects of the Union in that location.

In event of a dispute arising either between constituent churches, a constituent church and the Mission Director, or an Officer of the Union, or a Councillor, or an Appointee of the Union, or the Mission Leadership Team, or Council, such dispute may, after every effort has been made to resolve it within the Union or through a service of the Union, be referred for decision to a Panel of Arbitrators established by Assembly, if agreed to by all parties to the dispute.

11. Union Trusts

In respect to Union Trusts, Section "4. Pastors", Assembly will have taken to have chosen and appointed a person to officiate as a regular pastor or missionary under sub clause 4(1)(c), if;

- a. the person has been appointed in accordance with the constitution of the Church; and
- b. in consultation with the Mission Director; and
- c. subject to the Mission Director being satisfied in respect to sub clause 4(1)(a) and (b) and that the person is not disqualified under sub clauses 4(2) and or 4(3).

In respect to Union Trusts, Section "8. Application of Proceeds of Sales" the members of a constituent church;

- a. in approving the purchase of a property, may seek Council's approval to consider such purchase as an investment or adjunct to the main church premises.
- b. make application to Council seeking approval to consider an existing church property as an investment or adjunct to the main church premises. The Council in considering the application will undertake such investigations as deemed necessary and if satisfied will notify constituent churches of Council's intention to approve the application, subject to there being no objections lodged within 60 days. If an objection is lodged with Council within the specified time, the application will be referred to an Assembly for a determination with such a decision requiring a 90 percent majority vote.

Where on the sale of such property, subject to it not being used as the main place of worship, Council upon a receipt of the direction of the church members, may apply proceeds from the sale as investment income and approve disbursement in accordance with Union Trust sub clause 8(2)(a) and in the manner prescribed by clause 3

12. Variation to Names and Titles

Assembly may approve the use of different names or titles from those contained within the Constitution from time to time to reflect any variation of focus or to provide for contemporary language.

Any variation approved by Assembly is to be noted in the annual Handbook of the Union.

Schedule "A"

The Union Trusts

1. Erection of Buildings

To permit the church, or where there is no church, such other persons as the Council approves, to erect a church building, vestry, school-house, manse, offices and other buildings, with all necessary appendages, in such form and at such period as they may think proper if -

- (a) the Council is satisfied that such work is advisable; and
- (b) The Council gives approval in writing; and
- (c) the terms and conditions, if any, prescribed by the Council, are complied with.

2. Uses of Church Property

- (1) To permit lands and premises of the church to be used, occupied and enjoyed -
 - (a) as a place for the public worship of God, according to the usages of the Baptist Church of Tasmania, under the direction of the church, or where there is no church, persons approved by the Council; or
 - (b) for the instruction of children and adults; or
 - (c) for the promotion of such other religious, educational or philanthropic purposes and other objects of the Union as may be defined by the constitution; or
 - (d) for the residence of the pastor or other persons as the Council may direct; or
 - (e) for such other purposes as the Council may approve.
- (2) With the approval in writing of the Council, to permit the premises to be repaired, altered, enlarged, taken down and wholly or partially rebuilt, or any other buildings to be erected on the ground so as to render the premises better adapted for the accomplishment of the purposes referred to in sub clause (1).
- (3) With the approval in writing of the Council, to permit any portion of the lands to be used for cemetery purposes.
- (4) Where there is no church in possession of the property, the property is to be managed and disposed of by the Council in accordance with clause 18.

3. Collection and Appropriation of Money

- (1) To permit the persons appointed by the church, or where there is no church, such persons as the Council appoints, to receive any money, subscriptions and rents contributed for the purposes specified in clause 2.
- (2) The money, subscriptions and rents are to be applied -
 - (a) firstly, to discharge any -
 - (i) interest on borrowed money; or
 - (ii) premiums for insurance against fire; or
 - (iii) expenses of the Union as trustees; or
 - (iv) other claims properly payable; or
 - (b) secondly, as the Council directs for-
 - (i) the maintenance of divine worship; or
 - (ii) the propagation of Baptist faith and practices; or
 - (iii) funds established or authorized by the Assembly; or
 - (iv) any other objects of the Union.

