



GOVERNANCE DOCUMENT

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OFFICIAL DOCUMENT

Title:	United Constitution
Document Type:	Movement Constitution
Version:	2025:1
Date:	April 2025
Approval:	Amendments approved National Conference 2025

UNITED CONSTITUTION
(Incorporating State By-laws)

ARTICLE 1 THE NAME

- 1.1 The name of the Movement shall be the AUSTRALIAN CHRISTIAN CHURCHES (“ACC”).
- 1.2 The name of the movement was previously Assemblies of God in Australia.
- 1.3 Only churches, ministries and ministers properly affiliated with the Movement, shall be authorised to use the logo and name of the “Australian Christian Churches”.

ARTICLE 2 DEFINITION

2.1 The Movement

The Movement is the unincorporated association known as “AUSTRALIAN CHRISTIAN CHURCHES” It is a national association of Pentecostal churches in voluntary cooperation (Cooperative Fellowship), on terms of equality, uniting for evangelism, fellowship, order, discipline and other purposes. Its supreme governing body shall be the National Conference.

In circumstances where it is necessary for any aspects, initiatives or functions of the Movement to be incorporated, the manner and form of such incorporations must conform to the requirements set out in this constitution.

2.2 Cooperative Fellowship

“Cooperative Fellowship” describes the principles of relationship that provide cohesion and structure for the Movement. It is relevant to the relationship of individuals to a local church and the relationship of local churches to the Movement.

2.2.1 Cooperative Fellowship and the Local Church

The local church is a body of individual believers that come together, in Christian love, to partner in serving God and the community. The individual believers voluntarily work together for the purpose of spreading the Gospel, meeting needs in the community and building up the church. There is a respect and responsiveness to leadership in the church but each individual has an individual responsibility for his/her relationship with God.

2.2.2 Cooperative Fellowship and the Movement

The Movement is a conference of local churches that come together, in Christian love, to work cooperatively to attain common objectives (ARTICLE 3). It is acknowledged that the local church is God’s chosen means for communicating the Gospel and as such, it is an express purpose of the movement to empower and encourage local churches to fulfil their mandates.

The Movement recognises the autonomy of the local church within the movement but cooperative fellowship places a responsibility on a local church to function consistently with the United Constitution, the State By-Laws and all policies approved by the National Conference of the movement.

2.3 National Conference

The National Conference is the supreme governing body of the Movement and operates according to ARTICLE 5 of this United Constitution.

2.4 State Conference

State Conferences are established under the authority of the national Movement and operate according to the United Constitution and the State By-Laws of the Movement.

2.4.1 The Movement within the State of Queensland shall be called "Australian Christian Churches Qld".

2.4.2 The Movement within the State of New South Wales shall be called "Australian Christian Churches NSW".

2.4.3 The Movement within the State of Victoria shall be called "Australian Christian Churches Vic".

2.4.4 The Movement within the State of Tasmania shall be called "Australian Christian Churches Tas".

2.4.5 The Movement within the State of South Australia shall be called "Australian Christian Churches SA".

2.4.6 The Movement within the State of Western Australia shall be called "Australian Christian Churches WA".

2.4.7 The Movement within a Territory of Australia may be called either by using an abbreviation of the name of the Territory after "Australian Christian Churches" or not named separately and included within the administration of the State in the discretion of the National Executive from time to time.

2.5 Incorporation

In circumstances where it is considered necessary for any aspects, initiatives or functions of the Movement to be incorporated, the manner and form of such incorporations shall conform to the requirements of ARTICLE 22 of this Constitution.

ARTICLE 3 OBJECTIVES

3.1 To present the Gospel in a way that is consistent with the doctrines of the Movement as outlined in ARTICLE 4.

3.2 To encourage integrity and righteous living in its leaders, credentialed ministers and

congregation members.

- 3.3** To plant and sustain churches that provide a safe and nurturing environment in which Christians can grow and others can find faith in Christ.
- 3.4** To engage in Christian action in the relief of human suffering and need by all available means and in development programs appropriate to developing countries and disadvantaged groups.
- 3.5** To train, ordain and send out ministers of the Gospel, missionaries and other ministries, for the work of God in Australia and overseas.
- 3.6** To allow and encourage individuals and churches to fulfil their God given purpose without undue interference or restriction on their activities and ministries.
- 3.7** To establish a code of conduct, policies and standards of behaviour, endorsed by the National Conference, that will be required standards for credential holders and churches.
- 3.8** To establish and maintain such departments and institutions as may be necessary for the fulfilment of the Movement's mission both in Australia and overseas.
- 3.9** To establish corporate entities on the basis set out in ARTICLE 22, under the ultimate control of its elected executives (National and State), to carry out the business of the Movement in an efficient and lawful manner.
- 3.10** To use whatever means are available, whether traditional or electronic, to communicate information to its ministers, constituents and the community at large.
- 3.11** To, either directly in its own right where possible or by its corporate entities, own, hold in trust, use, sell, convey, lease or otherwise dispose of such property, real or otherwise or engage in any lawful activity whatever, as may be considered necessary to fulfil the objectives of the Movement.

ARTICLE 4 DOCTRINAL BASIS

Preamble

The Holy Scriptures, known as the Bible, is the inspired Word of God and our all sufficient rule for faith and practice.

These articles of faith of the Australian Christian Churches, grounded in these scriptures, are given as a basis for belief, fellowship and ministry "that we all preach the same thing" (1 Corinthians 1:10). Let it be remembered, however, that this is not given as a summary of the complete revelation of biblical truth, only that it covers our present needs as to these fundamental doctrines.

4.1 The Eternal Godhead

We believe in God, who is eternal and self-existent, revealed as one being in three persons, Father, Son, and Holy Spirit, and the Creator of all things.

4.2 The Lord Jesus Christ

We believe in Jesus Christ, the eternal Son of God, who was conceived of the Holy Spirit and born of the virgin Mary. He lived a sinless life, ministering in teaching, healing, and miracles. He was crucified and died on our behalf. He rose from the dead and ascended into heaven, where He is now seated and exalted at the right hand of the Father as the risen Lord and Intercessor.

4.3 The Holy Spirit

We believe in the Holy Spirit, fully divine, who proceeds from the Father and the Son. He convicts, regenerates and sanctifies, and guides believers into all truth.

4.4 The Holy Bible

We believe that the Bible is the inerrant, inspired and infallible Word of God and our highest authority for faith and practice.

4.5 Creation

We believe that God created the universe and that all people are created in the image of God, to love and worship God.

4.6 The Devil

We believe in the existence and person of the devil, who actively opposes the purposes of God.

4.7 The Fall of Humanity

We believe that all people have rejected God through their sinful acts and are separated from God.

4.8 The Atonement

We believe that salvation is found in Jesus Christ alone who—by His suffering, shed blood, death on the cross, and resurrection—has made full atonement for the sins of all people. We receive salvation by grace through repentance and faith in Jesus Christ.

4.9 The Church

We believe that the Church, the body of Christ, is the community of people who confess faith in Jesus Christ. While universal, the Church is local in expression and witness. It exists for worship, fellowship, evangelism, discipleship, and mission. Gifts of ministry are given by Christ to strengthen and mature the Church.

4.10 Water Baptism

We believe in water baptism by single immersion in the name of the Father, the Son, and the Holy Spirit. It is a public declaration of a person's faith in, and identification with, the death, burial and resurrection of Jesus Christ.

4.11 The Lord's Supper

We believe in the Lord's Supper, which is in symbolic remembrance of the sacrifice of Jesus Christ until He returns.

4.12 Sanctification

We believe in the regenerating work of the Holy Spirit, who convicts people of their sin and inspires repentance and faith. The Holy Spirit transforms believers into the likeness of Jesus Christ.

4.13 The Baptism in the Holy Spirit

We believe in the baptism of the Holy Spirit, which is a transformative experience, distinct from and subsequent to salvation. It is available to all believers and accompanied by the initial evidence of speaking in tongues. It results in empowerment for effective witness to the world.

4.14 Gifts of the Holy Spirit

We believe that the Holy Spirit imparts spiritual gifts to believers for ministry to one another, the Church and the world.

4.15 Divine Healing

We believe that God heals today through the atoning work of Jesus Christ. By praying in faith for healing and miracles we witness to and continue the ministry of Jesus Christ.

4.16 The Second Coming of Christ

We believe in, and look forward to, the imminent and personal return of Jesus Christ to gather His people to Himself, and to judge the living and the dead. His kingdom will have no end.

4.17 The Punishment of the Wicked

We believe in the resurrection of the body. All who believe in Jesus Christ will have everlasting life in the presence of God; those who reject Him will have eternal separation from God. It is the call of all believers to proclaim the message of Jesus Christ until He returns.

ARTICLE 5 THE NATIONAL CONFERENCE OF AUSTRALIAN CHRISTIAN CHURCHES

5.1 Purpose

It shall be the function of the National Conference as the supreme governing body:

- 5.1.1** To promote possibilities for fellowship between local churches.
- 5.1.2** To make whatever decisions may be necessary in the interests of the Movement.
- 5.1.3** To carry out elections to office in accordance with this United Constitution and to appoint committees for special work as occasion may arise.
- 5.1.4** To receive and consider reports from the states, departments, officers and committees and, where appropriate, make any decisions or recommendations arising there from.
- 5.1.5** To consider and decide on any constitutional matter that may arise.

5.2 Constituents

The voting constituents of the National Conference of the Movement shall be:

- 5.2.1** Those churches which at the date of adopting this constitution hold a current Certificate of Fellowship.

- 5.2.2** Such Registered Churches as shall thereafter be received into the Movement by the granting of a Certificate of Fellowship.
- 5.2.3** Those individuals who hold a current ACC Credential at the time of commencement of a National Conference.
- 5.2.4** Churches will cease to be voting constituents of the National Conference of the Movement at such a time as they no longer hold a current Certificate of Fellowship, and individuals will cease to be a voting constituent when, and from the time, an ACC Credential is withdrawn.
- 5.2.5** Pastors and churches must be up to date with their National dues to be a voting constituent at the National Conference.

5.3 Sessions

The National Conference shall be held biennially, at a time and place determined by the National Executive or by a sitting of the National Conference.

5.4 Notice

The National Secretary shall send to all voting constituents, a notice in writing of the Conference, not later than four months before the commencement of conference. All remits from voting constituents, which must be in the form of a resolution, shall be in the hands of the National Secretary three months prior to the commencement of conference.

If a voting constituent wishes to submit a remit to National Conference it must first be submitted for discussion at Regional level and receive endorsement by the regional leadership body. If the Regional leadership endorses the remit, it may then be forwarded to the appropriate State Executive. In states where there are no regions, the remit may be sent directly to the State Executive.

If the State Executive endorses the remit, it must then be forwarded to the National Secretary for inclusion on the agenda for the National Conference. If the State Executive fails to endorse a remit, the Region has the right to appeal to the next State Conference. If the State Conference endorses the remit it must then be forwarded to the National Secretary for inclusion on the agenda for the National Conference.

If a remit fails to pass at a Regional or State level, there is no further right of appeal. Remits may be submitted direct to the National Secretary by State Conferences, State Executives and the National Executive. All remits shall be notified to Registered Churches and ministers holding a current ACC Credential six weeks prior to the commencement of conference as part of a provisional agenda.

5.5 Voting at National Conference

- 5.5.1** All Registered Churches that hold a current Certificate of Fellowship and are in financial standing, may be represented by one delegate for every two hundred and fifty (250) adults in regular attendance (18 years and over) or part thereof and each such delegate shall be entitled to one vote.
- 5.5.2** Every ACC Credential holder is entitled to one vote.

5.5.3 In the event that the name of a church delegate is not received by the National Secretary, twenty-one days prior to the commencement of the National Conference, the National Executive may, in its absolute discretion, veto such delegate's voting power in which case the delegate shall have no voting rights but may attend as an observer.

5.6 Special Conference

Special conferences may be called by the National Executive at its discretion, or at the request of two or more of the State Executives. A written notification of the Conference setting forth the reasons for the special conference shall be distributed to the State Secretaries, churches and those holding an ACC Credential, not less than three weeks prior to the commencement of the special conference, which shall consider the matters listed on the notice but no other business, except as provided for in ARTICLE 19 of this Constitution.

5.7 Chairman

The National President, or their nominee, and in their absence, the National Vice President, shall preside over all meetings of the National Conference. In the event of the National President and the National Vice President being absent, the National Conference shall be presided over by a member of the National Executive appointed by the National Conference at that meeting.

5.8 Business

5.8.1 The National Conference may discuss any business not on the agenda but brought forward by the National Executive. General remits received less than three months prior to conference may be placed on the agenda at the absolute discretion of the National Executive.

5.8.2 No remits involving constitutional changes shall be brought before the National Conference unless included on the provisional agenda.

5.8.3 The National Executive shall prepare the agenda.

5.8.4 The only persons eligible to vote are delegates of Registered Churches and holders of an ACC Credential attending in person. No proxy votes are allowed.

5.8.5 In the normal course of business all resolutions shall be decided by a show of hands. However, the chairman may require that a secret ballot be taken.

5.8.6 All resolutions shall require a 55% majority of the voting constituents present at the meeting to be carried except where different percentages are specified in this constitution.

5.8.7 Quorum: Provided that notice has been given, consistent with ARTICLE 5.4, the voting constituents present at a conference business session shall constitute a quorum. To be clear, there is no minimum number of voting constituents whose presence is necessary to validate the transactions of the National Conference.

ARTICLE 6 NATIONAL OFFICERS

- 6.1** The officers shall consist of the National President, National Vice President(s), National Secretary, National Treasurer or National Secretary/Treasurer, together with such other officers as shall be appointed from time to time.
- 6.2** The National President and National Vice President(s) shall only be chosen from the ordained ministers, and shall be persons of mature experience and ability, who shall have been ordained for at least five years.
- 6.3** The National Secretary and the National Treasurer or National Secretary/Treasurer may be chosen from the ordained ministers or from individuals in fellowship and good standing with any church forming part of the Movement and shall be of mature experience and ability. If the National Secretary and/or National Treasurer are not holders of an Ordained Minister's Credential, they shall be ex officio members of the National Executive without voting rights.
- 6.4** The National Secretary, National Treasurer or National Secretary/Treasurer shall be ex officio delegates to National Conferences with full voting rights provided they have no vote by virtue of ARTICLE 5.5.2 of this United Constitution.
- 6.5** The roles and job descriptions of the National Officers shall be set and modified by the National Executive.

ARTICLE 7 NATIONAL EXECUTIVE

7.1 Membership

Each biennial National Conference shall elect a National Executive. The National Executive shall consist of nine members and shall include the National President, National Vice President(s), National Secretary, National Treasurer or National Secretary/Treasurer. Persons nominated for the National Executive shall have been ordained for at least four years except a National Secretary and a National Treasurer or a National Secretary/Treasurer, who is not the holder of an Ordained Minister's Credential. In special circumstances, the National Executive may waive the four year requirement.

