

**THE LAKES EVANGELICAL CHURCH INCORPORATED**

**RULES**

**January 2002**  
**(amended May 2004)**  
**(amended Mar 2009)**  
**(amended Nov 2013)**

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# THE LAKES EVANGELICAL CHURCH INCORPORATED

## RULES

### PREAMBLE

An incorporated association, The Lakes Evangelical Church Incorporated, has been established under the *Associations Incorporation Act 1984* of the State of New South Wales to run the affairs of The Lakes Evangelical Church. The following rules describe the way in which the incorporated association is governed.

### PART 1 PRELIMINARY

#### 1 Interpretation

(1) In these rules:

*exercise a function* includes perform a duty.

*financial year* means the year ending on 31 December.

*function* includes power, authority and duty.

*general meeting* means a general meeting of the association.

*member* means a member, however described, of the association.

*mission* means the mission of the association set out in rule 4.

*pastor* means the senior pastor and staff members who are appointed as pastors.

*postal ballot* means a postal ballot conducted in accordance with Appendix 2 to these rules.

*secretary* means the secretary of the association.

*special resolution* has the meaning given by rule 39 (2).

*statement of beliefs* means the beliefs set out in rule 3.

*the Act* means the *Associations Incorporation Act 1984*.

*the administration committee* means the administration committee of the association.

*the association* means The Lakes Evangelical Church Incorporated.

*the church* means The Lakes Evangelical Church, except in the statement of beliefs and the statement of mission.

*the Regulation* means the *Associations Incorporation Regulation 1999* or any

regulation made in substitution for that Regulation.

*the selection panel* means the selection panel appointed in accordance with rule 19.

*treasurer* means the treasurer of the association.

- (2) The provisions of the *Interpretation Act 1987* apply to and in respect of these rules in the same manner as those provisions would so apply if these rules were an instrument made under the Act.

## **2 Statement of purpose**

The association is established for the principal purpose of conducting the affairs of the church.

## **3 Statement of beliefs**

The fundamental beliefs of the association are:

### **(a) *About God***

There is one unique and eternal God, who exists in an everlasting loving relationship of Father, Son and Spirit - one God in three persons.

God is sovereign in all things: including creation, revelation, redemption, judgement and the establishing of his kingdom.

As sovereign loving creator and redeemer, he is worthy of all glory, honour and praise.

### **(b) *About humanity***

Men and women together are created in the image of God, and therefore enjoy a unique dignity in creation and a unique relationship with God.

Men and women together have dominion over the created order.

Tragically, human nature is universally sinful since the Fall and all are guilty before God. This leaves us under the wrath and condemnation of God.

We are unable, without the prior regenerative work of God's Spirit, to turn ourselves to God.

### **(c) *About the Bible***

There is no other way to know God except that he reveals himself to us. The Bible is God's revelation to us. The words of the Bible are divinely inspired and infallible, as originally given, and have supreme authority in all matters of faith, conduct and experience.

The Bible is sufficient for knowing God. It is not only central to the wellbeing of the church but is able to thoroughly equip the Christian community for life and godliness.

(d) ***About Jesus Christ***

Jesus Christ was conceived by the Holy Spirit and born of the virgin Mary.

He is both fully God and truly human. He entered fully into human experience. He endured temptation and he suffered and died. He was perfectly obedient to God his father.

Jesus took on himself the consequences of human sin. He died and was buried. On the third day he rose from the dead bodily and is now exalted as ruler over all.

He will come again in glory to judge the living and the dead.

(e) ***About salvation***

There is only one name under heaven by which we can be brought into relationship with God: the name 'Jesus Christ'.

It is only through the sacrificial death of Jesus Christ, as our representative and substitute, that the guilt, penalty and power of sin can be removed. In that death, God demonstrates his love to us most perfectly and establishes his victory over Satan and all his foes.

The work of the Holy Spirit is necessary to make the death of Jesus effective in an individual's life. The Spirit enables the sinner to repent and put their faith in Jesus Christ, so that salvation is entirely of God's grace and not of human merit or works.

Although we enjoy now the blessing of union with Christ and secure relationship with God, we await the final consummation of our hope with the return of Christ, the resurrection of our bodies and life with him eternally.

(f) ***About the Spirit in the believer's life***

The Holy Spirit is co-equal with the father and the Son, and indwells all true believers.

His role is to bring glory to Jesus Christ, thus making Jesus Christ central in all things.

The Spirit works to illuminate believers' minds to grasp the truth of the Bible, producing in them his fruit, granting them his gifts and empowering them for service.

He grants his gifts for the purpose of service, not self indulgence. Their use is determined - not by personal desire for fulfilment, or satisfaction - but by the principle of building the church. Not every gift of the Spirit is given to the church at every moment of its life, only those necessary for building Christ's body.