4. Pastors

- (1) To permit only persons to officiate in the premises of the church as regular pastors or missionaries who -
 - (a) are of the Christian people and church called Baptist; and
 - (b) hold, consent and subscribe to the doctrines; and
 - (c) have been chosen and appointed by the Assembly.
- (2) A person is not permitted to officiate in the premises of the church as a regular pastor if -
 - (a) the person has ceased to be of the Christian people and church called Baptist; or
 - (b) the person has ceased to hold, consent and subscribe to the doctrines; or
 - (c) the person has been removed from office by the Assembly.
- (3) A person is not permitted to officiate in the premises of the church if the person is -
 - (a) guilty of discreditable conduct; or
 - (b) commonly reputed to be guilty of discreditable conduct.

5. Occasional Preachers

- (1) To permit only persons of evangelical faith to officiate in the premises of the church as -
 - (a) the regular pastor may appoint; or
 - (b) if there is no such pastor, as the Council may appoint; or
 - (c) if the Council does not appoint any person, as the persons in charge of the premises may appoint.
- (2) A person is not to be permitted to promulgate or teach in the premises of the church any doctrine or practice contrary to the doctrine and laws of the Christian people called Baptists (refer to clause 3 and 4 of the Constitution).

6. Mortgage of Church Property

Subject to the prior approval in writing of the Council, to raise for approved purposes such sums of money by mortgage on the terms and conditions as may be directed by the church and approved by the Council.

7. Sale of Church Property

- As directed by the church and approved by the Council -
- (a) to sell the premises or any part of the premises of the church; or
 - (b) to exchange the premises or any part of the premises for other purposes; or
 - (c) to make other arrangements considered advantageous.

8. Application of Proceeds of Sales

- (1) To hold any money received on any sale or exchange of the premises on trust, after payment of any charges on the trust estate and any expenses incurred by the Union.
- (2) To invest, lay out or dispose of the proceeds, subject to the approval of the Council and as directed by the church -
 - (a) for the benefit of the church and the Christian people called Baptists; and
 - (b) in accordance with the Objects of the Union (clause 5 of the Constitution)

Note: Proceeds from the sale of property do not have to be restricted to capital.

9. Leases of Church Property

- (1) Subject to the approval of the Council, to lease the trust property, or any parts of it, including church pews, as directed by the church, or if there is no church, as the Council may in its discretion direct.
- (2) The money arising from any lease of the trust property shall be applied in the manner prescribed by clause 3.
- (3) The reversion of the trust estate shall be subject to all the powers of sale, exchange or arrangement considered advisable and to the directions and trusts in accordance with this Schedule.

10. Receipt of Union A Discharge

- (1) A receipt under the seal of the Union signed by 2 members of the Council for any money payable in respect of the trust premises, exonerates the persons paying the money from all liability to see to their application.
- (2) A person shall not inquire into the propriety of any mortgage, sale, letting or exchange, or its authorisation.
- (3) The usual receipt in the body of any document executed in accordance with sub clause (1) has the same effect as any receipt.

11. Sale of Church Property on Default

- (1) If the Union is required to pay any money for which it is liable in relation to the trusts in these Trusts and that money is not provided by the church, the Union may, without the consent or direction of the church or any church member, after the expiration of 6 month's written notice, mortgage or sell the trust premises or any part of them.
- (2) The proceeds of any mortgage or sale under sub clause (1) shall be applied -
 - (a) to pay any expenses of the mortgage or sale; and
 - (b) to reimburse the Union; and
 - (c) for the objects of the Union, as directed by the Council.
- (3) A written notice under sub clause (1) relating to trust premises shall -
 - (a) be made by the Secretary of the Union; and
 - (b) state that in default of the required payment the Union intends to mortgage or sell the trust premises.
- (4) A written notice under sub clause (1) shall be given -
 - (a) to the pastor of the church; or
 - (b) if there is no pastor, to -
 - (i) the deacon of the church, if there is only one deacon; or
 - (ii) at least 2 deacons of the church, if there is more than one deacon; or
 - (iii) at least 2 members of the committee appointed to act instead of the deacon, if there is no deacon.
- (5) Any person shall not inquire into -

- (a) the propriety of a mortgage or sale; or
- (b) whether notice was properly given.