Note: As per ARTICLE 6.2, the National President and National Vice President(s) shall have been ordained for at least five years.

7.2 Term of Office

With the exception of the National President and full time office bearers, whose initial term shall be a period of four years, the term of office shall be from the conclusion of the National Conference at which elected, until the conclusion of the National Conference next following.

7.3 Vacancies

In the event of a vacancy or vacancies occurring on the National Executive, the same shall be filled by the National Executive from those who have been ordained for at least four years. In the event of any member being incapacitated through illness or any other cause, the National Executive may likewise appoint any other eligible person to act in place of that member so incapacitated.

7.4 Meetings

The National Executive shall meet at such times and places as it may, from time to time, decide. Meetings shall be convened by the National Secretary, at the request of the National President or at the request of a simple majority of the National Executive. All members of the National Executive shall be entitled to receive notice of meeting. The National Executive may resolve from time to time the manner and form of such notice and a minute of its meeting to the effect will be conclusive evidence as to the form of notice required.

7.5 Quorum

The quorum necessary for the transaction of the business of the National Executive shall be a majority or such greater numbers as it shall fix from time to time.

7.6 Technology Meetings

For meetings other than those held in person after written notice, a majority of the National Executive shall be deemed to hold or be present at a meeting when they communicate through a telephone conference call, video or other electronic conference method in circumstances where each of them can simultaneously hear what is said by and can speak to the other members. Such a meeting shall be deemed to be held at the place where the chairperson was present during the meeting. A resolution passed at a meeting under this sub-clause must be ratified at the next National Executive meeting where notice has been given to all members.

If a majority of the National Executive shall have advised the National Secretary in writing by fax or email that they are in favour of a resolution in particular terms such resolution shall be deemed to be passed at a meeting of the National Executive provided it shall be ratified at the next National Executive meeting where notice has been given to all members.

7.7 Powers and Duties

Between biennial National Conferences, the National Executive is authorised to provide leadership and act in all matters that affect the Movement, at their discretion. All decisions of the National Executive must be in harmony with the provisions of this United Constitution and any decisions of the National Biennial Conference.

7.8 Nominations

7.8.1 Nominations for the National Executive, may be made by National and State Executives, State Conferences or voting constituents.

7.8.2 Nominations must be received, in writing, by the National Secretary, not less than two months prior to the commencement of the National Conference, which nominations shall be assented to, in writing, by the nominee. In the event that the number of nominations is less than the number of positions or offices to be filled, the National Executive shall make nominations up to the number required. Not less than six weeks prior to the commencement of the National Conference, the National Secretary shall advise all voting constituents of the nominations.

7.8.3 The National Executive shall recommend to the National Conference, one or more of the persons nominated for the offices of National Secretary, and National Treasurer or National Secretary/Treasurer, but all nominations shall be presented to the National Conference.

7.8.4 Nominees do not have to be present at the National Conference to be eligible for election.

7.9 Election Procedure

7.9.1 All elections shall be made by secret ballot. A separate ballot shall be held for each of the following:

- National President;
- National Vice President;
- National Secretary or National Secretary/Treasurer;
- National Treasurer (if required);
- Members of the National Executive other than National Officers.

7.9.2 The first office to be filled shall be that of the National President. The offices of the National Vice President(s), National Secretary or National Secretary/Treasurer shall then be successively filled, and then the ordinary members of the National Executive.

7.9.3 When the nominee for National Treasurer is a holder of an Ordained Minister's Certificate and is being considered for executive office, his election shall take place immediately following that of National Secretary.

7.9.4 All candidates must achieve at least a simple majority of votes cast to be declared as elected.

7.9.5 In ballots for National Officers, the candidate with the highest number of votes over a simple majority shall be declared as elected.

7.9.6 If no candidate, in the election for a National Officer, obtains a simple majority in the first ballot, a second ballot shall be held. Only the two candidates who achieved the highest and second highest number of votes in the first ballot shall be included in the second ballot.

7.9.7 In ballots for election of members of the National Executive other than office holders, all candidates achieving a simple majority, at least, up to the number of positions to be filled, shall be declared as elected in the order corresponding to the number of votes achieved by each candidate from the highest to the lowest.

7.9.8 If all vacancies for members of the National Executive other than office holders have not been filled following the results of the first ballot, a second ballot shall be held. The number of candidates in the second ballot shall be the number of remaining vacancies plus one. The candidates in the second ballot shall be chosen in the order corresponding to the number of votes achieved by each candidate in the first ballot from the highest to the lowest.

- 7.9.9** In the event of a tied vote between candidates for any vacancy, a further ballot shall be held, between the candidates with the tied vote, to fill the vacancy.

ARTICLE 8 AUDIT

The National Executive shall ensure that a proper audit of all books and accounts administered by the National Secretary/Treasurer or National Treasurer is carried out, for presentation to the membership of the appropriate corporate entities. It shall also ensure that a summary report be prepared, together with covering letter from the Auditor, for presentation to the National Conference.

ARTICLE 9 STATE CONFERENCES AND BY-LAWS

- 9.1** Whilst the Movement is a national movement, it recognises the necessity of administration of some matters at a state level.
- 9.2** Each state shall have its own Conference, State Executive and executive officers, consistent with the provisions of this constitution and the State By-Laws. The roles and job descriptions of the State Officers shall be set by the State Executive.
- 9.3** A conference shall be held in each state biennially, at a time and place to be fixed by the State Executive or by the sitting conference, to consider matters affecting the state. A conference may also be held at any time and place deemed necessary by the State Executive.
- 9.4** The administration of state matters not affecting the national Movement shall be vested in the State Executive between State Conferences.
- 9.5** All State Conference and Executive decisions are required to conform with the decisions of the National Conference and the National Executive.
- 9.6** In the event of a State being unable to appoint suitably qualified officers or executive members, the National Executive may appoint persons to fill the vacancies, at its sole discretion, until the next State Conference.
- 9.7** A State Executive may, by resolution, invite the National Executive to intervene in the management and affairs of that state for such period as it determines or until the next State Conference whichever is earlier. For the term of such intervention the National Executive shall replace the role of the State Executive or make additions to the State Executive, to represent the National Executive, with full voting powers.

In circumstances where the National Executive considers the interests of the Movement within a state are in serious jeopardy it may intervene so as to replace the role of the State Executive in all respects for such period as it determines or until the next State Conference whichever is earlier. In these circumstances the role of the State Executive is terminated upon written notification by the National Secretary that the National Executive has intervened under the provisions of this clause.

- 9.8** In the event of the National Executive replacing the role of the State Executive, a Special Conference, for the state, must be held within two months of the intervention. The special conference shall be informed of the reason for the replacement of the State Executive and determine the timing of the election of a new State Executive.

ARTICLE 10 MINISTRY

- 10.1** The Movement acknowledges that the church, both local and universal, has been endowed with Ministry Gifts as outlined in Ephesians 4:11-12.
- 10.2** Accepting that the Call of God, Ministry Gifts and the outpouring of the Holy Spirit have been bestowed on men and women without respect of gender, the Movement acknowledges the right and privilege of men and women to have their ministries recognised.
- 10.3** The Movement recognises ministries, by the granting of the appropriate certificates as set out in ARTICLE 11 of this Constitution. The movement may grant an OMC or a PMC to individuals who reside outside Australia subject to the provisions of this constitution.

ARTICLE 11 CREDENTIALS AND CERTIFICATES

11.1 Credentials and Certificates

The Movement recognises four Credentials and Certificates with respect to ministry, namely:

- Ordained Minister's Credential (OMC)
- Provisional Minister's Credential (PMC)
- Specialised Ministry Credential (SMC)
- Overseas Associate Minister's Certificate (OAMC)

11.2 Qualifications and Requirements of all Credential and Certificate Holders

11.2.1 To be a person of God in good standing with those within the church and of good report by those outside the church.

11.2.2 To have demonstrated the qualifications set out in 1 Timothy 3:1-7 and Titus 1:7-9 for a leader in the church and have been baptised in the Holy Spirit, as described in ARTICLE 4 of the United Constitution.

- 11.2.3** To have undertaken a recognised Bible study course and/or given evidence to the interviewing committee that he/she is equipped by private reading and study to fulfill the relevant ministry.
- 11.2.4** To be acquainted with, accept and adopt the United Constitution, structure, policies and administration of the Movement.
- 11.2.5** To be living consistent with the Code of Conduct and other policies of the Movement.
- 11.2.6** To be regularly attending a church that holds a Certificate of Fellowship or a Provisional Certificate of Fellowship. Upon application, where unique circumstances occur, or a special relationship exists, the National Executive may periodically approve an ACC Credential holder attending a non-ACC church.
- 11.2.7** To complete professional development as required by the National and State Executive.
- 11.2.8** To be prepared to sign, as required, a declaration in relation to moral standing, compliance with legal requirements and doctrinal consistency with the Movement.

11.3 Ordained Minister

11.3.1 Definition

An "Ordained Minister" is one who is a proven minister as described in Ephesians 4:10-12. An Ordained Minister's Credential will only be granted to a minister who has held a Provisional Minister's Credential for at least two years. Ministers who have been ordained in another recognised movement may, at the discretion of the State Executive (with appropriate references and endorsement), be recommended for the issuance of an Ordained Minister's Credential.

11.3.2 Rights and Responsibilities

Those holding Ordained Minister's Credentials shall have the right/responsibility to:

- 11.3.2.1** Do all those things which befit one as a minister of the Gospel.
- 11.3.2.2** Attend Regional, State and National Conferences (of which he/she is a member) with full voting rights.
- 11.3.2.3** Be registered to solemnise marriages, except in the case of a credential holder residing outside Australia.
- 11.3.2.4** Pay all National, State and Regional dues, levies and other charges payable.
- 11.3.2.5** Live consistently with the qualifications and requirements as outlined in ARTICLE 11.2 of the United Constitution.

11.4 Provisional Minister

11.4.1 Definition

A "Provisional Minister" is one showing clear signs of a divine call and God-given ability, and an evident purpose to devote his/her life to the preaching of the Gospel.

Recommendations for an Ordained Minister's Credential may be made by a supervising pastor on behalf of those who have satisfactorily completed at least two years as a provisional minister.

11.4.2 Rights and Responsibilities

Those holding a Provisional Minister's Credential shall have the right/responsibility:

11.4.2.1 To minister, under supervision, in any area that the Senior Pastor of a local church, or the State Executive deems to be appropriate.

11.4.2.2 To attend State and Regional Conferences of the state/region in which he/she resides, with full voting power.

11.4.2.4 To be registered to solemnise marriages only if local circumstances require it (e.g. isolation) and the State Executive authorises it.

11.4.2.5 Pay all National, State and Regional dues, levies and other charges payable.

11.4.2.6 Live consistently with the qualifications and requirements as outlined in ARTICLE 11.2 of the United Constitution.

11.4.2.7 To progress towards obtaining an Ordained Minister's Credential within five years of receiving a Provisional Minister's Credential. A failure to progress to an Ordained Minister's Credential without reasonable excuse may result in the Provisional Minister's Credential being transferred to a Specialised Ministry Credential or withdrawn, on the recommendation of the State Executive.

11.5 Specialised Ministry

11.5.1 Definition

A "Specialised Ministry" is one authorised to engage in various types of ministries on a specified basis, in a specific location or field of activity.

There is no articulation from a Specialised Ministry Credential to Ordination but, if the holder wishes to proceed to a wider sphere of ministry, application may be made for a Provisional Minister's Credential after the satisfactory completion of at least one year as a specialised ministry.

11.5.2 Rights and Responsibilities

Those holding a Specialised Ministry Credential shall have the right/responsibility:

- 11.5.2.1** To be involved in a ministry that requires recognition within a specific church or engage in ministry in a recognised field of ministry.
- 11.5.2.2** To attend Regional, State and National Conferences (of which he/she is a member) with full voting rights.
- 11.5.2.4** Pay all National, State and Regional dues, levies and other charges payable.
- 11.5.2.5** To report to the appropriate State Executive any change of location or ministry. Note: Since the Specialised Ministry Credential is location and ministry specific, there is no obligation on a State Executive to continue a SMC if location or ministry changes.
- 11.5.2.6** Live consistently with the qualifications and requirements as outlined in ARTICLE 11.2 of the United Constitution.

11.6 Overseas Associate Minister's Certificate

11.6.1 Definition

"Overseas Associate Minister" is one who is living and ministering outside of Australia, holds a credential with an accrediting body within their nation of residence but has, in the opinion of the National Executive, a significant ministry and clear connectedness with the Movement that makes the maintenance of the relationship advantageous. The minister's primary accountability rests with the accrediting body in their nation of residence and an overseas Associate Minister's Certificate will not be issued without the approval of the accrediting body within their nation.

If a minister does not hold a credential in his/her nation of residence and has a close connection with the Movement but does not qualify to hold an OMC according to the guidelines set out in the Overseas Credential Policy (specifically relating to the historical connection), the National Executive may grant him/her and OAMC if it believes there is a compelling reason to do so provided always that the candidate fulfils the qualifications in Article 11.2.

11.6.2 Rights and Responsibilities

Those holding Overseas Associate Minister's Certificates shall have the right/responsibility to:

- 11.6.2.1** Be acknowledged as an associate minister of the Movement.
- 11.6.2.2** Transfer directly to an appropriate credential/certificate upon relocation in Australia provided that the credential in the overseas nation is relinquished.

11.6.2.3 Attend Regional, State and National Conferences with the courtesy of the floor but no voting rights.

11.6.2.4 Pay all National, State and Regional dues, levies and other charges payable.

11.6.2.5 Live consistently with the qualifications and requirements as outlined in ARTICLE 11.2 of the United Constitution.

11.7 Issuance and Suspension of Credentials and Certificates

11.7.1 All credentials and certificates are issued by the National Executive.

11.7.2 The National Executive may establish such procedures as it considers just and necessary to investigate any complaint against a credential or certificate holder prior to consideration of such complaint by the National Officers.

11.7.3 Credentials and certificates may be suspended or withdrawn on the grounds of improper conduct or false teaching by decision of a majority of the National Officers either on their own motion or upon recommendation of a State Executive. The National Executive may appoint other persons in particular cases to comprise a panel to assist the National Officers in the task of deciding whether or not to suspend or withdraw a credential or certificate in such cases.

11.7.4 All applications for credentials and certificates shall be made on the application forms and according to the processes prescribed by the National Executive.

11.7.5 The administration of the application and processing of credentials and certificates may, at the discretion of the National Executive, be delegated to the states but the responsibility for setting standards and required qualifications shall remain the responsibility of the National Executive. States may not change application procedures and requirements for the holders of these credentials and certificates except on a uniform national basis with the approval of the National Executive.