(g) ***About the church***

The visible church is the gathering of believers around Christ in his word.

It is a community of people intended by God to bear witness to him and actively seek the extension of his rule.

Within its community both men and women are to seek proper expression of their gifts as they work to build the church in love.

The Bible makes clear that in church leadership, as in marriage, the roles of men and women are not interchangeable. We are committed to expressing the differences within relationships of mutual dependence.

#### **4 Statement of mission**

The mission of the association is to build Christ's church by proclaiming the gospel of Christ.

## **PART 2      MEMBERSHIP**

### **5      Membership qualifications**

A person is qualified to be a member if:

- (a)    the person, being not less than 18 years of age:
  - (i)    has applied for membership in accordance with rule 6 (1), and
  - (ii)   has been in attendance at meetings of the church for a period of not less than 3 months, and
  - (iii)  is not a member of another church, except where the administration committee determines that extenuating circumstances apply, and
  - (iv)  has been approved for membership of the association by the administration committee, or
- (b)    the person is a pastor.

### **6      Application for membership**

- (1)    An application by a person for membership of the association must be made in writing to the administration committee:
  - (a)    professing his or her faith in, and submission toward, Jesus Christ as Lord, Saviour and God, and
  - (b)    professing to agree to promote the mission of the association.
- (2)    As soon as practicable after receiving an application for membership, the administration committee is to determine whether to approve or to reject the application.
- (3)    The secretary is to notify the applicant of the decision.
- (4)    The secretary is to enter the applicant's name in the register of members if the application is approved.
- (5)    The applicant becomes a member once his or her name is entered in the register.

### **7      Membership entitlements not transferable**

A right, privilege or obligation that a person has by reason of being a member of the association:

- (a)    is not capable of being transferred or transmitted to another person, and
- (b)    terminates on cessation of the person's membership.

## **8 Cessation of membership**

A person ceases to be a member of the association (apart from death) if the person:

- (a) resigns from membership of the association, or
- (b) is removed from membership of the association by the administration committee.

## **9 Resignation and removal of membership**

- (1) The administration committee will not accept a resignation from membership of the association except in accordance with this rule.
- (2) A member may resign from membership of the association by giving notice in writing to the administration committee of the member's intention to resign and, on the expiration of the period of notice, the member ceases to be a member.
- (3) The administration committee is to remove a person from membership of the association if a person ceases to be in regular attendance at meetings of the church for a period of not less than 6 months, unless the administration committee determines that extenuating circumstances apply.
- (4) The administration committee may remove a person from membership if the person:
  - (a) professes that he or she no longer has faith in, or submission toward, Jesus Christ as Lord, Saviour and God, or
  - (b) professes that he or she no longer agrees to promote the mission of the association.
- (5) If a person ceases to be a member, the secretary is to make an appropriate entry in the register of members recording the date on which the member ceased to be a member, and is to notify or seek to notify the person of the action taken.

## **10 Register of members**

- (1) The secretary must establish and maintain a register of members of the association specifying the name and address of each person who is a member of the association together with the date on which the person became a member.
- (2) The register of members must be kept at the principal place of administration of the association and must be open for inspection, free of charge, by any member of the association at any reasonable time.

## **11 Fees**

No entrance fee or annual membership fee is payable to the association.

**12 Members' liabilities**

A member of the association is not liable to contribute towards the payment of debts and liabilities of the association or the costs, charges and expenses of the winding up of the association.

## **PART 3      THE SENIOR PASTOR**

### **13      Senior pastor**

- (1) The senior pastor must:
  - (a) be a man who qualifies as an overseer according to 1 Timothy 3:1-7 and be known for his maturity of faith and Christian character, and
  - (b) have demonstrated by his life and teaching that he is well qualified to lead and teach the church in accordance with the mission of the association and statement of beliefs, and
  - (c) agree to teach and uphold the statement of beliefs, and
  - (d) agree to promote the mission of the association.
- (2) The senior pastor is authorised and has responsibility:
  - (a) to lead and teach the church in accordance with the mission of the association and the statement of beliefs, and
  - (b) for the oversight of all such matters as are vital to the spiritual welfare of the church, including the ministries of the church.
- (3) The senior pastor, by virtue of his office, is the chairman of:
  - (a) the administration committee (and he may delegate the right to preside at meetings of the administration committee to another member of the administration committee), and
  - (b) any general meetings (and he may delegate the right to preside at general meetings to another member), and
  - (c) any sub-committee appointed by the administration committee (and he may delegate the right to preside at meetings of the sub-committee to another member).
- (4) The senior pastor is authorised and has responsibility to appoint or remove other staff.
- (5) The senior pastor is to be employed by the association without specifying any length of tenure.
- (6) The terms of remuneration for the senior pastor are to be set by the administration committee.
- (7) On incorporation of the association, David John Sheath is taken to have been appointed in accordance with these rules as the senior pastor.

