

Constitution Guide 2024



**churches
of Christ**
in NSW & ACT

Unity. Restoration. Life.



This document is a guide for CCNSWACT churches developing their constitutions. It is intended to serve robust thinking about good governance structures that are clearly articulated in a constitution.

Listed below are sections normally included in a church constitution, each with a short description and, where applicable, a series of questions to prompt your thinking about what needs to be included in your constitution to reflect your church's governance. You may wish to add further sections or rename the sections listed here – it is your document. Aim to develop a constitution that actively supports the governance of your church.

Constitutions are public documents. If you would like example church constitutions, you can search for them on the Australian Charities and Not-for-Profits Commission (ACNC) [website](#). Here are links to two CCNSWACT Churches:

- [Penrith Church of Christ](#)
- [Northside Community Church of Christ](#)

1. Name

State the official name of the church. Clarify whether the church is ever known by a shortened name or other name.

Sample Wording: [Church name] is an Unincorporated Association/Incorporated Association/ Company Limited by Guarantee. ABN: [XX XXX XXX XXX].

2. Affiliation

State that the church is affiliated with CCNSWACT.

Sample wording: [Church name] is a locally governed body of Christ followers affiliated with churches of Christ in NSW (trading as churches of Christ in NSW & ACT, CCNSWACT) for the purposes of interdependent mission and ministry.

3. Our Collective Beliefs

Outline the church's core collective beliefs or basis of faith. You could also include here or as separate sections your vision and/or mission statement, if you have them. If you do wish to state your vision/mission bear in mind that if you ever go through a revisioning process or otherwise want to change the wording, you will also need to



amend your constitution. Stating your core beliefs can help provide clarity on: what unites members in belief and practice; the distinctiveness of your Christian community; principles behind teaching and governance and; guidance for directing resources to that which is central.

The following beliefs are pursuant to the values of CCNSWACT and are offered as suggestions:

- Biblical baptism by water immersion;
- Weekly celebration of communion;
- The mutual ministry and servanthood of all Christians;
- The biblical authority of God's word;
- Christian unity within the Kingdom of God; and
- The mission of the great commission

Consider including your Statement of Commitment to Safety here or embed it elsewhere in your constitution to indicate your commitment to Child Safe Standard One.

A Note on Safe Ministry Requirements:

You must have a Safe Church Policy. It will have implications for aspects of your constitution, as will be indicated throughout this document. In the area of Safe Ministry, there have been a range of significant legal changes over the last five years, including Child Safe Standards now being legally mandated. The changes mean that civil penalties, civil liability or even criminal offences can apply to individuals within the church (especially leaders); and this is in addition to the potential for the church to incur civil penalties or civil liability. In addition to these legal changes, the Royal Commission into Institutional Responses to Child Sexual Abuse makes a series of recommendations, including those specific to religious organisations, that should be considered in your Safe Church Policy. For details and support in developing a Safe Church Policy please contact the Safe Ministry Practice Leader and complete the Safe Church Health Check. See our website for further resources.

Note that by suggesting that you outline your collective beliefs here we do not mean to imply that the rest of the constitution is without theological import. Each aspect of your constitution reflects an aspect of your commitment to the gospel. This section is an opportunity to explicitly name the beliefs that are most central to your collective identity as a church. Some of those beliefs will be worked out in the practices outlined elsewhere in your constitution.



4. Membership

This section outlines the eligibility, requirements, application process and administration of church membership. It is important to define membership because it outlines the scope of the constitution, that is, the constitution outlines how this association of people agrees to be governed. If your constitution vests members with the authority to vote on matters such as budget, appointment of ministers, property etc. (see Section 5 below on Authority and Section 9 on Meetings and Voting) then you should more clearly define membership and maintain a membership list of some kind. If your constitution vests other bodies with this voting power, then you could outline a broader set of criteria for membership. Things to consider here include:

- Relationship of membership eligibility to profession of faith, baptism and/or the church's core beliefs
- Relationship of membership eligibility to church attendance and/or other involvement in the life of the church
- What is the process of becoming a member? Will elders/equivalent interview potential members to discern eligibility or are people automatically members if they have e.g., attended regularly for the past six months?
- How does membership end?
- How will your membership list be updated and administrated? A membership list is important when you need a quorum of members for certain meetings to take place.
- Can members of other CCNSWACT churches transfer their membership?

5. Authority

This section vests authority for the church to particular bodies within the church such as to boards of elders and deacons, and ministry teams. Consider who has spiritual, governance administrative and operational oversight of the church. You may vest one leadership body with such authority, especially if you are a smaller church, or may otherwise divide authority amongst bodies e.g., an oversight board for governance and finance, an eldership board for vision, mission and pastoral oversight, and a ministry team for operational matters. If you choose the latter option, be clear about how these bodies relate to each other and consider the implications of dividing different types of spiritual authority between bodies, e.g., how is the church's vision held in the budget? State here which bodies have which authority and then in the sections below give further detail about the makeup of those bodies and the detail of their responsibilities.