11.7.6 If in the opinion of the National President, circumstances exist (other than circumstances where a Minister is being investigated by a law enforcement agency or is subject to prosecution of a criminal offence) which, in the public interest, justify the suspension of a minister's credential, the National President or delegate appointed for that purpose, may do so, by notice in writing to the Minister, for a period not exceeding sixty days while the matter is being investigated by the State Executive. Where the National Executive is of the opinion that further time is required to fairly and justly investigate the matter, it may extend the period of suspension for a further period of 60 days, unless the National President determines it is in the public interest for the extension to be a period that aligns with the outcome of an investigation by an authorised body (being an external body appointed to investigate a minister's conduct). Before a new suspension period, the National Executive must freshly consider all elements of the investigation and the reasons for extension.

11.7.7

If circumstances exist whereby an investigation is being conducted by a State or Federal law enforcement agency into the conduct of a Minister, the National President or delegate appointed for that purpose, may suspend that minister's credential, by notice in writing to the Minister, for the duration of the investigation. Within seven days of receiving the notice of cessation of the investigation, the National President (or representative thereof) is to inform the Minister that the National Executive will freshly consider all elements of the investigation within the following 30 days, and the outcome of the investigation, and determine whether the minister's credential will be reinstated, further suspended or withdrawn.

11.7.8

If circumstances exist whereby a State or Federal law enforcement agency has charged a Minister with an offence to be heard in a Court of competent jurisdiction, the National President or delegate appointed for that purpose may suspend that Minister's credential, by notice in writing to the Minister, until a judgement has been handed down by the Court. At the conclusion of the court proceedings, the National Executive within 30 days must freshly consider all elements of the investigation, and the outcome of the court proceedings, and determine whether the credential will be reinstated, further suspended or withdrawn.

11.7.9 The National President should be immediately informed of a formal complaint against a credentialed minister that may, in the opinion of the State President, lead to the suspension of the minister's credential or ministry certificate.

11.8 Right of Appeal

All credential/certificate holders who have their credentials or certificates withdrawn shall have right of appeal to the National Executive.

11.8.1 The right of appeal to the National Executive shall be granted, provided that written notice of appeal is lodged with the National Secretary, not later than thirty days after notification of the withdrawal of his/her credential or certificate.

11.8.2 The right of hearing shall, in such cases, be before the National Executive or any persons they may appoint.

11.8.3 The decision of the National Executive shall be final in relation to substantial outcome of, and procedure to be adopted upon, the appeal.

11.9 Right of Appeal for National Executive Personnel

If the credential/certificate holder whose credential/certificate is suspended or withdrawn is a member of the National Executive:

11.9.1 The right of appeal shall be to an appeals board, consisting of the State President of each state (or his appointee if the State President is a member of the National Executive)

11.9.2 The right of appeal to the appeals board shall be granted, provided that written notice of appeal is lodged with the National Secretary, not later than thirty days after notification of the suspension or withdrawal of his/her credential/certificate.

11.9.3 The decision of the appeals board, in relation to the appeal, shall be final.

11.10 Procedure for Issuance of Credentials and Certificates

11.10.1 Ordained Ministers Credentials shall be renewed biennially.

11.10.2 All other certificates and credentials shall be renewed annually.

11.10.3 Credentials/certificates, signed by the National President and National Secretary, must be held by all ministers in the Movement.

11.10.4 Without a credential/certificate, a person cannot be regarded as an active minister.

11.10.5 State Executives shall review all credentials and certificates as they become due, through the appropriate renewal form and submit the recommended ministerial list to the National Secretary by 31 October or other date specified in writing by the National Secretary.

11.10.6 Credentials and certificates will not be issued until the appropriate dues have been paid.

11.11 Active Ministry

"Active ministry" is defined as:

11.11.1 Ministers having the oversight of an ACC church or holding a state or national ministry/administrative position.

11.11.2 Those ministering as recognised assistant pastors or assistants to the pastor in an ACC church.

11.11.3 Recognised itinerant preachers and evangelists or those engaged in a recognised form of ministry activity.

11.11.4 Recognised pioneer ministers.

11.12 Inactive Ministry

11.12.1 An ordained minister, on ceasing to engage in active ministry, shall continue to be recognised as a minister in the Movement, until the expiration of their Ordained Minister's Credential. This is subject to the minister continuing to attend a church with a Certificate of Fellowship or a Provisional Certificate of Fellowship.

11.12.2 Those who have held an Ordained Minister's Credential which has lapsed and who desire to accept a call to the ministry, shall complete an appropriate application and any other required documentation. They should apply immediately for a reissuance of their credential.

11.12.3 The reissuance of a credential will only occur following the advice of the appropriate State Executive.

11.12.4 Emeritus ministers shall continue to receive their annual Ordained Minister's Credentials whilst they otherwise remain qualified according to this United Constitution.

ARTICLE 12 CHURCHES AND SERVICES

12.1 Registered Church

12.1.1 Definition

A "Registered Church" shall be defined as a church that holds a current Certificate of Fellowship issued by the Movement.

12.1.2 Certificate of Fellowship

Certificates of Fellowship shall be issued and may be withdrawn at any time at the discretion of the National Executive. Certificates will only be issued and retained by churches that meet the following requirements:

12.1.2.1 For the initial issuance of a Certificate of Fellowship, a church should have at least 50 adults in regular attendance.

12.1.2.2 For the renewal of a Certificate of Fellowship, a church should have at least 30 adults in regular attendance.

Note: The appropriate State Executive may recommend an exception to this requirement in the case of churches in small or isolated rural communities.

12.1.2.3 A church must appoint, as its senior pastor, a person holding a current Ministry Credential/Certificate of the Movement. If it wishes to appoint a person not holding a current credential/certificate, it may only do so with the express permission of the

appropriate State Executive and only on condition that that person immediately begins the process of applying for an appropriate credential/certificate.

- 12.1.2.4** A church must have an appropriate written constitution consistent with this United Constitution and the State By-Laws. It should also have a functioning board of at least three members, independent of each other, including a Secretary and Treasurer or a Secretary/Treasurer. This administration should have been functioning for at least 12 months prior to the granting of a Certificate of Fellowship.
- 12.1.2.5** Acceptance of the United Constitution, State By-Laws, Code of Conduct and Policies of the Movement and Agreement to function according to them must be included in the church constitution.
- 12.1.2.6** Attendance of appropriate people at required compliance training sessions and a demonstrated cooperation with National, State and Regional Executives.
- 12.1.2.7** Payment of all National, State and Regional dues, levies and other charges payable.
- 12.1.2.8** Compliance with all applicable Federal, State and Local Government legislation as pertaining to churches and charities.
- 12.1.2.9** The church must hold current insurance policies, including Public Liability, Voluntary Worker Personal Accident, Professional Indemnity and Associations/Management Liability.

12.1.3 Location

12.1.3.1 Definition

A "Location" shall be defined as an outreach from a Registered Church that has a regular and distinct ministry to a community or people group but comes under the authority and control of the Registered Church. A service catering for a distinct group or ministering in a different geographical area would qualify as a Location but multiple services in one geographical area would not qualify.

12.1.3.2 State Executive intervention

The State may only intervene in Locations through the Registered Church as allowed in 12.1.3. The Registered Church is responsible for compliance with all requirements (including payment of dues) for the Location.

12.1.3.3 Transition to church status

In the event that the responsible Registered Church and its Location agree for the Location to be separately listed as a church, the State Executive may accept it as a registered or provisional church depending on its meeting the required criteria. If the responsible Registered Church and the Location are in dispute about becoming a separately listed church, the State Executive may intervene and make a determination.

12.1.4 State Executive Intervention

12.1.4.1 The appropriate State Executive of the Movement may accept a written and signed invitation to hold a meeting of members, or to assist or advise in the business or affairs of the church, by either the senior minister, or the board, or by a majority of the current membership of the church.

12.1.4.2 Such meeting shall be chaired by a member of the State or National Executives (or their appointee), appointed by the State Executive who shall set the agenda.

12.1.4.3 All business conducted shall be in accordance with the constitution of the church, and the State or National Executive official of the Movement may not institute any rule, take any action, or make any decision affecting the church unless such motions are carried by a majority of the members.

12.2 Provisional Church

12.2.1 Definition

A "Provisional Church" shall be defined as a church that is recognised by the appropriate State Executive as working towards becoming a Registered Church but having not yet fulfilled the requirements of obtaining a Certificate of Fellowship.

12.2.2 Provisional Certificate of Fellowship

A Provisional Church shall be granted a Provisional Certificate of Fellowship, upon being recognised by its State Executive. The certificate shall be subject to the maintenance of governance and legal requirements deemed appropriate by the State Executive and may be withdrawn at any time on the advice of the State Executive. The certificate shall be subject to review and renewal every two years.

12.2.3 State Executive Intervention

The State Executive shall have the right to give advice as it sees fit and the State Executive should be consulted prior to any major decisions being made by the Provisional Church.

ARTICLE 13 NATIONAL DEPARTMENTS AND MINISTRIES

The National Executive may establish departments and ministries that function at a national level, to facilitate the objectives of the Movement. Such ministries shall have the right to operate under their own constitutions and by-laws, approved by the National Executive. The ministries are subject to the direction of the National Executive and must present a report to the biennial National Conference. The leaders of all national departments and ministries shall be appointed by the National Executive. In the event that a national department is incorporated, the provisions of ARTICLE 22 shall apply.

ARTICLE 14 WORLD MISSIONS

The Movement will prioritise World Missions. Accordingly, Australian Christian Churches International (ACCI) has been established to facilitate effective ministry beyond Australia. If it is deemed advisable to create additional corporate entities to fulfil the purpose of World Missions, the provisions of ARTICLE 22 shall apply.

ARTICLE 15 EDUCATION

The Movement will prioritise the education of its constituents, particularly in relation to the training of prospective ministers for Australia and overseas. Accordingly, Alphacrucis University College has been established as the Movement's education and training provider.

This National College shall be authorised to establish corporate entities that facilitate its educational purposes subject to ARTICLE 22.

ARTICLE 16 CODE OF CONDUCT AND OTHER POLICIES

- 16.1** The National Conference shall adopt, as policy, a "Code of Conduct" and such other policies that reflect the moral and ethical standards of the Movement.
- 16.2** All persons who have been issued with a credential or certificate by the Movement are required to adhere to such policies and a failure to do so may be regarded as improper conduct under ARTICLE 11.7.3 of this Constitution and lead to discipline according to ARTICLE 11.7.
- 16.3** All policies shall be circulated to Registered Churches and ACC Credential holders for consultation prior to introduction or amendment. They will then be ratified by the National Conference with a vote of at least 65%.

ARTICLE 17 PROPERTY

17.1 National Property

The National Executive will make appropriate provision for the holding of the Movement's properties under their absolute control, on behalf of the Movement. Appropriate provision may include the establishment of trust(s) or the formation of company(ies) as set out in ARTICLE 22.

17.2 State & Regional Property

Each State Executive will make appropriate provision in their absolute discretion for the holding of State and District properties, on behalf of the state Movement.

17.3 Local Church Property

Local church property may be held:

- 17.3.1** In its own name where incorporated; or
- 17.3.2** By the State Executive making provision for the holding of local church properties on behalf of the local church where unincorporated; or
- 17.3.3** By a corporate body controlled by the local church, where unincorporated, upon trusts determined in accordance with the constitution of the local church; or
- 17.3.4** By individuals appointed by the local church in accordance with and upon trusts determined in accordance with its constitution.
- 17.3.5** Local church property means any property held for or controlled by a church that holds a Certificate of Fellowship or Provisional Certificate of Fellowship and any property of an outreach commenced by such a church.

ARTICLE 18 INDEMNITY

18.1 Indemnity

Subject to the terms of this Article 18, the Movement indemnifies and will keep indemnified:

- (a) any person who holds or who has held any elected or appointed office within the Movement whether or not validly appointed to occupy such a position;
- (b) any executive officers; and
- (c) any employees.

from any loss suffered in respect of any wrongful act asserted against such person while acting in their individual or collective capacities as office bearers within the Movement.

18.2 Exclusions

The Movement will not indemnify any person for any claim arising from or attributable to:

- 18.2.1** A wilful breach of duty, the dishonest, fraudulent or malicious act or omission committed with criminal intent;
- 18.2.2** Sexual abuse claims, which means any actual, alleged or attempted assault or abuse of a sexual nature or any other lewd conduct by the person(s) indemnified under Article 18.1.

18.3 Limits to Indemnity

18.3.1 The Movement's liability in respect of this indemnity is limited to the greater of:

- 18.3.1.1** The value of assets held on trust on behalf of the Movement; and

18.3.1.2 To the extent the claim made against a person is covered by a policy of insurance, whether or not that policy is held by or for the benefit of the Movement or not, the sum insured under that policy.

18.3.2 This indemnity is limited to office bearers, officers or employees, of the National Conference.

18.4 Advancement of Defence Costs

The Movement will pay all reasonable defence costs incurred in defending any civil or criminal proceedings commenced in respect of any wrongful act asserted against such a person while acting in their individual or collective capabilities on an on-going basis as they are incurred prior to the final payment or settlement of any claim provided that:

18.4.1 Such defence costs are incurred with the written consent of the Movement. Such consent not to be unreasonably withheld; and

18.4.2 Such advance payments by the Movement shall be repaid to the Movement in the event that the person is not entitled to payment of any loss under this indemnity."

ARTICLE 19 SUSPENSION OF CONSTITUTIONAL REQUIREMENTS

To allow members to bring forward business, which is of a special and urgent nature, which is not on the agenda, the requirements of this Constitution, in relation to business, may be suspended without notice by a motion carried by a 65% majority of the delegates present and eligible to vote. On the carrying of such motion, the National Secretary will place the said business on the agenda.

ARTICLE 20 INTERPRETATION

The official interpretation of this Constitution and the State By-Laws, including the substantive meaning of any aspect of the Doctrinal Basis, shall be vested in the National Executive between conferences.

ARTICLE 21 AMENDMENTS

Proposed amendments to this Constitution must be submitted in writing, as a remit under ARTICLES 5.4 and 5.8 to the National Secretary at least three months prior to the date of the ensuing National Conference of the Movement. Such shall be considered carried when carried by a 75% majority of the delegates present and eligible to vote.

The National Executive is empowered to make any spelling and grammatical corrections that make no significant change to the meaning of this constitution. The National Executive is also empowered to make changes to by-laws and policies that are made necessary by constitutional amendments approved by the conferences. Such changes shall be notified to the Movement.