### **14      Vacancy and appointment of senior pastor**

- (1) For the purposes of these rules, a vacancy in the office of the senior pastor occurs (apart from death), if the senior pastor:
  - (a) resigns from office, or
  - (b) is removed from office pursuant to rule 18, or
  - (c) becomes an insolvent under administration within the meaning of the *Corporations Law*.
- (2) A person, qualified in accordance with rule 13 (1), may be appointed as acting senior pastor:
  - (a) by the senior pastor, during the temporary absence or incapacity of the senior pastor, or
  - (b) by the selection panel, when the position of senior pastor is vacant because of:
    - (i) the death of the senior pastor, or
    - (ii) a circumstance referred to in subrule (1) (a), (b) or (c), or
    - (iii) the inability of the senior pastor, by illness or incapacity, to appoint an acting senior pastor.
- (3) An acting senior pastor, during the period in which he acts as senior pastor, has all the powers provided by these rules to the senior pastor (except the powers described in rule 13 (4)).
- (4) The position of senior pastor may be temporarily filled, for a period not exceeding 15 months, by any person qualified in accordance with rule 13 (1).

## **15 Functions of selection panel in appointing a senior pastor**

- (1) When the position of senior pastor is vacant, or the existing senior pastor has given notice of his resignation, the selection panel is to seek the appointment of a new senior pastor.
- (2) The selection panel:
  - (a) is to conduct whatever discussions, investigations and interviews are necessary until a majority of the selection panel agree on one person to be approached, and
  - (b) must consult with the board of reference in accordance with rule 57 (3).
- (3) The selection panel is to communicate privately with the person to ascertain whether he would be willing for his name to be placed before the association.

## **16 Appointment of nominee**

- (1) A person who is willing for his name to be placed before the association, in

order to be appointed as the senior pastor, must receive a 70% majority vote of the members present and voting at a general meeting.

- (2) If the required majority vote is not obtained at any stage, the procedure under this rule is to be repeated until that vote is obtained.

## **17 Commissioning of senior pastor**

- (1) As soon as practicable after his appointment, the senior pastor is to be commissioned as senior pastor at a meeting of the church.
- (2) At his commissioning, the senior pastor is to publicly declare his agreement:
  - (a) to teach and uphold the statement of beliefs, and
  - (b) to promote the mission of the association.

## **18 Removal and retirement of senior pastor**

- (1) The grounds for removal of a senior pastor are:
  - (a) gross misconduct that brings the Christian faith and the association into disrepute, or
  - (b) persistent and wilful teaching of that which is contrary to the statement of beliefs, or
  - (c) persistent unwillingness to promote the mission of the association, or
  - (d) irreversible mental or physical incapacity leaving him incapable of fulfilling his responsibilities, as certified by 2 suitably qualified medical practitioners who are not members of the association, or
  - (e) loss of confidence in the senior pastor by the association for any other reason.
- (2) The senior pastor can not be removed except upon a 70% majority vote of the members present and voting at a general meeting.
- (3) Despite the other provisions of these rules, the chairman of a meeting at which a motion for the removal of the senior pastor is or is to be moved must be a member appointed by the members present at the general meeting.
- (4) If a decision has been reached to remove the senior pastor:
  - (a) the chairman of the meeting must declare the position of senior pastor immediately vacant, and
  - (b) the selection panel may appoint an acting senior pastor in accordance with rule 14 (2) (b), and
  - (c) the association must:
    - (i) provide payment of any outstanding annual leave, any study leave and any long service leave, and

- (ii) honour any relevant conditions prescribed in the senior pastor's contract of employment with the association.
- (5) If a decision has been reached to remove the senior pastor on the ground set out in subrule (1) (e), the association must, in addition to the provisions of subrule (4), provide a minimum payment of 12 weeks salary from the date the position is declared vacant, plus 2 weeks current salary for each year of service, to a maximum of 12 weeks.
- (6) On attaining the age of 65 years, the senior pastor must retire, but may remain in office from year to year, after that age, if he receives a majority of the votes cast by the members present and voting at the annual general meeting of the association.