6. Eldership [or equivalent]

This section outlines the eligibility for eldership, the appointment process of elders and their responsibilities. Things to consider here include:

- **Regarding eligibility:**
 - Biblical qualifications from 1 Timothy 3:1-7, 5:17; Titus 1:5-9; 1 Peter 5:1-4. Consider also: Romans 12: 6-8; 1 Corinthians 12:27-31; Ephesians 4:11-13.
 - Relationship of eldership to membership – state that they must be members; consider how long they need to have been members before being eligible to be an elder.
 - Elders (or equivalent) are usually considered as “religious leaders or spiritual officers” and therefore legally require a cleared Working with Children Check. Consider also mandating a National Police Check and Working with Vulnerable People Check. See Child Safe Standard 5. Give details of the screening process in your Safe Church Policy.
 - Consider conflicts of interest between elders and people in other bodies vested with authority – e.g., can an elder be married to or otherwise related to a paid staff member? Regarding this and any other type of conflict of interest, consider a process whereby conflicts may be managed.
 - Will the senior pastor and/or other staff members be considered elders and if so as voting or ex officio members? If voting, consider the implications for appointing elders.
- Outline the nomination, vetting, and voting process for elders.
- How long is an elder’s term? How many consecutive terms may they serve? How long after the end of their term/consecutive terms until they are eligible again?
- What are the maximum and minimum number of elders?
- How often will the eldership board meet per year?
- Elders/board members (as 'spiritual officers') are legally required to undergo ongoing Safe Ministry training and sign a code of conduct.
- What is the process for dealing with elder misconduct?
- What is the relationship of the eldership board to other bodies vested with authority within the church, if applicable?



- What are the responsibilities of the eldership board? Responsibilities will derive from their vested authority outlined in the section above. Examples include:
 - Maintaining vision and direction for the church
 - Appointment of a chairperson
 - Appointment of a treasurer and secretary: outline the responsibility of these roles here or elsewhere in the constitution. Sample wording:
 - The Secretary is responsible for the proper record of all business transactions, maintaining minutes and attending to correspondence.
 - The Treasurer is responsible for the proper record of all receipts, expenditure, assets and liabilities and preparing financial statements to be presented to the Elders.
 - Appointment of a minister or nominating a minister for membership approval. How will other staff be appointed?
 - Oversight of minister. Who will have oversight of other staff? How will this oversight function if the minister is also an elder?
 - Overseeing membership admittance and maintaining membership records (or delegate the latter to the Secretary)
 - Oversight of ministries – or do you consider this operational?
 - Other pastoral care and church discipline responsibilities
 - Other administrative and governance responsibilities relating to:
 - Property
 - Policies (approving, assuring implementation) – again note the requirement to ensure that your Safe Ministry Policy is up-to-date, approved and implemented.
 - Finances: accounts, transactions, budget (including approval), auditing
 - Insurance
 - Receiving annual ministry reports
 - HR & WHS

7. [Name(s) of other bodies vested with authority]

Name and outline in separate sections the eligibility, appointment, roles and responsibilities of other bodies vested with authority as applicable. These will also be derived from the nature of that vested authority stated above. Consider how this body, the appointees and their responsibilities will relate to the board of elders or whatever body has ultimate authority over the church.



8. Ministers

Outline how you will appoint ministers. Things to consider here include:

- Eligibility/key criteria – state these in broad terms if you want to name them at all. Remember that constitutions are difficult to change, and you want to allow leeway to discern specific selection criteria season-to-season in the life of your church.
- Refer to your Safe Ministry Policy, which should stipulate the need for pastors to be screened (including a WWCC and Police Check), have ongoing Safe Ministry Training and sign a Code of Conduct (your church's and/or CCNSWACT's; see below). See Child Safe Standard 5. Give details of the screening process in your Safe Church Policy.
- Who is responsible for the recruitment process? Typically, the elders, though they could delegate to a nominating committee etc.
- Who will appoint the minister? The eldership or the church by vote? If the latter what type of majority (e.g., two-thirds) is required for approval?
- Will you require them to be endorsed or eligible for endorsement by CCNSWACT and sign the Ministering Persons Code of Conduct? We strongly recommend that you include a clause to this effect for all ministering persons as the endorsement and accompanying ongoing professional development processes and related procedures for misconduct are a way for CCNSWACT to help you maintain ministry standards.
- Will remuneration of Ministering Persons align with the annual CCNSWACT Remuneration Guide? See My Resources on the [Ministry Portal](#)*
- Please refer to the [Churches of Christ in NSW Recommended Terms and Conditions for Employment](#) of Ministers for more specific provisions. Note especially those relating to Safe Ministry requirements and practices.
- If your church has more than one ministering person, how much of the above applies to each ministering person and how much only applies to the senior pastor? E.g., Does the appointment of the senior pastor happen by vote of the membership on the candidate put forth by the eldership based on their recruitment process but the appointment of e.g., a youth pastor happen by approval of the eldership on the recommendation of the senior pastor after the senior pastor's recruitment process?