ARTICLE 22 MOVEMENT INCORPORATION PROVISIONS

- 22.1** In circumstances where the National Executive is of the view that it is necessary to legally incorporate any aspects (including State aspects), initiatives or functions of the Movement, it may approve such incorporation provided the following principles are adopted.
- 22.2** Except in circumstances where the National Executive deems it to be otherwise necessary, the constituent documentation of such incorporated bodies must provide:
- 22.2.1** Acceptance of the Doctrinal Basis set out in Article 4 of this constitution;
 - 22.2.2** The voting constituency must consist of either the National Company or the individual members of the National Executive and State Executives where it is not possible for the National Fellowship Company to do so because of legal requirements of the jurisdiction where the incorporated body is to be formed and;
 - 22.2.3** The controlling directorship or committee must only be eligible for election or re-election with the prior written approval of the National President or National Secretary except for State Companies where the board must be comprised by the State Executive elected in accordance with State Bylaws adopted by the National Conference and;
 - 22.2.4** Annual financial reports be provided to the National Treasurer without demand.
- 22.3** The term "National Company" means any corporate body so designated by the National Executive from time to time.
- 22.4** The term "State Company" means a body incorporated within a state or territory of Australia where it is necessary to do so.

ARTICLE 23 NON-PROFIT

The income and property of the Movement however derived shall be applied solely towards the promotion of the objects of the Movement as set out in this United Constitution. No portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise howsoever by way of profit, to individual persons who, at any time are or have been associated with the Movement, or to any person claiming through any of them provided that nothing herein shall prevent the payment in good faith or remuneration to any officers or servants of the Fellowship or other person in return for services actually rendered to the Movement or for goods supplied in the ordinary way of business (but not for services rendered as an office bearer) nor prevent the payment of interest on borrowed money, the maximum rate of interest to be not more than the current rate charged by Banks in Australia similar circumstances or the payment of rent for premises or goods let or hired to the Movement.

ARTICLE 24 DISSOLUTION

If the Movement should be dissolved and there be any property or assets after satisfaction of its liabilities, the same shall not be paid to or distributed among individuals associated with the Movement, but shall be paid forthwith, without demand to such other organisation with similar objects as the voting constituents present at the meeting of the National Conference to dissolve the Movement shall determine or in default thereof as determined by the Supreme Court of a State provided always that such payment or distribution shall only be made to such other organisation that is not carried on for the purposes of profit and gain to its individual members and where that entity is able, at the time of such payment or distribution, to satisfy the Movement that it holds endorsement from the Australian Taxation Office as a tax concession charity or other such qualification required under Australian law that results in the entity being exempt from income tax.

STATE BY-LAWS

ARTICLE 1 DEFINITION

AUSTRALIAN CHRISTIAN CHURCHES is a National Movement, governed according to its United Constitution. State Conferences are established according to Article 2.4 and Article 9 of the National Constitution and are under the authority of the National Conference of Australian Christian Churches.

ARTICLE 2 CORPORATE ENTITY

State Conferences shall have the right to establish corporate entities for the purpose of holding property, conducting business and undertaking financial transactions on behalf of the State Conference. The corporate entity shall be established consistent with ARTICLE 12 of these By-Laws.

ARTICLE 3 BY-LAWS

These By-Laws are set forth for the guidance of constituents, ministers and officers for the orderly conduct of the business of the movement within each state and territory of Australia. The United Constitution of the Movement takes precedence over these By-Laws should any conflict of provisions appear at any time.

ARTICLE 4 STATE CONFERENCE

4.1 Purpose

It shall be the function of the State Conference, within the state:

- 4.1.1 To promote possibilities for fellowship between local churches.
- 4.1.2 To make whatever decisions may be necessary in the interests of the Movement.
- 4.1.3 To carry out elections to office in accordance with the State By-Laws ARTICLE 6 and to appoint committees for special work as occasion may arise.
- 4.1.4 To receive and consider reports from the states, departments, officers and committees and, where appropriate, make any decisions or recommendations arising therefrom.

4.2 Constituents

The voting Constituents of the State Conference of the Movement shall be:

- 4.2.1 Those churches which at the date of adopting the United Constitution hold a current Certificate of Fellowship and located in the appropriate State.
- 4.2.2 Such Registered Churches, located in the State, as shall thereafter be received into the movement by the granting of a Certificate of Fellowship.
- 4.2.3 Those individuals who hold a current ACC Credential at the time of commencement of a State Conference.
- 4.2.4 Deemed ineligible to vote in the following circumstances:
 - 4.2.4.1 A constituent church will be ineligible to vote at a conference (or entitled to appoint voting delegates) when dues are unpaid.

- 4.2.4.2** An individual constituent will be ineligible to vote at a conference when:
- pastors dues are unpaid, or
 - they are no longer resident in the state.

4.3 Sessions

The State Conference shall be held biennially, at a time and place determined by the State Executive.

4.4 Notice

The State Secretary shall send to all churches of the State Conference, and those credential holders entitled to vote, a notice in writing of the Conference, not later than four months before the commencement of Conference. All remits, which must be in the form of a resolution, shall be in the hands of the State Secretary three months prior to the commencement of conference.

Remits may be submitted by the State Executive, churches holding a Certificate of Fellowship, and by ACC Credential holders. All nominations and remits shall be submitted to churches and ACC Credential holders six weeks prior to the commencement of conference.

4.5 Membership

4.5.1 The State Conference shall comprise of all churches, located in the state that hold a current Certificate of Fellowship (not a Provisional Certificate of Fellowship) and who are in financial standing, represented by one delegate for every two hundred and fifty (250) adults in regular attendance (18 years and over) or part thereof.

4.5.2 Every ACC Credential holder resident in the state shall be eligible to attend as a voting member.

4.5.3 Missionaries holding an ACC Credential, whose Australian residential address is in that state, are entitled to attend and to vote.

4.5.4 In the event that the name of a church delegate is not received by the State Secretary fourteen days prior to the commencement of the State Conference, the State Executive may, in its absolute discretion, veto the voting power of such delegate, who shall have no voting rights but may attend as an observer.

4.6 Special Conference

Special State Conferences may be called by the State Executive at its discretion, or at the request of not less than one third of the Registered Churches in the state. A written notification of the conference shall be distributed to churches with current Certificates of Fellowship (not a Provisional Certificate of Fellowship) and those holding an ACC Credential, not less than three weeks prior to the commencement of the Special State Conference, which shall consider the matters raised but no other business, except as provided for in Article 10 of these By-Laws.

4.7 Chairman

The State President, and in his/her absence the State Vice President, shall preside over all meetings of the State Conference. In the event of the State President and the State Vice President being absent or in cases where it is deemed beneficial or in the interests of the Conference, the Conference shall be presided over by a member of the State or National Executive appointed by the Conference at that meeting.

4.8 Business

4.8.1 The State Conference may discuss any business not on the agenda but brought forward by the State Executive. General remits received less than three months prior to conference may be placed on the agenda at the absolute discretion of the State Executive.

4.8.2 The State Executive shall prepare the agenda.

4.8.3 The only persons eligible to vote are members of the State Conference attending in person.

4.8.4 In the normal course of business, all resolutions shall be decided by a show of hands. However, the chairman may require that a secret ballot be taken.

4.8.5 All resolutions shall require a 55% majority of the voting strength to be carried except where different percentages are specified in the United Constitution or the State By-Laws.

4.8.6 Quorum: Provided that notice has been given, consistent with ARTICLE 4.4, the voting constituents present at a conference business session shall constitute a quorum. To be clear, there is no minimum number of voting constituents whose presence is necessary to validate the transactions of the State Conference.

ARTICLE 5 STATE OFFICERS

5.1 The officers shall consist of the State President, State Vice President(s), State Secretary, State Treasurer or State Secretary/Treasurer, together with such other officers as shall be appointed from time to time.

5.2 The State President and State Vice President(s) shall only be chosen from the ordained ministers, and shall be persons of mature experience and ability, who shall have been ordained for at least three years.

5.3 The State Secretary and the State Treasurer or State Secretary/Treasurer may be chosen from the ordained ministers or from individuals in fellowship and good standing with any church forming part of the movement and shall be of mature experience and ability. If the State Secretary and/or State Treasurer are not holders of an Ordained Minister's Credential, they shall be ex officio members of the State Executive without voting rights.

5.4 The State Secretary, State Treasurer or State Secretary/Treasurer shall be ex officio delegates to State Conferences with full voting powers.

5.5 The roles and job descriptions of the State Officers shall be set and modified by the State Executive.

ARTICLE 6 STATE EXECUTIVE

6.1 Membership

The State Executive shall consist of not less than five, or more than seven members of the conference and shall include the State President, State Vice President, State Secretary and State Treasurer or State Secretary/Treasurer. Persons nominated for the State Executive shall have been both ordained and resident in the state for at least two years. Persons nominated for the position of State President or State Vice President shall have been ordained for at least three years, and two years for other officers, except a State Treasurer, or a State Secretary/Treasurer who is not the holder of an OMC.

6.2 Term of Office

The term of office shall be from the conclusion of the State Conference at which elected, until the conclusion of the State Conference next following.

6.3 Vacancies

In the event of a vacancy or vacancies occurring on the State Executive, the same shall be filled by the State Executive, from those who have been members of the conference for at least two years. In the event of any member being incapacitated through illness or any other cause, the State Executive may likewise appoint any other eligible person to act in place of that member so incapacitated.

6.4 Meetings

The State Executive shall meet at such times and places as it may from time to time decide. Meetings shall be convened by the State Secretary at the request of the State President or a simple majority of the State Executive.

6.5 Quorum

The quorum necessary for the transaction of the business of the State Executive shall be a majority or such greater numbers as it shall fix from time to time.

6.6 Technology Meetings

For meetings other than those held in person after written notice, a majority of the State Executive shall be deemed to hold or be present at a meeting when they communicate through a telephone conference call, video or other electronic conference method in circumstances where each of them can simultaneously hear what is said by and can speak to the others of them. Such a meeting shall be deemed to be held at the place where the chairperson was present during the meeting. A resolution passed at a meeting under this sub-clause must be ratified at the next State Executive meeting where notice has been given to all members.

If a majority of the State Executive shall have advised the State Secretary in writing by fax or email that they are in favour of a resolution in particular terms such resolution shall be deemed to be passed at a meeting of the State Executive provided it shall be ratified at the next State Executive meeting where notice has been given to all members.

6.7 Powers and Duties

The powers and duties of the State Executive shall be to do all those acts and things, which in its opinion, are necessary and beneficial to further the aims of Australian

Christian Churches within the state. Such acts shall be consistent with the United Constitution of Australian Christian Churches and the State By-Laws.

6.8 Nominations

Nominations may be made by the State Executive, the State Conference, or voting constituents.

6.9 Election

Elections to office shall be conducted in harmony with the United Constitution.

ARTICLE 7 CREDENTIALS

The State Executive shall work, under the direction of the National Executive to facilitate the granting, reviewing and withdrawal of credentials as required in the United Constitution.

ARTICLE 8 STATE DEPARTMENTS AND MINISTRIES

The State Executive may establish departments and ministries that function at a State level, to facilitate the objectives of Australian Christian Churches. Such ministries shall have the right to operate under their own constitutions and by-laws, approved by the State Executive. The ministries are subject to the direction of the State Executive and must present a report to the biennial State Conference. The leaders of all state departments and ministries shall be appointed by the State Executive. In the event that a state department is incorporated, the provisions of Article 12 of these By-Laws shall apply.

ARTICLE 9 INDEMNITY

9.1 Indemnity

Subject to the terms of this Article 9, the State movement indemnifies:

- (a) any person who holds or who has held any elected or appointed office within the movement whether or not validly appointed to occupy such a position;
- (b) any executive officers; and
- (c) any employees

from any loss suffered in respect of any wrongful act asserted against such person while acting in their individual or collective capacities as office bearers within the movement.

9.2 Exclusions

The Movement will not indemnify any person for any claim arising from or attributable to:

9.2.1 A wilful breach of duty, the dishonest, fraudulent or malicious act or omission committed with criminal intent;

9.2.2 Sexual abuse claims, which means any actual, alleged or attempted assault or abuse of a sexual nature or any other lewd conduct.

9.3 Limits To Indemnity

9.3.1 The Movement's liability in respect of this indemnity is limited to the greater of:

9.3.1.1 The value of assets held in trust on behalf of the Movement; and

9.3.1.2 To the extent the claim made against a person is covered by a policy of insurance, whether or not that policy is held by or for the benefit of the Movement or not, the sum insured under that policy.

9.3.2 This indemnity is limited to office bearers, officers or employees, of the State Conference.

9.4 Advancement of Defence Costs

The Movement will pay all reasonable defence costs incurred in defending any civil or criminal proceedings commenced in respect of any wrongful act asserted against such a person while acting in their individual or collective capabilities on an on-going basis as they are incurred prior to the final payment or settlement of any claim provided that:

9.4.1 Such defence costs are incurred with the written consent of the movement, such consent not to be unreasonably withheld; and

9.4.2 Such advance payments by the movement shall be repaid to the movement in the event that the person is not entitled to payment of any loss under this indemnity."

ARTICLE 10 SUSPENSION OF BY-LAWS

To allow members to bring forward business, which is of a special and urgent nature, which is not on the agenda, the requirements of these By-Laws, in relation to business, may be suspended without notice by a motion carried by a 65% majority of the delegates present and eligible to vote. On the carrying of such motion, the State Secretary will place the said business on the agenda.

ARTICLE 11 AMENDMENTS

Amendments to these By-laws may be made at any meeting of the National Conference, and shall be considered carried when carried by a 65% majority of the delegates present and eligible to vote.

ARTICLE 12 INCORPORATION PROVISIONS

12.1 In circumstances where the State Executive is of the view that it is necessary to legally incorporate any aspects, initiatives or functions of the Movement it may approve such incorporation provided the following principles are adopted –

12.2 Except in circumstances where the State Executive deems it to be otherwise necessary the constituent documentation of such incorporated bodies must provide:

12.2.1 Acceptance of the Doctrinal Basis set out in the United Constitution; and

12.2.2 The voting constituency must consist of either the State Company or the individual members of the State Executive where it is not possible for the

State Company to do so because of legal requirements of the jurisdiction where the incorporated body is to be formed; and

12.2.3 The controlling directorship or committee must only be eligible for election or re-election with the prior written approval of the State President or State Secretary; and

12.2.4 Annual financial reports be provided to the State Treasurer without demand.



OFFICIAL DOCUMENT

Title:	Ministerial Code of Conduct
Document Type:	Movement Policy
Version:	2025:1
Date:	April 2025
Approval:	National Conference 2025

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MINISTERIAL CODE OF CONDUCT FOR ACC MINISTERS

[Referred to as the “Code”]

The Rationale for a Code

Ministry is a call to serve both God and people. ACC Credential and Certificate holders, and National/State Officers [referred to herein as “ACC Ministers”] are firstly accountable to God (1 Corinthians 4:4–5), but also to church members and those who receive ministry (Ephesians 4:1–2). ACC Ministers are public figures whose lives are on display and are viewed with considerable public scrutiny (1 Timothy 3: 1–13). A high degree of conformity with the biblical call to holiness is expected (Matthew 5:48; Titus 2:7–8). Accordingly, pastoral relationships are to be characterised by love, justice, care, and compassion (Micah 6:8).