## **PART 4      THE SELECTION PANEL**

### **19      Composition of selection panel**

- (1)      The selection panel is to comprise not less than 3 and not more than 5 men.
- (2)      A man is qualified for election or appointment to the selection panel if he:
  - (a)      qualifies as an overseer according to 1 Timothy 3:1-7 and is known for his maturity of faith and Christian character, and
  - (b)      agrees to teach and uphold the statement of beliefs, and
  - (c)      agrees to promote the mission of the association, and
  - (d)      has been a member of the association for at least 12 months, and
  - (e)      is not a member of staff.
- (3)      A duly qualified man may be elected to the selection panel at the annual general meeting or at any other general meeting of the association.
- (4)      Any member may nominate to the secretary, in writing, the name of a man who is qualified in accordance with subrule (2) for election to the selection panel.
- (5)      The names of all nominees must be submitted to the members at least 14 days before:
  - (a)      the annual general meeting, or
  - (b)      in the case of a general meeting called to constitute the selection panel, the general meeting called for the purpose, or
  - (c)      in the case of a nominee who is nominated to fill a vacancy that occurs in the office of a member of the selection panel, the general meeting called for the purpose of filling the vacancy.
- (6)      A man becomes a member of the selection panel if his appointment is agreed to by a 70% majority vote of the members of the association present and voting at a general meeting.
- (7)      If there are more nominees than vacancies, each member of the association is to be asked to vote on the following question put separately in relation to each nominee in alphabetical order of surname:

"Do you agree to the nomination of (the name of the nominee) as a member of the selection panel?"
- (8)      The nominee who receives, or the nominees who receive, the highest number of votes of not less than 70% of the votes of the members who cast a vote is, or are, to fill the vacancy or vacancies.
- (8)      If the requisite number of members of the selection panel is not agreed to, the secretary is to appoint the date of a subsequent general meeting and call for

nominations in accordance with subrule (4). Subrules (5), (6) and (7) apply in relation to the subsequent general meeting.

- (9) If after a subsequent general meeting the requisite number of members of the selection panel is not agreed to, the senior pastor may appoint a duly qualified man or duly qualified men to fill the vacancy or vacancies.

## **20 Term of office**

- (1) A member of the selection panel holds office, subject to this rule, until the conclusion of the fourth annual general meeting following the date of his election or appointment as a member of the selection panel and, if otherwise qualified, is eligible to hold office for subsequent terms.
- (2) For the purposes of this rule, a vacancy in the selection panel occurs (apart from death) if the member:
  - (a) ceases to be a member of the association, or
  - (b) resigns from office, or
  - (c) is removed from office under this rule, or
  - (e) becomes an insolvent under administration within the meaning of the *Corporations Law*.
- (3) The association in general meeting may by resolution remove a member of the selection panel from the office of such a member before the expiration of the member's term of office.
- (4) The only grounds for removal of a member of the selection panel are:
  - (a) gross misconduct that brings the Christian faith and the association into disrepute, or
  - (b) persistent and wilful teaching of that which is contrary to the statement of beliefs, or
  - (c) persistent unwillingness to promote the mission of the association, or
  - (d) irreversible mental or physical incapacity leaving him incapable of fulfilling his responsibilities as a member of the administration committee, as certified by 2 suitably qualified medical practitioners who are not members of the association.
- (5) A member of the selection panel can not be removed before there has been a 70% majority vote of the members of the association present and voting at a general meeting.

## **21 Voting and decisions**

- (1) Every effort should be made by the selection panel to reach significant consensus when making decisions.

- (2) When the selection panel is satisfied that such consensus can not be reached, questions arising at the meeting of the selection panel are to be determined by a majority of the votes of members for the time being of the selection panel.
- (3) Each member present at a meeting of the selection panel (including the person presiding at the meeting) is entitled to one vote.

## **PART 5 THE ADMINISTRATION COMMITTEE**

### **22 The administration committee**

The administration committee is the committee (within the meaning of the Act) of the association.

### **23 Responsibilities of the administration committee**

The administration committee, subject to the Act, the Regulation and these rules:

- (a) is authorised and has responsibility to determine and administer the financial affairs of the association, including the setting of an annual budget, and
- (b) is authorised and has responsibility to manage the property of the association, and
- (c) is authorised and has responsibility to perform all such acts and do all such things not elsewhere regulated by these rules as appear to the administration committee to be necessary or desirable for the proper management of the affairs of the association.

### **24 Constitution and membership**

- (1) The administration committee is to consist of 5 members, being:
  - (a) the senior pastor, and
  - (b) 4 persons who are approved by the members in accordance with rule 25 or who are appointed in accordance with subrule (3).
- (2) A member of the administration committee holds office, subject to these rules, until the conclusion of the second annual general meeting following the date of his or her approval or appointment as a member of the administration committee and, if otherwise qualified, is eligible to hold office for subsequent terms.
- (3) In the event that a member of the administration committee vacates office otherwise than by the completion of his or her term of office, the administration committee may appoint a member of the association to fill the vacancy. The member so appointed holds office, subject to these rules, until the conclusion of the annual general meeting following the date of his or her appointment.