12. Church Meetings

- (1) Any church meeting convened to make a direction or fulfil any of the purposes mentioned in Clauses 6 to 9 inclusive, except in the case of leases for one year or less, is to be called by a notice being posted on the church door on at least 2 successive Sundays immediately preceding the date of the meeting.
- (2) If practicable, the notice shall be read during the public services held on the same 2 Sundays on the premises.
- (3) The notice shall -
 - (a) state the object of the meeting; and
 - (b) state the date, time and place of the meeting; and
 - (c) be signed by the pastor.
- (4) The notice may be signed by 5 church members rather than the pastor if -
 - (a) the pastor neglects to sign it for 14 days; or
 - (b) the pastor refuses to sign it after a written request by 5 church members; or
 - (c) the church has no pastor.
- (5) A direction is given by a church meeting if -
 - (a) the meeting is called in accordance with this clause; and
 - (b) the majority of the church members present and voting pass a vote in favour of the proposed direction; and
 - (c) a written request signed by the Chairman of the meeting is presented to the Union.

13. Voting

Members may vote at any church meeting referred to in clause 12 if they -

- (a) are aged 18 years or over; and
- (b) have been church members in good standing for 3 months immediately before the date of the meeting.

14. Chairperson

The chairman of every such meeting [held to authorise trustees to conveyance or transfer property] as aforesaid shall be the pastor of the church, or in the case of his refusal, absence, or incapacity, or of there being no pastor, then a person chosen by the major part of the members present and voting at the meeting, and the chairman of such meeting shall have a deliberative vote, and in case of an equality of votes on any question, shall have a casting vote

15. Evidence

- (1) A statutory declaration that the required majority of the church has consented to any matter and that all formalities have been correctly observed is evidence of those matters.
- (2) A statutory declaration shall be made by -
 - (a) the Chairperson of the meeting; or
 - (b) one of the deacons of the church who was present when the vote was taken, if the Chairperson fails to do so for 7 days after being requested by the Secretary of the Union to make the declaration.

16. Ordinary Functions and Rights of the Church Preserved

- (1) The administration of the affairs of the church, and its property is subject to the Constitution and to by-laws.
- (2) The direction of the church shall, notwithstanding any by-law, be absolute as to -
 - (a) the form of service and Divine Worship observed in the premises; and
 - (b) membership of and dismissal from the church; and
 - (c) the appointment of its own officers (except the pastor or person officiating as such whose appointment and removal by the Assembly shall be regulated by the by-laws and who is, if qualified, an ex-officio member of the church; and
 - (d) the administration of discipline amongst its members; and
 - (e) the management of its special local funds.
- (3) The form of service and Divine Worship shall not be inconsistent with the doctrines and usages of the Christian people and church called Baptist (refer to clause 3 and 4 of the Constitution).

17. Absence of Church

- (1) The Union may do all things necessary to carry out these Trusts if
 - (a) the Council approves; and
 - (b) there is no church established on the land to be conveyed to the Union which regularly holds or conducts Divine Service.
- (2) Acts of the Union under sub clause (1) have the same effect as if a church existed and-
 - (a) consented to those acts; or
 - (b) directed those acts to be done.

18. Sale Where No Church

The Council may dispose of the premises or any part of them and deal with the proceeds of that disposal for the objects of the Union if -

- (a) no church is established on the land within one year of these Trusts being originally made; or
- (b) the church is reduced to 11 or less active members; or
- (c) the church is dissolved or dispersed and not reformed within 3 months; or
- (d) the church ceases to hold regular Divine Worship, at least once a month, for 3 consecutive months.

19. Investment of Personal Property

- (1) To invest any personal property held on trust in securities approved by law for trust moneys, and to apply the income from that investment and from any personal estate as the Council shall direct.
- (2) Where any property exceeding \$100 is given, at any one time, to or for the benefit of any church, the Union is to hold that property in trust for the church on the same trusts and conditions upon which the property was given until the church ceases to exist, so long as the trusts are not inconsistent the constitution.

20. Powers of the Council Controlled by By-Laws

Any power, authority, consent, sanction, direction or discretion exercisable, given, withheld or reserved to the Council by or in these Trusts is to be exercised, given, withheld or reserved by the Council in accordance with the by-laws.