An ACC Minister is firstly a disciple of the Lord Jesus Christ (1 John 2:6) and as such, their ministry is grounded by prayer, Bible study, regular worship and a readiness to follow the guidance of the Holy Spirit in fulfilling the Great Commission (Matthew 28:19–20).

ACC Ministers should be good citizens and obey the laws of the community (Proverbs 24:21; Romans 13:1–4; 1 Peter 2:11–17). The rare exception may be when a Christian engages in nonviolent civil disobedience as a matter of protest (Acts 4:18–20).

ACC Ministers represent the wider ACC Movement and, as such, should discharge their duties, obligations and/or responsibilities in an integral manner and in keeping with biblical values, and they should not bring the ACC into disrepute.

ACC Ministers must recognise the significant power differential their role can hold in a person’s life and should undertake their ministry with an awareness of how this imbalance may impact others, always seeking to honour others above themselves (1 Cor 10:24).

ACC Ministers are to live and minister in accordance with biblical values. This Code seeks to articulate how those biblical values are to practically apply in a range of situations as a public declaration and expression of commitment to those values. ACC Ministers are to be examples in the creation of healthy communities.

The Purpose of the Code

This Code is intended to guide the behaviour of ACC Ministers. It is articulated to assist leaders to serve in such a manner that it will cause our churches and ministries to be

safe places for all — places where integrity is honoured, accountability is practised, misconduct is not concealed, and forgiveness is encouraged to bring about healing and restoration.

Article 11.7 of the United Constitution provides for action that may be taken where the holder of a ministerial credential or certificate has committed improper conduct.

Improper conduct is generally regarded as behaviour that in all the circumstances of a case is an inappropriate or incorrect way of discharging a person's duties, obligations, or responsibilities.

This Code sets out the standard that is expected of ACC Ministers, and therefore is an important document for determining whether a person has committed improper conduct.

The Implementation of the Code

ACC Ministers are required to confirm in writing that they have complied with the Code when they receive and renew their credential or certificate. Between renewals, ACC Ministers may be asked by Regional or State officeholders to confirm that they have met the requirements since the last declaration.

If questions arise with areas of "**Caution**," the individual ACC Minister must talk to a supervisor or mentor, consult with peers, and if necessary, pursue voluntary counselling. A repeated, reckless or inappropriate engagement in a "**Cautionary**" provision, depending on the circumstances, may be deemed improper conduct, and may result in disciplinary action.

A breach of a "**Prohibited**" provision is 'prima facie' improper conduct and will result in disciplinary action.

With any breach of the Code in a "**Prohibited**" area, the ACC Minister in breach must notify the State President (or the person fulfilling those duties at that time) within seven days (or 24 hours if civil or criminal action is involved). The State President will implement the **Grievance Procedure for Credential and Certificate Holders** upon notification.

Failure to notify in accordance with the paragraph above will itself be a "**Prohibited**" breach of the Code.

THE CODE OF CONDUCT

1. PASTORAL EXAMPLE

ACC Ministers should be “*above reproach*” (1 Timothy 3:2). The values of the Gospel of Christ should be evident to members of the church and wider society through the example and conduct of ACC Ministers. It is also important for an effective ministry that an ACC Minister have a healthy lifestyle with a balance of service, recreation and family. Such a lifestyle should also be supported and encouraged for all members of church staff.

Caution

Addictive behaviours: Scripture requires that we exercise caution in the use of alcohol. Abstinence from alcohol is a stand that is highly respected and encouraged within our Movement. Extreme caution must also be exercised with all potentially addictive and harmful behaviours that bring unwarranted harm to the body or jeopardise our own or another’s faith.

Language: The use of offensive language (such as swear words) should be avoided.

Recreation: Recreational activities should reflect the scriptural command to be ‘above reproach’.

Prohibited

An ACC Minister must avoid drunkenness, substance abuse, smoking and gambling, and must abstain from the use of all illegal drugs.

An ACC Minister must not use language that is racist, abusive, or that constitutes sexual or sex-based harassment, sexual discrimination or is a breach of child protection legislation, whether in person or via any other form of communication.

2. MINISTRY MATTERS

Authority to minister comes from Jesus Christ, the head of the Church. Christian leadership must never be manipulative or authoritarian. ACC Ministers are servants of Christ and should endeavour to become servant leaders as modelled by Jesus. Leadership in all its dimensions must always be accountable, and it is essential that ACC Ministers act responsibly in the best interests of those they serve.

Participation: To ensure ongoing ministry connection and input, ACC Ministers are required to attend ACC National and State Conferences.

The ACC United Constitution states that those holding an ACC Credential shall have the right/responsibility to attend Regional, State and National Conferences (of which he/she is a member). To ensure ongoing ministry connection and input, repeated non-attendance to these conferences, without a reasonable cause, may result in a breach of the Code of Conduct.

Development: ACC Ministers are encouraged to undertake ongoing professional development, through a variety of means, such as education, professional supervision, peer support and/or mentoring.

Supervision: To serve well and maintain personal and professional health amidst difficult and complex pastoral situations, ACC Ministers are strongly encouraged to engage in a professional supervision session on a regular basis.¹

Caution

Qualifications: ACC Ministers must not misrepresent their competence, qualifications, training, or experience. ACC Ministers should recognise their level of skill and experience. If they are unsure, they must seek additional advice from other colleagues or other professionals.

Pastoral relationships: ACC Ministers should also be aware of the danger of dependency developing in pastoral relationships and the positional power they hold in pastoral relationships. They must consider the frequency and intimacy of pastoral relationships with vulnerable persons. *Vulnerable persons* are defined as people aged under 18 or other individuals who may be unable to take care of themselves or are unable to protect themselves against harm or exploitation. ACC Ministers should seek supervision or advice when such concerns arise. If an ACC Minister is single, romantic relationships should not be entered into within two years of the ACC Minister providing pastoral care to that person. (Refer to Section 3 on Sexual Behaviour).

Ministry gifts: It is a Pentecostal distinctive to honour the role of the Holy Spirit who imparts spiritual gifts. There are a variety of gifts and the true exercise of these gifts will always be consistent with the fruit of the Spirit. For example, prophecy is to be exercised for "***strengthening, encouragement and comfort***" (1 Corinthians 14:3). A leader must always be willing to be held accountable, admitting to the possibility of human error when exercising the gifts of the Spirit.

Public statements: We live in a society that has become increasingly sensitive to matters of discrimination and vilification. An ACC Minister must show respect and godly care to all people, inside and outside the Christian community. Care must be taken in how ACC Ministers

¹ Refer to ACC United Constitution 11.2.7

speak of the ministry of others in public since reputation is something highly valued in Scripture.

Care must be exercised when ACC Ministers express a personal opinion on controversial and/or sensitive political matters, and cannot, without express authority from the National Executive, speak on behalf of the Movement. This includes opinions expressed on social media platforms.

Staffing and volunteers: There is a need for transparency and godly motivation in any employment or ministry offer extended to an ACC Minister, staff member, or volunteer serving in another church. The offer must be made only with the prior knowledge and agreement of the Senior Minister of the church where they currently serve. It is inappropriate that an approach be made to an ACC Minister or staff member serving in another church. It is additionally inappropriate for an ACC Minister or staff member serving in a pastoral team to seek a position in a church without the endorsement or at least prior knowledge of their Senior Minister.

After retirement or resignation from a ministry, the ACC Minister must terminate existing pastoral relationships to allow their successor to assume responsibility. Friendships may continue as long as the end of the pastoral relationship is mutually recognised. Any request for a continuing pastoral relationship must occur only with the permission of the new Senior Minister or the person who has overall pastoral oversight.

It is unethical to be employed by a church, build up that ministry, resign or be dismissed, and then start a new work incorporating former church members without the prior knowledge and consent of the Senior Minister of the former church, or in the case of the Senior Minister without the prior knowledge and consent of the Church's governance (Board or similar). It is also unethical for an ACC Minister to do anything to encourage a member of another church to join his or her church/ministry.

Conflicts of interest: It is important to recognise and manage any actual, apparent or potential conflicts between personal interests and pastoral responsibilities. If there is anything that could lead to a conflict of interest that will or could have an effect upon or undermine an individual's impartiality in a given situation, then it must be immediately disclosed in full, outlining the nature and extent of the conflict of interest to the Relevant Persons as set out in the ACC Conflict of Interest Guidance Statement.²

Prohibited

Abuse: An ACC Minister must not be abusive in any way towards others.

Abuse means any action or inaction that intentionally or recklessly results in physical, sexual, emotional/psychological, financial, social or spiritual harm or injury to another person. Abuse

² Refer to ACC Conflict of Interest Guidelines

(including Domestic Violence³) may be directed towards any other person including family members, the elderly, and children. Bullying is a form of abuse. *Bullying* means repeated unreasonable behaviour that creates a risk of causing physical, social and/or psychological harm.

Misuse of authority: The misuse of authority can be a particular temptation in leadership and must be avoided. ACC Ministers must not attempt to use the gifts of the Holy Spirit to manipulate or coerce a person. This includes attempting to use healing for financial gain, attributing miracles for personal glory, using a word of knowledge to control an individual, or using prophecy to change church membership or to enlist support for a ministry or engage in behaviour that is a breach of the Code of Conduct. Accountability in all areas of ministry is essential.

Engaging in poor administrative practices with regard to allegation of risk of harm and abuse. An ACC Minister must adequately respond to reported instances of child abuse, adult sexual abuse and harassment, and cases of family and domestic abuse. An adequate response requires complete and timely adherence to all policies and procedures adopted by the ACC surrounding the reporting of abuse.⁴

Apart from strict adherence to all policies and procedures adopted by the ACC, an ACC Minister who has been notified of an instance of sexual abuse must not engage in poor administrative practices, which include, but are not limited to:

- failure to take any action that should reasonably have been taken;
- failure to notify the relevant State President, their appointee or other relevant officer;
- failure to follow an appropriate consultative process;
- excessive or unreasonable delay in process;
- inadequate record keeping.

Officiating weddings: An ACC Minister must not officiate a wedding that does not conform to the ACC definition of marriage as accepted by the Movement.⁵

3. SEXUAL BEHAVIOUR

Sexuality is a gift from God and integral to human nature. ACC Ministers must value this gift by maintaining chastity in singleness and faithfulness in marriage. Homosexual behaviour is forbidden by Scripture.

³ Domestic Violence can involve various manifestations of power and controlling behaviour. These include verbal and emotional abuse, forced sexual acts, systematic social isolation, psychological and physical threats and assaults, economic control and suffering, and the use of religious and cultural beliefs and practices to reinforce subordination and control. Refer to the ACC Domestic and Family Violence Abuse Procedures and Good Practice Guidelines, and ACC Positional Paper on Domestic and Family Violence.

⁴ Refer to ACC Conflict of Interest Guidelines

⁵ Any reference to 'marriage' in the Code has the meaning accepted by the Movement at the 2013 ACC National Conference, being "the union between a man and a woman to the exclusion of all others, voluntarily entered into for life". Also refer to the ACC Position Statement on Human Sexuality.

Caution

Children: Being especially vulnerable, children are entitled to be safe and protected. Ministry to children needs to be characterised by absolute trustworthiness. The Board and senior leadership of the local church are responsible to implement the ACC Child Protection Policy or one that uses the ACC Child Protection Policy as the minimum standard.

Physical contact: Caution must always be exercised when initiating or receiving physical contact including gestures of comfort, which may be unwanted or misinterpreted.

Pastoral conversations: An ACC Minister must be careful in pastoral conversations when a person talks about sexual or relationship problems. Consideration must always be given to whether it is appropriate to refer a person to a suitable counsellor.

Ministry to people in the sex industry requires clear boundaries, a high level of accountability and mixed gender peer support.

Pastoral relationships: It is only in the rarest of circumstances that a pastoral relationship can legitimately develop into a romantic relationship. If an ACC Minister is single, romantic relationships are not to arise within two years of the ACC Minister providing pastoral care to that person when such concerns arise.

If two single people meet in a pastoral setting, and there is sexual or romantic attraction developing (by either party), then it is important for the ACC Minister to acknowledge that the nature of the relationship is changing. Once recognised and acknowledged, it is the responsibility of the ACC Minister to disclose this to the Senior Minister or their superior, and to arrange for someone else to assume pastoral responsibility for that person.

Prohibited

All unlawful sexual behaviour including sexual assault, sexual harassment, sexual misconduct, sexual exploitation of a congregation member, and anything related to child sexual abuse including the production, dissemination, or viewing of child pornography.

All behaviour not in accord with the ACC Positional Statement on Human Sexuality.

Due to the position of power an ACC Minister holds with a congregation member, by law, sexual relationships outside marriage are deemed non-consensual.

Sexual innuendo or compliments of a sexual nature are always inappropriate, and Ministers must not engage in sex-based harassment or sex discrimination.

An ACC Minister must not view pornographic material, or go to places of non-commercialised or commercialised sexual services. Additionally, they must avoid any internet activity of a sexual nature including but not limited to chat rooms or internet sites.

4. FINANCIAL MATTERS

An ACC Minister must set an example and have integrity in all their financial dealings. This includes the timely payment of debts and the effective management of finances, as well as providing for their family. Failure to do so will have a significant impact on the church and potentially adversely affect the perceptions of the church in the wider community.

The Senior Minister and the leadership of the local church have responsibility for the sound management of church and ministry finances. They may or may not be involved in actual transactions but must ensure the implementation of a proper system for financial integrity and accountability.

All church and ministry entities should be registered with the Australian Charities and Not-for-profits Commission (ACNC) and report annually to the ACNC including financial reporting where required. It is recommended that, regardless of the ACNC requirements, all church and ministry accounts be independently audited annually.

Caution

Conflicts of interest: It is important to avoid any potential conflict between personal finances and pastoral responsibilities.⁶

If there is anything that could lead to a conflict of interest, then it must be immediately disclosed to the Board and/or Elders. It is important to disclose to the Senior Minister or Board/Elders any personal gift or bequest arising from, or connected with, pastoral duties.

A leader must avoid borrowing money from, or lending money to, a person with whom there is a pastoral relationship.

Particular care must be exercised in the appointment of a spouse or family member to a paid position in the church or ministry. It must be done only with careful consultation with the Board or Eldership.

Taxation: An ACC Minister must exercise caution with tax minimisation strategies and must not improperly use fringe benefit allowances.

Prohibited

⁶ Refer to ACC Conflict of Interest Guidelines

An ACC Minister must not seek additional personal advantage or financial gain because of a pastoral relationship. This includes any benefit to a spouse and/or immediate family member. An ACC Minister must understand that their position carries power, authority, and influence; therefore, they must avoid relationships that risk exploitation or harm to a person with whom there is an existing pastoral relationship. This includes business and financial relationships.

An ACC Minister must never borrow or take church funds without proper authorisation. An ACC Minister must not seek financial support from people in a previous church or ministry unless there is authorisation by the current Senior Minister, Eldership, and/or Board. On termination of employment with a church (ministry or agency), an ACC Minister must not expect a payment that is excessive, illegal or by private arrangement. In cases of dispute, the matter must be referred to the State President or their appointee.