## **25 Approval of members of the administration committee**

- (1) A member of the administration committee must be a man or woman:
  - (a) who agrees to uphold the statement of beliefs, and
  - (b) who agrees to promote the mission of the association.
- (2) A member of the administration committee (other than the senior pastor):
  - (a) must have been a member of the association for at least 12 months at the time of taking office, and
  - (b) must not be a member of staff.
- (3) Any member may nominate to the secretary, in writing, the name of any other member who is qualified in accordance with subrules (1) and (2) for election to the administration committee.
- (4) The names of all nominees must be submitted to the members at least 14 days before:
  - (a) the annual general meeting, or
  - (b) in the case of a nominee who is nominated to fill a vacancy that occurs otherwise than by the completion of a term of office, the general meeting called for the purpose of filling the vacancy.
- (5) A person becomes a member of the administration committee if his or her appointment is agreed to by a majority vote of the members of the association present and voting at a general meeting.
- (6) If there are more nominees than vacancies, each member of the association is to be asked to vote on the following question put separately in relation to each nominee in alphabetical order of surname:

"Do you agree to the nomination of (the name of the nominee) as a member of the administration committee?"

The nominee who receives, or the nominees who receive, the highest number of votes of not less than a majority of the votes of the members who cast a vote is, or are, to fill the vacancy or vacancies.
- (7) If the requisite number of members of the administration committee is not agreed to, the secretary is to appoint the date of a subsequent general meeting and call for nominations in accordance with subrule (3). Subrules (4), (5) and (6) apply in relation to the subsequent general meeting.
- (8) If after a subsequent general meeting the requisite number of members of the administration committee is not agreed to, the senior pastor may appoint a member or members of the association to fill the vacancy or vacancies.

## **26 Office-bearers of the association**

The office-bearers of the association are:

- (a) the senior pastor (who is to hold the office of president under the Act),

- (b) the secretary,
- (c) the treasurer.

## **27 Secretary**

- (1) The administration committee is to appoint a member of the association (who may or may not be a member of the administration committee) to the office of secretary of the association.
- (2) The secretary is to keep minutes of:
  - (a) all elections and appointments of members of the administration committee and pastors, and
  - (b) the names of:
    - (i) the persons present at meetings of the administration committee, and
    - (ii) the members present at a general meeting, and
  - (c) all proceedings at meetings of the administration committee and general meetings.
- (3) Minutes of proceedings at a meeting must be approved at the next succeeding meeting and signed by the person presiding at the next succeeding meeting.
- (4) The secretary is to note in the register established and maintained under rule 10 (1) the date on which a person ceases to be a member.

## **28 Treasurer**

- (1) The administration committee is to appoint a member of the administration committee to the office of treasurer of the association.
- (2) The treasurer is:
  - (a) to collect and receive all money due to the association and make payments authorised by the association, and
  - (b) to keep correct accounts and books showing the financial affairs of the association with full details of all receipts and expenditure connected with the activities of the association, and
  - (c) to prepare, for approval by the administration committee, the annual budget of the association.
- (3) The treasurer is to present the budget, as approved by the administration committee, to the members at a general meeting for the purpose of enabling the budget to be received by them.

## **29 Vacancies**

- (1) For the purposes of these rules, a vacancy in the administration committee occurs (apart from death) if the member:
  - (a) ceases to be a member of the association, or
  - (b) resigns from office, or
  - (c) in the case of a member of the administration committee, other than a pastor, is removed from office under rule 30, or
  - (e) becomes an insolvent under administration within the meaning of the *Corporations Law*.
- (2) On attaining the age of 65 years a member of the administration committee, other than a pastor, must retire, but may remain in office from year to year, after that age, by annual vote of the association.

### **30 Removal of members of the administration committee**

The association in general meeting may remove a member of the administration committee from office before the expiration of the member's term of office on a majority of the votes of the members of the association present and voting at the general meeting.

### **31 Administration committee meetings and quorum**

- (1) The administration committee is to meet at least 4 times in each calendar year at such place and time as the administration committee may determine.
- (2) Oral or written notice of a meeting of the administration committee is to be given by the secretary to each member of the administration committee at least 48 hours (or such other period as may be unanimously agreed on by the members of the administration committee) before the time appointed for the holding of the meeting.
- (3) Notice of a meeting given under subrule (2) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business that a majority of the administration committee members present at the meeting agree to treat as urgent business.
- (4) A majority of the members of the administration committee, which must include the senior pastor, or the person nominated by the senior pastor, constitute a quorum for the transaction of the business of a meeting of the administration committee.

### **32 Delegation by administration committee to sub-committee**

The administration committee may delegate the exercise of its functions, other than:

- (a) this power of delegation, and

- (b) a function that is imposed on the committee of an association by the Act or by any other law of New South Wales,  
to such person or persons as the administration committee thinks fit.