9. Meetings and Voting

You may want to distinguish between business meetings and/or annual general meetings, special meetings and information meetings which have different organisational and administrative requirements. For each type of meeting you outline consider:

- Who will call the meeting, how and with what amount of notice?
- What is the purpose of the meeting?
- Who will chair the meeting?
- If your budget is to be approved by the membership, consider stating the time the AGM is to be called with respect to the end of the financial year and delivery of annual audited financial statements.
- The operation of meetings – will you use secular governance rules (such as Robert's Rules) to regulate the raising and discussion of motions and the like?
- For meetings that require voting:
 - Who is eligible to vote – typically all members for church meetings and all members of a body (e.g., all elders) except ex officio members for that body's meetings.
 - What quorum of eligible voters is required to attend the meeting for the meeting to take place?
 - Will you require motions for voting to be circulated in an agenda in advance? If so, how far in advance and by what means?
 - What percentage of votes are required to pass a motion? You may want to consider a higher percentage (e.g., two thirds) for matters like budget, appointment of minister, change of constitution, property, dissolution. You can state the higher percentage here or where each matter is addressed elsewhere in the constitution.
 - Consider whether you would prefer to frame the voting as a collective discernment process (with a threshold for consensus) or a democratic process representing a measurement of preferences.
 - How will voting take place? Typically show of hands.

*Access to this resource in the Ministry Portal is restricted to certain roles and office bearers.



10. Real Property

Include a clause stating the ownership of real property by the Property Trust. Include this clause even if you do not currently own real property as it is binding on any future purchases the church may make. Sample wording: *All real property belonging to [Church Name] is vested with the Churches of Christ Property Trust under the provisions of the Churches of Christ in NSW Incorporation Act, 1947. The sale and/or purchase of any property needs to be done according to these provisions.*

Additionally, in this section you may want to outline what the church property can be used for and/or who decides what it can be used for (e.g., beyond ministries of the church can it be hired out?) and the process for sale and/or purchase of property (e.g., is this actioned by the eldership and voted on by the church?)

11. Auxiliaries

You may wish to include this section to prohibit any activity or committees from being commenced in the name of the Church without the prior approval of the Elders (or equivalent). If so, you may also want to state considerations for the approval process (with respect to risk, finance, mission etc.)

12. Amendments

This section outlines the procedure for amendments to the constitution. This procedure usually requires the approval of the Church membership by a two thirds majority at either a special meeting or AGM on the recommendation of the Elders (or equivalent). Balance the need for a functional operational document that can be amended to suit the end of good governance as needed with the continuity of the ethos, identity and practice of the church as outlined in the constitution and upheld by the agreement of the majority of members.

A Note on ACNC Requirements:

If you are registered or want to be registered as a [Basic Religious Charity](#) as an unincorporated entity with the ACNC, you need to include certain clauses in your constitution. They are listed here as the final three sections of this constitution guide. Extra [governance standards](#) need to be included in your constitution if you qualify to be registered as some other type of charity as an incorporated entity. Use the ACNC's [Self-Evaluation Tool](#) to ensure you have these additional clauses if applicable. Note that you must be registered as a charity (of either kind) with the ACNC if you want to offer ministerial tax benefits.



13. Charitable Purpose Clause

One of the requirements of the ACNC is that you state your purpose. From their perspective, your purpose as a Basic Religious Charity is to “further religion” so make it clear in your statement of purpose that this is why you exist over against other charitable purposes. For example: “Our purpose is to advance the gospel of the Lord Jesus Christ in word and deed through mission and discipleship in our neighbourhood and beyond”. You could incorporate the statement of purpose in any section of the constitution – it may be incorporated into your vision or core beliefs – but stating it in its own section will make it very clear to the ACNC that you’re meeting their guidelines.

14. Non-Profit Clause

Further, you need to state that you will carry out your purpose as a non-profit. Include the following statements:

- The church may do all things that help it to achieve these purposes, in accordance with this constitution and may only use the income and assets of the church (including those held on trust for the church or its purposes) for these purposes.
- The church must operate consistently with legal requirements for registered charities.
- The church must not distribute any income or assets, directly or indirectly, to its members unless in good faith they are paying a member for goods or services they have provided or expenses they have properly incurred at fair and reasonable rates or making a payment or providing a benefit to a member in carrying out the church’s charitable purpose(s).

15. Dissolution

The clauses below include sample wording; modify it to fit your church governance structure:

- The church can be dissolved by its members if the members pass a special resolution to wind up the association at a general or special meeting.
- If the church is wound up, after it has paid all debts and other liabilities (including the costs of winding up), any remaining assets, subject to the requirements of Australian laws and any Australian court order, must be distributed to [you could specify EITHER] another organisation or other organisations with similar purposes, which is/are charitable at law, and which is/are not carried on for the profit or personal gain of members [OR] Churches of Christ in NSW and the ACT. [Note that property is owned by the Property Trust and what happens to it upon a church’s dissolution is covered by the provision above regarding the 1947 Act].



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02 8573 6000



hello@ccnswact.org.au



Level 3, Building B, 1 Homebush
Bay Drive, Rhodes 2138
PO Box 3561 Rhodes NSW 2138