5. CONFIDENTIALITY

Trust is essential in pastoral ministry. Those involved in pastoral care must note that both formal interviews and casual conversations in a ministry context are pastoral encounters where confidences are shared and confidential information received. This information must not be disclosed and must be treated with the utmost care. Exceptions include when disclosure is required by law (subpoena or abuse notifications), there are concerns for the safety of the person or others, or when the information is in the public domain. Relevant privacy legislation may also apply.

Caution

Pastoral records: Pastoral notes and records are important, but caution must be taken with securing them. Any record of a pastoral counselling session is considered a health record, which is governed by national legislation. Computer records must be password protected and access limited to authorised persons. Paper records must be locked up and access limited to authorised personnel.

Particular care must be exercised in the publication of personal information in church directories, newsletters, rosters, websites and on any other online platform. This also extends to publishing voices and/or images of individuals (particularly children), those who may be victims of family or domestic violence, or indigenous Australians.

Confidentiality should be preserved in peer supervision and/or in mentoring relationships. All care should be taken to avoid disclosing those being discussed. Preachers should be careful with sermon illustrations, in teaching, and especially in both printed and online publications.

Prohibited

An ACC Minister must not disclose confidential pastoral conversations except if required by law or if there is a concern for the safety of the person or another person.



Australian Christian Churches (ACC) Grievance Procedure

The procedure for the examination of information in relation to alleged improper conduct or heresy of ACC Credential/Certificate Holders

Title	Grievance Procedure for ACC Credential/ Certificate Holders
Document Type	Procedure
Version & Date	250523 - Implementation 1 June 2023
Approvals	Amendments to be approved by National Executive

ACC NATIONAL GRIEVANCE PROCEDURE

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1. INTRODUCTION

The Australian Christian Churches United Constitution (May 2017) *Article 11* sets out high moral and ethical standards for ACC Credential and Certificate Holders.

The ACC Grievance Procedure (hereby Procedure) is established and maintained by the National Executive¹.

This Procedure is the approved procedure referred to in the Ministerial Code of Conduct for ACC Credentialed Ministers (hereby Code) and in ACC Safer Churches Guideline 11²:

2. PURPOSE

The purpose of the Procedure is to fairly and justly examine information received by the Movement where a person issued with a Credential or Certificate by the ACC is alleged to have breached expected Ministry Standards. That is, when a Credential/ Certificate Holder (hereby CH) is alleged to have engaged in improper conduct or heresy, contrary to the United Constitution.

This Procedure has been put in place to:

- provide a uniform procedure to be followed in all States across Australia;
- ensure that alleged criminal conduct is reported to the relevant authorities;
- to ensure that alleged child abuse and neglect, which means a child has been harmed, or is at risk of harm, is reported to the relevant appropriate government child protection agency; ensure that alleged Reportable Conduct by CH's is reported in accordance with the relevant state or territorial legislation (i.e. in jurisdictions where a Reportable Conduct Scheme is in operation);
- ensure in child related matters, that the safety, welfare and protection of the child/ren is central, and that responses are child focused;
- ensure that information in relation to improper conduct is treated seriously and investigated fully;
- ensure procedural fairness for ACC CH's, and
- maintain and ensure high moral and ethical standards for ACC CH's.

3. SCOPE

Article 11 of the United Constitution (hereby Constitution) provides for action that may be taken where a CH has committed improper conduct and/or heresy.

Improper conduct is behaviour that in all the circumstances is an inappropriate or an incorrect way of discharging a CH's duties, obligations, or responsibilities.

The Code sets out Ministry Standards that are expected of CH's, and therefore is an important document for determining whether a person has committed improper conduct.

This Procedure covers information relating to alleged improper conduct or heresy and it

¹ The National Executive have the responsibility under Article 11.7.2 of the United Constitution (May 2017) for the: issuing, suspending and cancelation of credentials and certificates, including procedures in relation to investigation of complaints in relation to the improper conduct of a certificated person.

² Located within - ACC Safer Churches Guidelines November 2019

applies to all four types of credentials³ issued by the Australian Christian Churches (formerly Assemblies of God in Australia):

- Ordained Minister's Credential
- Provisional Minister's Credential
- Specialised Minister's Certificate
- Overseas Associate Minister's Certificate.

There will be times when information is received by the ACC that does not relate to improper conduct, or the information received does not relate to a CH. The information instead may be related to improper conduct of a non-credentialed worker or church member, a grievance between church workers or members, or to church worker performance matters. All such matters will be referred to the local church board for proper handling.

It is important for workplace health and safety reasons and for the proper handling of such information, that local church boards have written procedures for managing conflicts and/or misunderstandings and for investigating misconduct and abuse allegations.

In addition to the ACC Child Protection Policy and Safer Churches Guidelines, including ACC reporting requirements, all ACC Churches are expected to comply with all legal and government authority reporting requirements.

4. PRINCIPLES GUIDING THIS PROCEDURE

Procedural Fairness

Procedural Fairness (also known as natural justice) shall be offered to all parties involved in the application of this Procedure.

Case managers, investigators and committees shall:

- act fairly, in good faith, without bias and in a dispassionate manner;
- provide each party the opportunity of adequately stating their case and responding to any relevant statement prejudicial to the person's case;
- not receive information except as part of its information gathering and of assessment of the allegation;
- ensure that a person called upon to answer an allegation shall be given, in writing, the particulars of the allegation/s, and
- ensure that each party has the opportunity to respond to further statements.

In all matters the information is to be examined:

- *with clear communication*: all parties should be fully and speedily informed regarding decisions made, the reasons for the decisions, and what processes are being used at all stages, particularly where there is any delay.
- *in a non-biased manner*: disputed allegations will be investigated by persons who have no relationship (biological or other) to any party, and whose involvement does not involve perceived or actual bias.
- *considering conflict of interest*: allegations will be investigated by persons who have no stake in benefiting from any particular outcome of the case.
- *so that evidence-based decisions are made*: decisions made are to be fact based.
- *fairly for all parties*: as such, all disputed facts will be independently investigated.

³ All Credentials and Certificates are issued by the National Executive and the power to suspend or withdraw those certificates rests with the National Officers. In this procedure Credential and Certificate Holders are denoted 'CH'.

- *with the goal of findings based outcomes*: outcomes will be based upon the findings of the investigation. The burden of proof shall be on the balance of probabilities: i.e. the conduct is more likely to have occurred than not. In applying this standard, the seriousness of the allegations, and the impact of any adverse finding, shall be taken into account.

Confidentiality

Throughout the application of this Procedure, the relevant Executive will seek to maintain the confidentiality of all the parties involved. However, this will not always be possible, especially where the information is already outside of the Executive's control, where competing duties require the release of the information, or where specific legal advice suggests otherwise. The Movement's privacy procedure will be adhered to when releasing any information.

Best interest of the child or young person (i.e. paramountcy principle)

In line with the National Principles for Child Safe Organisations, all matters that relate to children and young people shall put the safety, welfare and wellbeing of children, including protecting children from child abuse, as the paramount consideration in decision-making throughout the Procedure.

Duty of care

As part of the duty of care the ACC has to keep people safe, where able, ACC shall share all relevant risk management information with all relevant stakeholders including, ACC National and State office holders, or ACC local constituent church boards.

To care for all those directly involved (i.e. informants, CH, or witnesses) during the application of the Procedure the State or National Executive shall offer process and pastoral support.

Uphold all relevant legislation and directions of statutory authorities

All persons involved in the application of this Procedure shall uphold all relevant State or Territorial legislation, including criminal codes and child safety legislation. This Procedure is always subject to the direction and advice of police and government authorities.

Cooperation with the Procedure

All CHs who are subject of the Procedure shall cooperate with the relevant authorities and any committee as part of the Procedure.

They must not:

- in their response, include any material that is calculated or likely to mislead the relevant authorities and any committee, or any other person involved in the investigation; or
- obstruct or unreasonably delay the Procedure.

A breach of these obligations can be treated by the relevant committee as a new allegation under this Procedure.

Where the CH subject of the Procedure is a vulnerable person (e.g., due to disability or ill health), or has a culturally and linguistically diverse (CALD) background, they shall be offered such support by the State or National Executive as is necessary to adequately participate in the procedure and to protect their interests.

Record keeping

Throughout this Procedure it is expected that all information and decisions be documented. Included in such documentation shall be the reasons decisions were made and by whom. Dates and times must be noted throughout. Records are to be kept securely and permanently by the State Executive and/or National Executive.

5. STEPS IN THE PROCEDURE

Receiving information about improper conduct

Any person may provide information alleging that a CH has committed improper conduct or heresy to the National or State Executive directly, or via the local church, or via the State Safer Churches Officer (hereby SSCO), or via the Safer Churches Helpline.

Information may be received from individuals, or by agencies such as the police or other government authorities, or other sources.

Information may be received verbally, electronically, in a written report or letter, via phone, text or a comment on a social media platform, or published in a media article or other published material or through the Safer Churches Helpline.

Information may be received anonymously⁴.

Classification of information

The State Executive (or State Executive appointee, e.g., State Secretary or SSCO) will conduct relevant enquiries as necessary to ascertain the nature and extent of the information as soon as practical, so as to implement an Initial Response Plan.

Classifications include:

- A. information does not involve an ACC CH;
- B. information is related to a CH but does not meet the scope of the Procedure;
- C. information is related to alleged improper conduct or heresy by a CH.

Information related to a CH shall be further classified into two categories:

Type 1: Alleged Improper Conduct

Dependent upon the circumstances, information may include, but is not limited to:

- addictive behaviours,
- breach of privacy (including disclosure of confidential pastoral conversations except as required by law or if there are concerns for the safety of a person),
- failing to appropriately manage conflicts of interests (including reputational harm),
- failure to report a breach of a prohibited area of the ACC Ministerial Code of Conduct to the State President within 7 days (or 24 hours if civil or criminal action is involved),
- misrepresenting qualifications in instances that do not cause serious harm to a person or group of people,
- misrepresenting values, beliefs and the written positions of the ACC,
- mistreatment of staff,
- misuse of authority,
- Misuse of ministry gifts that does not cause serious harm to a person or group of people,
- officiating at weddings that do not conform with the definition of marriage as accepted by the Movement, and

⁴ In States or Territories where it applies, Reportable Conduct legislation requires **even** anonymous allegations to be investigated.

- use of offensive language.

Type 2: Alleged Serious Improper Conduct

Dependent upon the circumstances, information may include, but is not limited to:

- abuse (including all forms of child abuse and domestic and family violence),
- addictive behaviours (resulting in criminal / harmful / abusive conduct),
- bankruptcy
- breach of privacy (including disclosure of confidential pastoral conversations except as required by law or if there are concerns for the safety of a person),
- charges of crimes that if convicted would bring about a sentence or suspended sentence of more than 12 months,
- engaging in poor administrative practices in relation to child protection reporting, sexual abuse allegations (including: Reportable conduct), or domestic violence,
- embezzlement,
- failure to comply with the Procedure (under Principle 4.6),
- failure to report a breach of a prohibited area of the ACC Ministerial Code of Conduct to the State President within 7 days (or 24 hours if civil or criminal action is involved) relating to criminal, harmful or abusive conduct.
- fraud (including tax evasion),
- harassment (including serious bullying),
- inappropriate sexual behaviour (including sexual assault, sexual harassment, sexual misconduct and all other improper sexual conduct),
- major misrepresentation of the values, beliefs and the written positions of the ACC (including heresy),
- misrepresenting qualifications in instances that cause significant harm,
- officiating at weddings that do not conform with the definition of marriage as accepted by the Movement,
- Reportable Conduct, as defined in State Territory legislation,
- significant mistreatment of staff,
- significant use of offensive language and
- use of position (and credential) to seek financial gain.

Initial Response Plan

The Initial Response Plan will vary greatly depending on the nature and classification of the information, the role of person who is the subject of the information, and the relevant legal (mandatory reporting, police reporting, Reportable Conduct reporting), pastoral and risk management issues.

The Initial Response Plan will be developed and activated in consultation with relevant State/Territory Statutory bodies (e.g. police/child protection), Safer Churches Personnel, the local church and/or State President, and where appropriate, the National President.

1. **If information does not involve an ACC CH-** referral to the local church with recommendations as to an appropriate response.
2. **If information relates to a CH but does not meet the scope of the Procedure-** referral to the local church with relevant recommendations as to an appropriate response.
3. **If information relates to alleged improper conduct by a CH-**
 - a) No further action with pastoral care for those impacted by the alleged conduct-
 - If the State Executive, after evaluating the material available, determines the information is vexatious, frivolous, misconceived or the circumstances are

such that the State Executive decides to take no further action for other reasons, they may respond pastorally to parties impacted by the alleged conduct.

- b) Legal, risk management and pastoral actions implemented:
 - legal and government authority reporting are met (see appendix 2),
 - communication with all parties in relation to the process,
 - conduct an initial risk assessment including a proposed care plan for all persons affected by the alleged improper conduct (including informant, witnesses and CH),
 - contact the State Executive Insurers,
 - suspend the CH in line with the process for suspension of Credential/Certificates (see Appendix 3),
 - pause the Procedure during any pending criminal proceedings:
 - if there is a criminal investigation into the circumstances of the allegation, the State Secretary or nominated representative will contact the relevant authorities before further investigating the complaint;
 - where the procedure is paused due to criminal proceedings, the State Executive will collaborate with the local church in relation to risk management strategies,
- c) referral to relevant ACC committee for investigation:
 - for Type 1 Improper Conduct: the State Executive or nominated representative shall make up a 'Case Management Committee', to investigate the allegation/s.⁵
 - for Type 2 Serious Improper Conduct: allegations shall be investigated by the National Ministry Standards Committee.

Committee investigation

Dependent upon the classification of the allegation, the relevant committee shall investigate the matter according to the principles in this Procedure and using the relevant process⁶.

During the investigation:

- under no circumstances is there to be any attempt by any party to intimidate or coerce any other party;
- no interview with a child will take place if there is a risk that this will interfere with the proper process of civil or criminal law;
- no interview shall be conducted with a child without the express authority of the parent or guardian;
- special care shall also be taken in interviewing persons with an intellectual disability or mental health concern.

Committee Report to the National Officers (and local church in Reportable Conduct matters)

⁵ Referral of the matter to the National Executive if the CH who is the subject of a Complaint is considered to have a prominent national ministry and the National or State Executive consider it to be appropriate, the National Executive may assume responsibility for the Procedure from this point. In such a case, all references to the State Secretary and / or State Executive in the steps below should be read as applying to the National Executive.

⁶ Processes for investigation by the Committees are found in Appendix 4 of this Procedure.

After completing its investigation of the allegations, the relevant committee shall report in writing to the National Officers in relation to its findings and recommendations.

When the Committee is satisfied on the balance of probabilities that the alleged conduct is not proven, they shall provide the National Officers with their findings and the basis of those findings.