### **33 Voting and decisions**

- (1) Every effort should be made by the administration committee to reach significant consensus when making decisions.
- (2) When the administration committee is satisfied that such consensus can not be reached, questions arising at the meeting of the administration committee are to be determined by a majority of the votes of members of the administration committee present and voting at the meeting.
- (3) Each member present at a meeting of the administration committee (including the person presiding at the meeting) is entitled to one vote.
- (4) Despite subrule (3), a decision cannot be made by the administration committee concerning such matters as are vital to the spiritual welfare of the church, without the approval of the senior pastor or the person nominated by the senior pastor.
- (5) No pastor may vote on any question of remuneration of pastors.
- (6) The administration committee may act despite any vacancy on the administration committee.
- (7) Any act or thing done or suffered, or purported to have been done or suffered, by the administration committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the administration committee.
- (8) This rule applies to a committee or sub-committee appointed by the administration committee in the same way as it applies to the administration committee.

## **PART 6      GENERAL MEETINGS**

### **34      Annual general meetings - holding of**

- (1)      The association must, at least once in each calendar year and within the period of 5 months after the expiration of each financial year of the association, convene an annual general meeting of its members.
- (2)      This rule has effect subject to any extension or permission granted by the Director-General of the Department of Fair Trading under section 26 (3) of the Act.

### **35      Annual general meetings - calling of and business at**

- (1)      The annual general meeting of the association is, subject to the Act and to rule 34, to be convened on such date and at such place and time as the administration committee thinks fit.
- (2)      In addition to any other business that may be transacted at an annual general meeting, the business of an annual general meeting is:
  - (a)      to confirm the minutes of the last preceding annual general meeting and of the last general meeting held since that meeting, and
  - (b)      to receive from the administration committee reports on the activities of the association during the last preceding financial year, and
  - (c)      to approve members of the administration committee, and
  - (d)      to receive and consider the financial statement that are required to be submitted to members under section 26 (6) of the Act, and
  - (e)      to receive and approve the budget of the association for the current financial year, unless the budget has been received and approved at a previous general meeting.
- (3)      An annual general meeting must be specified as such in the notice convening it in accordance with rule 37.
- (4)      An annual general meeting is to be conducted in accordance with the provisions of this Part.

### **36      General meetings - calling of**

- (1)      The administration committee may, whenever it thinks fit, convene a general meeting of the association.
- (2)      The administration committee must, on the requisition in writing of not less than 20% of the total number of members, convene a general meeting of the association within 1 month.

- (3) A requisition of members for a general meeting:
  - (a) must state the purpose or purposes of the meeting, and
  - (b) must be signed by the members making the requisition, and
  - (c) must be lodged with the secretary, and
  - (d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.

### **37 Notice**

- (1) Except where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary must, at least 14 days before the date fixed for the holding of the general meeting notify the members of the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (2) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary must, at least 21 days before the date fixed for the holding of the general meeting, notify the members of the matters required in subrule (1) specifying, in addition, the intention to propose the resolution as a special resolution.
- (3) No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business that may be transacted pursuant to rule 35 (2).
- (4) A member who wishes to bring any business before a general meeting must give details in writing of that business to the administration committee who may include that business in the next notice calling a general meeting given after receipt of the notice from the member.

### **38 General meetings - procedure and quorum**

- (1) No item of business is to be transacted at a general meeting unless a quorum of members is present during the time the meeting is considering that item.
- (2) Except where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, 20% of the current members on the register, present in person, constitute a quorum for the transaction of the business of a general meeting.
- (3) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, 50% of the current members on the register, present in person, constitute a quorum.
- (4) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting stands adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which

the meeting is adjourned) at the same place.

- (5) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the business to be dealt with at the meeting, except business requiring a special resolution, will be dealt with by the next administration committee meeting.

### **39 General meetings - resolutions**

- (1) The following business requires a special resolution of the association at a general meeting:
  - (a) a change in the name of the association,
  - (b) an alteration of these rules,
  - (c) any other business for which a special resolution is required by or under the Act.
- (2) A resolution of the association is a special resolution if it is passed by a majority of at least 75% of the votes cast by the members at a general meeting in accordance with section 5 of the Act or is otherwise passed in accordance with that section.
- (3) Any other business at a general meeting does not require a special resolution.
- (4) The administration committee, or the person presiding at a general meeting, may determine other business requiring resolution by members at a general meeting if the business has been specified in the notice convening the general meeting.

### **40 Presiding member**

- (1) If the senior pastor or his representative is absent from the general meeting, the secretary is to preside at the meeting.
- (2) If the conditions in subrule (1) cannot be met, the meeting is adjourned as described in rule 38 (4).

### **41 Adjournment**

The person presiding at a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

### **42 Voting and making of decisions**

- (1) A member of the association is not entitled to vote on any question arising at a general meeting of the association unless the member has been a member for

at least 3 months.