In relation to recommendations, when the Committee is satisfied on the balance of probabilities that the alleged conduct is proven, they shall provide the National Officers with their findings, the basis of those findings, and recommendations that are appropriate given all the circumstances.

In matters relating to Reportable Conduct, where the Committee has been appointed by the local church to investigate on their behalf, the Committee shall also provide its findings and recommendations to the Head of the Relevant Entity/Organisation at the local church.

National Officers Determination

1. Pursuant to Article 11.7.3 of the United Constitution, the National Officers will consider the findings, the basis of those findings, and recommendations of the relevant committee and make a preliminary decision with respect to recommendations.
2. The National Officers will communicate their preliminary decision with respect to recommendations to the CH subject of the procedure and provide them with an opportunity to make submissions in regards to their intended decisions.
3. The National Officers shall make final decisions in relation to the outcomes of the matter.
4. In matters of Reportable Conduct, the National Officers shall consult the local church Head of Relevant Entity/Organisation as to the final decision and outcomes.
5. The National Officers shall communicate in writing its determination to the impacted parties including:
 - the CH subject to the procedure,
 - the informant/s and / or the victim/s,
 - the local church⁷,
 - The relevant State Executive, and
 - any relevant police or government authority as required.⁸

Appeal of Determination

The National Executive will consider any appeal by a CH of its determination, provided written notice of the Appeal is lodged by the CH with the National Secretary within 30 days of notification of the determination. The National Executive shall appoint a suitably qualified legal practitioner to hear the Appeal.


The National Executive decision regarding the Appeal will be final.

Acknowledgements

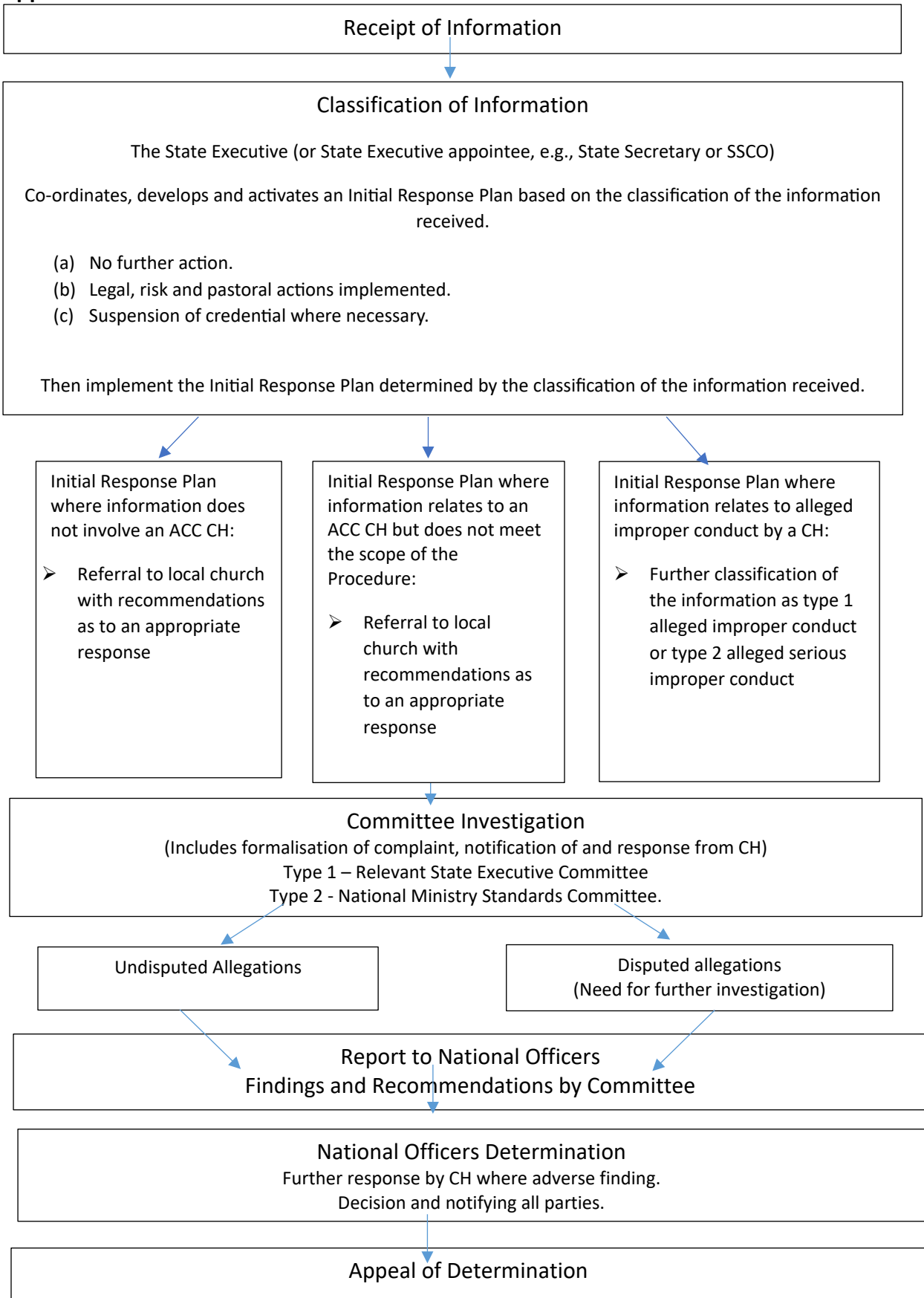
⁷ In the case where a CH has their credential permanently removed the National Executive shall explain to the local church the implications of their decision.

⁸ In those State and Territories with Reportable Conduct Legislation, outcomes of investigations must be formally notified to the relevant governing authority.

The ACC acknowledges that this procedure is written in consultation with Safe Ministry Resources Proprietary Limited. The Procedure has definitional information sourced from Government websites as referenced herein.



Appendix 1 - Flowchart of the Grievance Procedure



Appendix 2 – Police Reporting, Mandatory Reporting and Reportable Conduct

In Australia both the ACC and Local ACC church may have obligations at law in relation to reporting complaints of misconduct to police or other government authorities including:

1. reporting criminal matters to police;
2. reporting matters to government authorities in compliance with mandatory reporting obligations relevant to each State and Territory; and
3. notifying allegations of reportable conduct to the relevant government authority in States and Territories where Reportable Conduct schemes are operational.

Advice should be sought if there is uncertainty about if a complaint has been appropriately reported or what the requisite reporting obligations are.

Where information received alleges criminal conduct, the State Secretary or their nominated representative shall ensure that the person/s affected by the conduct are/is in no immediate danger and are supported and assisted to make a Police report. If the person providing the information is unable to make a Police report and/or the allegation alleges a child is at risk of harm and this requires reporting to a relevant State or Territory Government Authority, the State Secretary or their nominated representative shall ensure that all reporting requirements are met on behalf of the ACC.

In the instance where the State Secretary or their nominated representative identifies that a matter needs reporting they must consult with the police and/or the relevant government authority and/or local ACC church (as the employer in Reportable Conduct matters) to determine:

1. if the Procedure can commence. At no stage should the Procedure compromise other investigations including police, child protection, and/or local church Reportable Conduct Investigations;
2. whether those agencies and entities have any objections to the Procedure commencing, if they have decided not to pursue the matter;
3. any risk management steps those agencies deem necessary;
4. if compliance with Reportable Conduct obligations requires collaboration in relation to the investigative process between ACC as the credentialing body, and the local church employing body. For example, the local church Board may decide to appoint the National Ministry Standards Committee as the investigator to manage conflict of interest and ensure evidenced based outcomes. It is acknowledged that the local church maintains Head of Organisation/Entity obligations, and as such, is the determiner in relation to findings in Reportable Conduct matters.

Appendix 3 – Suspension of Credentials

The ACC United Constitution states:

11.7.6 If, in the opinion of the National President, circumstances exist which, in the public interest, justify the suspension of a minister’s credential, the National President or delegate appointed for that purpose, may do so, by notice in writing to the Minister, for a period not exceeding sixty days while the matter is being investigated by the State Executive. Where the National Executive is of the opinion that further time is required to fairly and justly investigate the matter, it may extend the period of suspension for further periods not exceeding 60 days each. Before each new suspension period the National Executive must freshly consider all elements of the investigation and the reasons for extension

11.7.7 The National President should be immediately informed of a formal complaint against a credentialed minister that may, in the opinion of the State President, lead to the suspension of the minister's credential or ministry certificate.

In such instances:

- After Classification of the information and as part of the Initial Response Plan, the State President in consultation with the National President, will consider whether the seriousness and substance of the information (e.g. alleged criminal conduct, child abuse and serious sexual misconduct matters) is enough to justify the suspension of the CH’s credential/certificate, pending the investigation and final decision.
- If suspension of the CH’s credential/certificate is required, the State President (or nominated representative) will advise the CH of the suspension the credential, with as much detail is as possible about the nature of the allegation (in the case of a Police matter, this may be limited), including the period of suspension (up to 30 days initially as per the United constitution article 11.7.6).
- If the CH is able to provide, in writing within 48 hours, compelling and corroborated evidence of their innocence, the suspension shall be reviewed immediately.
- If the investigation is not completed within the suspension period, the State President may be required to renew the suspension until the end of this Procedure. In cases where an extended suspension is necessary, the State President shall provide adequate reason for the extended suspension, e.g. the Committee investigation is still in progress, or the matter is being investigated by the Police.

Appendix 4 – Investigation Process for Type 1 Allegations by State Executive

The process used by the State Executive may vary dependent upon the nature of the allegations and the information available to the State Executive. The investigation process shall follow the principles in this Procedural document (section 4 herein).

1. Appointment of a Case Manager ('CM') and Case Management Committee ('Committee'), consisting of members of the State Executive and/or additional appointed suitably qualified persons.
2. CM - Formalisation of the allegations resulting in a written allegations document.
3. CM - Provision of appropriate process and pastoral support persons for all parties.
4. CM notification of CH: allegations provided in writing to the CH who is subject of the allegations, including a request for a response from the CH within 14 days.
5. CH response for consideration by Committee: CH provides a written response. If the CH refuses to take part in the process, the investigation may still proceed, with acknowledgment of the limitations ensuing from a lack of co-operation. Such refusal may be considered as a matter of Serious Improper Conduct (Type 2).
6. Committee considers the CH response.
7. Undisputed matters: if the CH acknowledges/admits the misconduct or does not significantly deny the substance of the allegation/s, the Committee shall provide a report to the State Executive in relation to appropriate outcomes given all the circumstances.
8. Consideration of disputed allegation – further investigation: depending upon the nature of the allegations and the information available, the Committee has powers to appoint an Investigator(s) to further investigate the allegations. The Investigator may be a member of the Committee.
9. Further investigation: the Investigator will consider the disputed allegations and may contact and interview any party deemed necessary as part of the investigation.
10. Investigation report to Committee: the Investigator will prepare a report for the Committee, documenting the evidence obtained during the investigation, and make comment as to the credibility of the witnesses and evidence, and provide preliminary findings for the Committee's consideration.
11. Preliminary findings by the Committee: the Committee will consider the evidence and make a preliminary finding/s. When the Committee's preliminary finding/s is that the CH is likely to have engaged in the alleged conduct, it will provide the CH with clear reasons for its preliminary finding, along with a request for a further response from the CH, within 14 days, prior making a final decision.
12. Committee findings and recommendations: the Committee will consider the CH's response, make findings in relation to the alleged conduct, and provide recommendations as to outcomes that are reasonable in all the circumstances.

The Committee will make recommendations as follows:

- If the Committee considers the CH has engaged in improper conduct, they will make a recommendation to the National Officers. Action that might be taken includes:
 - rebuke, correction, retraining and/ or counselling.
 - discipline and restoration (where appropriate given all the circumstances).
 - suspension of the Credential/Certificate or
 - cancellation of the Credential/Certificate.

If the Committee considers that the CH has not engaged in the alleged conduct, it will provide this advice in writing to the National Officers.

Appendix 5 - Investigation Process for Type 2 Allegations by National Ministry Standards Committee

This process shall be used by the National Ministry Standards Committee ('NMS Committee') when investigating Type 2 allegations. The investigation process shall follow the principles in this procedural document (section 4 herein).

1. The NMS Committee shall appoint a Case Manager for the matter, to carry out the investigation. This can be from within the committee or an appropriately qualified external investigator.
2. The Case Manager shall offer support persons to all parties. Support persons will be asked to attend all face-to-face meetings.
3. The Case Manager shall provide all parties with adequate procedural information.
4. Case Manager formalisation of the allegations: this document may include relevant witness statements being signed and attached.
5. CH notification: the Credential Holder will be informed of the allegations in writing with clear instruction in relation to this Procedure, their responsibilities under the Procedure and timing for responding to the allegations.
6. Initial Response of the CH: the CH will have 21 days to write an initial response to the allegations, alternatively or in addition the CH will be offered an interview to provide their initial response.
7. NMS Committee deliberation: the NMS Committee will discuss the CH's response (can be electronically) and decide on an appropriate next step of the Procedure based on the response and alert all parties (including relevant officer holders).
 - a. Undisputed allegations: if the CH acknowledges/admits the misconduct or does not significantly deny the substance of the allegation/s, the NMS Committee shall provide a report to the National Executive in relation to appropriate outcomes given all the circumstances.
 - b. Further investigation of significantly disputed matters:
 - If the CH disputes the allegations significantly (denies the substance of the allegation/s), the matter will be considered by the NMS Committee in terms of whether the matter should be at this point tested by them on the balance of probability or whether the matter should further investigated. In its decision to further investigate the NMS Committee will take into consideration:
 - the type of allegations (nature and seriousness);
 - the outcomes for the CH if the allegations were to be found more likely to have occurred;
 - the ability to test the allegations, i.e. existence of credible witnesses;
 - other corroborating facts.
 - The NMS Committee may decide to appoint an appropriately experienced and qualified external investigator to assess the facts and to then provide a Case Report to the NMS Committee⁹.
 - The NMS Committee will provide any external investigator with all the documents and an investigation brief.
 - The further investigation shall include

⁹ In some jurisdictions the external case manager may be required by law to hold an investigator's licence, e.g. in NSW a CAPI licence, unless the person is a lawyer.

- interviews (phone or face-to-face) with the all relevant parties, recording of these interviews, and, where deemed necessary, transcripts of these interviews.
 - a written Case Report that shall be given to the NMS Committee. The investigator shall present the evidence, examine the areas of dispute and provide conclusions to the NMS Committee as to whether the alleged behaviour is more likely to have occurred than not, based on the balance of probabilities. The investigator must provide evidence-based reasons for their conclusions. If they are unable to reach a determination based on the balance of probabilities, they may make risk management suggestions to the NMS Committee.
8. Preliminary Finding of the NMS Committee: the NMS Committee shall consider the case report and make preliminary findings. If the NMS Committee makes a preliminary finding that the CH has, on balance, engaged in serious misconduct, the CH shall be provided with the preliminary finding and the NMS Committee's reasons for the finding. They shall be given 21 days to provide a final response to the NMS Committee.
 9. NMS Committee Findings and Recommendations: the NMS Committee will consider the CH's written response and make any further enquiries it deems necessary before finding that on the balance of probabilities, the CH has/has not engaged in the alleged conduct.