- (2) Subject to subrule (3), on any question arising at a general meeting of the association a member has one vote only.
- (3) In the case of an equality of votes on a question at a general meeting, the person presiding is entitled to exercise a second or casting vote.
- (4) A question requiring resolution, according to rule 39, at a general meeting of the association is, except as provided by subrule (4), to be determined on a show of hands and unless a poll is demanded, a declaration by the person presiding that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (5) At a general meeting of the association, a poll may be demanded by the person presiding or by not less than 3 members present at the meeting.
- (6) If a poll is demanded at a general meeting, the poll is to be taken in such manner and at such time before the close of the meeting as the person presiding directs, and the resolution of the poll on the matter is taken to be the resolution of the meeting on that matter.

#### **43 Proxies**

- (1) No proxy voting is permitted, unless otherwise determined by the administration committee.
- (2) If proxy voting is permitted by the administration committee, each member is entitled to appoint another member as proxy by notice given to the secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
- (2) The notice appointing the proxy is to be in the form set out in Appendix 1.

#### **44 Postal ballots**

- (1) Despite any other provision of these rules, the administration committee may determine that any of the following matters may be decided by a postal ballot of the members of the association instead of by a vote of the members at a general meeting of the association:
  - (a) approval of the appointment of a member of the administration committee,
  - (b) removal of a member of the administration committee,
  - (c) appointment of the senior pastor,
  - (d) a change to these rules.
- (2) If a postal ballot is held in respect of a resolution that, under these rules, is

required to be passed by a majority of at least 70% of the members who are present and voting at a general meeting, the resolution is taken to be passed:

- (a) if at least 30% of the members of the association cast a vote (formally or informally) in the postal ballot, and
  - (b) if it receives at least 70% of the votes cast (formally or informally) in the postal ballot.
- (3) Voting by postal ballot is to be conducted in accordance with Appendix 2.

## **PART 7 MISCELLANEOUS**

### **45 Resolution of internal disputes**

Disputes between members (in their capacity as members) of the association, and disputes between members and the association, are to be referred to the board of reference constituted under Part 8 of these Rules for mediation.

### **46 Staff members**

- (1) In this rule, *staff member* means a person who is appointed as a member of the staff of the association (not being the senior pastor) and who is paid remuneration by the association.
- (2) A staff member must:
  - (a) agree to teach and uphold the statement of beliefs, and
  - (b) agree to promote the mission of the association.
- (3) A staff member is to work under the direction of the senior pastor in accordance with the mission of the association and statement of beliefs.
- (4) The terms of remuneration for all staff members are to be set by the administration committee.

### **47 Funds**

- (1) The funds of the association are to be derived from donations and, subject to any resolution passed by the association in general meeting, such other sources as the administration committee determines.
- (2) All money received at meetings of the church must be counted and attested by the signature of 2 members, who are unrelated and who are not pastors, at least one being authorised to do so by the administration committee.
- (3) All money received by the association must be deposited as soon as practicable and without deduction to the association's bank account.
- (4) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 members of the association or employees of the association, who are not pastors, and who have been authorised to do so by the administration committee.
- (5) The funds of the association must be used in pursuance of the mission of the association in such a manner as the administration committee determines.

### **48 Alteration of objects and rules**

The objects of the association and these rules may be altered, rescinded or

added to only by a special resolution of the association.

**49 Common seal**

- (1) The common seal of the association is to be kept in the custody of the secretary.
- (2) The common seal must not be affixed to any instrument except by the authority of the administration committee.
- (3) The affixing of the common seal must be attested by the signatures of 2 members of the administration committee.

**50 Custody of books**

Except as otherwise provided by these rules, the secretary must keep in his or her custody or under his or her control all records, books and other documents relating to the association.

**51 Inspection of books**

The financial records, register of members, and minutes of general meetings of the association must be open to inspection by a member of the association without cost at any reasonable hour.

**52 Service of notices**

- (1) For the purpose of these rules, a notice may be served by or on behalf of the association:
  - (a) on all members—by the making of an announcement at all meetings of the church on at least 2 Sundays before the date of the matter to which the notice relates, or
  - (b) on an individual member—either personally or by sending it by post to the member at the member's address shown in the register of members.
- (2) If a document is sent to a person by properly addressing, prepaying and posting to the person a letter containing the document, the document is, unless the contrary is proved, taken for the purposes of these rules to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post.

**52A Non-profit status**

The assets and income of the association shall be applied solely in furtherance of its statement of purpose and mission and no portion shall be distributed directly or indirectly to the members of the organisation except as bona fide

compensation for services rendered or expenses incurred on behalf of the association.

**52B Dissolution of the association**

In the event of the association being dissolved, the amount that remains after such dissolution and the satisfaction of all debts and liabilities shall be transferred to another organisation with similar purposes which is not carried on for the profit or gain of its individual members.

## **PART 8      BOARD OF REFERENCE**

### **53      Board of reference**

There is to be a board of reference to support the association in pursuing the mission of the association.

### **54      Membership of the board**

- (1)      The founding members of the board of reference are to be Bruce Hall, Andrew Heard, Phillip Jensen, Colin Marshall, Andrew Mitchell, Michael Orpwood, Jim Ramsay, Brian Telfer and John Woodhouse.
- (2)      The members of the board of reference for the time being may at any time appoint duly qualified persons to be members of the board so that the membership of the board is not less than 5 persons.
- (3)      Each person on the board of reference must:
  - (a)      be known for his or her maturity of faith and Christian character, and have demonstrated, in his or her own context, a commitment to pursuing the mission of the association, and
  - (b)      agree to uphold the statement of beliefs of the association, and
  - (c)      agree to support the association in pursuing the mission of the association, and
  - (d)      not be a member of the association (except in the case of the founding members of the board ).

### **55      Vacancies**

A vacancy in the office of a member of the board of reference occurs (apart from death) if the member:

- (a)      resigns from office, or
- (b)      is absent without the consent of the board from 3 consecutive meetings of the board, or
- (c)      attains the age of 70 years.

### **56      Notification of membership at annual general meeting**

The names of all persons on the board of reference are to be provided to the association at each annual general meeting.

### **57      Matters on which the board must be consulted**

- (1) The administration committee must consult with the board of reference when:
  - (a) the association is selecting a new senior pastor, or
  - (b) there is a dispute over the continuing employment of the senior pastor, or
  - (c) the administration committee proposes to remove the senior pastor from office, or
  - (d) the association is considering changes to the statement of beliefs or the mission of the association, or
  - (e) the administration committee promotes or is aware of any proposal to alter these rules.
- (2) The administration committee may consult with the board of reference on other matters as it sees fit.
- (3) The administration committee must consult with the board of reference when it is seeking a new senior pastor.

**58 Consultation with senior pastor**

Any member of the board of reference may consult with the senior pastor or administration committee, on matters relating to the association, as he or she sees fit.

**59 Entitlement of the board to call a general meeting of the association**

- (1) The administration committee must, on the requisition in writing of the board of reference, convene a general meeting of the association within one month.
- (2) A requisition of the board of reference for a general meeting:
  - (a) must state the purpose or purposes of the meeting, and
  - (b) must be lodged with the secretary.

**60 Annual meetings between the board and the administration committee**

The board of reference, or members of the board, should meet with the administration committee at least once each year.

**61 Meetings of the board**

Meetings of the board of reference:

- (a) are to be held at such times as are determined by the members of the board, and

- (b) are to be presided over by a member of the board chosen by the members, and
- (c) are to be conducted in accordance with such procedures as the members of the board determine.

**APPENDIX 1**

**FORM OF APPOINTMENT OF PROXY**

(Rule 43)

I,

\_\_\_\_\_

of

\_\_\_\_\_

being a member of The Lakes Evangelical Church Incorporated, hereby appoint

\_\_\_\_\_

of

\_\_\_\_\_

being a member of that incorporated association, as my proxy to vote for me on my behalf at the

general meeting of the association (annual general meeting or special general meeting, as the case

may be) to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 20--,

and at any adjournment of that meeting

*(Add, if desired)*

My proxy is authorised to vote in favour of/against *(delete as appropriate)* the motion *(insert details)*

Signature of member appointing proxy

\_\_\_\_\_

Date \_\_\_\_\_

NOTE: A proxy vote cannot be given to a person who is not a member of The Lakes Evangelical Church Incorporated.

## **APPENDIX 2**

### **POSTAL BALLOT**

(Rule 44)

1. The administration committee is to determine:
  - (a) the form of a ballot paper, and
  - (b) the form of any question to be determined by a postal ballot, and
  - (c) whether any information (in addition to the instructions necessary to enable a member to cast a valid postal vote) is to accompany a ballot paper and, if so, the nature and content of the information.
  
2. The secretary is to send to each member of the association, not less than 14 days before the close of the ballot:
  - (a) a ballot paper, initialled by the secretary, and
  - (b) the instructions necessary to enable a member to cast a valid postal vote, and
  - (c) the address to which, and the date and time by which, the ballot paper is to be returned to the secretary.
  
3. A vote is informal if it is not made in accordance with the instructions necessary to enable a member to cast a valid postal vote.
  
4. At a contested election, each candidate is entitled to appoint a scrutineer.
  
5. The secretary is to announce the result of a postal ballot at all meetings of the church on the Sunday following the close of the ballot.