The NMS Committee will make recommendations as follows:

- if the Committee considers the CH has engaged in improper conduct, they will make a recommendation to the National Officers. Action that might be taken includes:
 - discipline and restoration (where appropriate given all the circumstances).
 - suspension of the Credential/Certificate or
 - cancellation of the Credential/Certificate.
- If the NMS Committee considers that the CH has not engaged in the alleged conduct, it will provide this advice in writing to the National Officers.

In matters relating to Reportable Conduct, where the NMS Committee has been appointed by the local church to investigate on their behalf, the NMS Committee shall also provide its findings and recommendations to the Head of the Relevant Entity/Organisation at the local church.

Appendix 6: Glossary of Terms

This glossary of terms are the explanations and definitions of the terms used in this Procedure.

ACC United Constitution: the Constitution of the Australian Christian Churches

ACC Safer Churches Guidelines: the guidelines pertaining to the implementation of the ACC Child Protection Policy

Abuse: includes the following conduct:

- sexual abuse
- physical abuse
- neglect of a child
- emotional abuse
- spiritual abuse
- bullying; or
- harassment.

Addictive behaviour: a strong inclination to do, use, or indulge in something repeatedly. Addiction is defined as a compulsive, chronic, physiological or psychological need for a habit-forming substance, behaviour, or activity having harmful physical, psychological, or social effects and typically causing well-defined symptoms (such as anxiety, irritability, tremors, or nausea) upon withdrawal or abstinence.¹⁰ Addictive behaviours may include, but are not limited to the use of illegal drugs, abuse of alcohol/prescription medication, smoking, gambling and pornography.

Balance of Probabilities: it can be concluded that the conduct is more likely to have occurred than not. In applying this standard, the seriousness of the allegations and impact of any adverse finding shall be taken into account.

Bullying: Bullying is when a person or group of people repeatedly and intentionally use words or actions against an individual or group of people to cause distress and risk to their wellbeing. These actions are usually done by those who have more influence or power over someone else, or who want to make someone else feel less powerful or helpless. It can be physical, verbal, emotional, and can include messages, public statements and behaviour online intended to cause distress or harm (also known as [cyberbullying](#)).¹¹

Workplace bullying is repeated and unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety.

It is a risk to health and safety because it may affect the mental and physical health of workers. Bullying can take different forms including psychological, physical or even indirect—for example deliberately excluding someone from work-related activities. It can be obvious and it can be subtle, which means it's not always easy to identify.

Some examples of workplace bullying include:

- abusive or offensive language or comments
- aggressive and intimidating behaviour

¹⁰ <https://www.merriam-webster.com/dictionary/addiction> accessed October 20, 2020

¹¹ <https://humanrights.gov.au/our-work/commission-general/what-bullying-violence-harassment-and-bullying-fact-sheet> accessed March 26, 2021

- belittling or humiliating comments
- practical jokes or initiation
- unjustified criticism or complaints.¹²

Care Plan: a plan implemented to care for the health and safety of witnesses, informants, and CH’s subject to the Procedure. The Movement encourages each party to have a support person as part of their care plan.

Counselling and support will be offered to informants/witnesses who make an allegation relating to child abuse, the sexual abuse of a child or any sexual misconduct involving children.

Counselling and support may be made available, at the discretion of the State or National Executive to those impacted by the allegation.

Child: refers to anyone under the age of 18 years; (see also Young Person).

Credential/ Certificate Holder: a person holding one of the ACC certificates as defined in the ACC United Constitution. **Article 11.1** “The Movement recognises four certificates with respect to ministry, namely Ordained Minister’s Credential (OMC), Provisional Minister’s Credential (PMC), Specialised Ministry Certificate (SMC) and Overseas Associate Minister’s Certificate (OAMC)”.

Embezzlement: the crime of secretly taking money that is in your care or belongs to an organisation or business you work for.¹³

Emotional abuse: emotional and psychological abuse involves both isolated incidents, as well as a pattern of behaviour over time. It includes the failure on the part of a parent or caregiver to provide a developmentally appropriate and supportive environment. Acts in this category may have a high probability of damaging the person’s physical or mental health. In Children it can damage their physical, mental, spiritual, moral or social development. Abuse of this type includes: the restriction of movement; patterns of belittling, blaming, threatening, frightening, discriminating against or ridiculing; and other non-physical forms of rejection or hostile treatment.¹⁴

Fraud: the crime of obtaining money or property by deception, or a person or thing that is not what it claims to be.¹⁵

Frivolous: a complaint that is “readily recognizable as being devoid of merit”.

In the workplace context, employers need to keep in mind that under Work, Health and Safety legislation, harassment is defined as a course of comment or conduct, so even minor incidents (that at first glance might appear “frivolous”) can be part of a pattern of behaviour that needs to be investigated.¹⁶

¹² Safe Work Australia: <https://www.safeworkaustralia.gov.au/bullying> accessed October 20, 2020

¹³ <https://dictionary.cambridge.org/dictionary/english/embezzlement?q=Embezzlement> accessed October 20, 2020

¹⁴ World Health Organization: https://www.who.int/violence_injury_prevention/publications/violence/child_maltreatment/en/ accessed October 20, 2020

¹⁵ <https://dictionary.cambridge.org/dictionary/english/fraud?q=Fraud> accessed October 20, 2020

¹⁶ <https://www.lexology.com/library/detail.aspx?g=b7091ce7-9dbc-4c26-a0a8-705e5b4f032f> accessed October 20, 2020

Harassment: when a person is treated less favourably on the basis of certain personal characteristics, such as race, sex, pregnancy, marital status, breastfeeding, age, disability, sexual orientation, gender identity or intersex status. Some limited exemptions and exceptions apply.

Harassment can include behaviour such as:

- telling insulting jokes about particular racial groups
- sending explicit or sexually suggestive emails or text messages
- displaying racially offensive or pornographic posters or screen savers
- making derogatory comments or taunts about someone's race
- asking intrusive questions about someone's personal life, including his or her sex life.¹⁷

Heresy: theological doctrine or system rejected as false by ecclesiastical authority.¹⁸

Improper Conduct: Behaviour that in all the circumstances is an inappropriate or incorrect way of discharging a person's duties, obligations, or responsibilities. The Code sets out Ministry Standards that are expected of CH's, and therefore is an important document for determining whether a person has committed improper conduct.

Improper Sexual Conduct: Behaviour as defined herein as sexual abuse, sexual assault, sexual harassment and sexual misconduct.

Information: in this Procedure, Information is any report or information received by the National Officers, National Executive, State Executives, State Safer Churches Officers, the Safer Churches Helpline, the Local Church or from any other source, in relation to alleged improper conduct or heresy by a CH.

Insurance notification: the State Executive's insurer should be notified as soon as possible where the information pertaining to an allegation may lead to an insurance claim. Where the "known sexual offenders' exclusion" is triggered by the allegation, the insurer may be consulted for a formal ruling on the status of the person subject of the allegation. This may influence the risk assessment and risk management plan.

Ministerial Code of Conduct: standards for ministry for ACC CH's.

Movement: as defined in the ACC United Constitution Articles 1 and 2.

National Executive: as defined in the ACC United Constitution Article 7.1.

National Ministry Standards Committee: This Committee investigates Type 2 allegations referred to them from the State Executive according to the process for investigation of Type 2 allegations. The Committee investigates on the behalf of the State Executives.

This Committee is a carefully selected, appropriately inducted, and appointed group by the National Executive. The Committee will be made up of at least 4 persons and not more than 6 persons with a Committee Chair, a person suitably experienced in criminal law (practitioner for at least 10 years), a credentialed minister of the ACC, a non ACC person, and a person with suitable experience in relation to the allegation. The committee shall reflect a gender balance where possible.

The Committee acts for the State Executives as the recommending body to the National Officers.

¹⁷ Human Rights Commission: <https://humanrights.gov.au/quick-guide/12040> accessed October 20, 2020

¹⁸ <https://www.britannica.com/topic/heresy> accessed October 20, 2020

National Officers: as defined in the ACC United Constitution Article 6.1.

Neglect: neglect includes both isolated incidents, as well as a pattern of failure over time on the part of a Carer (including a parent or other family member) to provide for the well-being and/ or development of a child or other person in their care – where they are in a position to do so – in one or more of the following areas: health; education; emotional development; nutrition; shelter and safe living conditions. Carers who neglect may not be poor. They may equally be financially well-off.¹⁹

Offensive language: the use of language that is improper for an ACC CH (swear words, sexual connotations, racial and religious slurs).

Physical abuse: physical abuse of a child is defined as the intentional use of physical force against a child that results in – or has a high likelihood of resulting in – harm for the child’s health, survival, development or dignity. This includes but is not limited to hitting, beating, kicking, shaking, biting, strangling, scalding, burning, poisoning and suffocating. Much physical violence against children in the home is inflicted with the object of punishing.²⁰

Poor administrative practices: in relation to child protection reporting, sexual abuse and/or domestic violence when a CH who has received a report or has knowledge of a child protection concern, sexual abuse and/or domestic violence and:

- 1) fails to take any action that should be taken legally;
- 2) fails to follow Safer Churches Guideline 8;
- 3) engages in an excessive or unreasonable delay in process;
- 4) fails to maintain adequate and accurate records.

Qualifications and Requirements of all Credential and Certificate Holders: as defined in the ACC United Constitution Article 11.2.

Reportable Conduct Scheme: State and Territory Legislation related to government oversight and requirements for investigation and prevention of Reportable Conduct (as defined in each State and Territory legislation where the scheme exists). Reportable Conduct allegations include, but are not limited to, child sexual assault, sexual misconduct, ill- treatment, neglect and physical assault of children.

Risk Assessment: upon the receipt of information the State Secretary or their nominated representative, must undertake an initial risk assessment and develop an initial response including management of identified risks. The extent of this risk assessment will be dependent on the circumstances of the complaint. This risk assessment may be done in liaison with any relevant governing authority and the local church, and must be completed before the commencement of any investigation.

Sexual abuse: Sexual abuse is defined as the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not

¹⁹ World Health Organization: https://www.who.int/violence_injury_prevention/publications/violence/child_maltreatment/en/ accessed October 20, 2020

²⁰ World Health Organization: https://www.who.int/violence_injury_prevention/publications/violence/child_maltreatment/en/ accessed October 20, 2020

developmentally prepared, or else that violates the laws or social taboos of society. Children can be sexually abused by both adults and other children who are – by virtue of their age or stage of development – in a position of responsibility, trust or power over the victim.²¹

Sexual assault: sexual act carried out against a person’s will through the use of physical force, intimidation or coercion. Includes rape, attempted rape, aggravated sexual assault (assault with a weapon), indecent assault, and penetration by objects, forced sexual activity that did not end in penetration and attempts to force a person into sexual activity. These acts are an offence under State and Territory criminal law.²²

Sexual harassment: sexual harassment is any unwanted or unwelcome sexual behaviour where a reasonable person would have anticipated the possibility that the person harassed would feel offended, humiliated or intimidated. It has nothing to do with mutual attraction or consensual behaviour.²³ Sexual harassment includes sexual innuendo and compliments of a sexual nature.

Sexual misconduct: is all inappropriate sexual behaviour for CH’s and includes:

- practices forbidden in the Bible;
- practices forbidden by the Movement’s beliefs and position papers;
- the sexualisation of a relationship with any person other than with their spouse (including non-contact sexualisation including communications);
- a sexual relationship other than with their spouse;
- Sexual innuendo or compliments of a sexual nature;
- Viewing pornographic material or visiting places of commercialised sex such as strip clubs or visit a brothel without a legitimate reason;
- Reportable Conduct in relation to conduct towards children as it is defined in the relevant State and Territory legislation.

Spiritual abuse: means the mistreatment of a person by actions or threats when justified by appeal to God, faith or religion. It includes:

- the use of a position of spiritual authority to dominate, manipulate or inappropriately influence another person or group;
- isolation from friends or family members;
- claims for inappropriate deference to a person with spiritual authority; and
- the use of Christian terminology to justify abuse.

State Executive: as defined in the ACC United Constitution Article 6.1.

Support Person: a person whose role it is to support another throughout the Procedure.

The support person shall not undertake the role of advocacy or representation of the person/s they are supporting; rather they are to care for the person through the process, pray with the person (where appropriate) and debrief after any meeting.

²¹ World Health Organization: https://www.who.int/violence_injury_prevention/publications/violence/child_maltreatment/en/ accessed October 20, 2020

²² Australian Institute of Health and Wellbeing <https://www.aihw.gov.au/reports-data/health-welfare-overview/australias-welfare/glossary> accessed October 20, 2020

²³ Human Rights Commission <https://humanrights.gov.au/quick-guide/12040> accessed October 20, 2020

The support person should not generally be a person in a position of authority organisationally over the person they are supporting, nor lawyer nor a witness in relation to the allegation/s.

A parent may be the most appropriate support person for a child informant/witness.

There may be occasions where the State Secretary or their nominated representative, or the relevant Committee can suggest a suitably experienced support person.

Vexatious: complaints without reasonable grounds or for improper purposes. They are proceedings that are an abuse of the Procedure and are instituted to harass or annoy, to cause delay or detriment, or for another wrongful purpose.

Young person: refers to anyone aged 16-17 years (see also Child).



OFFICIAL DOCUMENT

Title:	Marriage, Divorce and Remarriage Policy
Document Type:	Movement Policy
Version:	2017:1
Date:	May 2017
Approval:	Amendments approved National Conference 2017

Marriage, Divorce and Remarriage Policy

We recognise that the consequences of divorce and remarriage are very complex and can be painful for all involved. As Ministers, we need to approach these situations with integrity and grace, whilst maintaining biblical standards.

The following policy document is designed to provide Executives and Ministers of our Movement with biblical guidelines and policy directives for dealing with the issues of divorce and remarriage in our churches.

Reference to Marriage in this Policy has the meaning accepted by the Movement at the 2013 ACC National Conference, being "the union between a man and a woman to the exclusion of all others, voluntarily entered into for life."

A STATEMENT ON MARRIAGE AND DIVORCE AND MATTERS WHICH AFFECT THE CHURCH AND INDIVIDUAL BELIEVERS ARISING THEREFROM

As revised by the General Conference, Adelaide 1981 and subsequently amended in accordance with the decisions of the General Conferences Adelaide 1989, Sydney 1991, Melbourne 1993, Brisbane 1995, Gold Coast 2007, and Gold Coast 2017.

SECTION A Marriage and Divorce

Marriage is ordained by God and is designed to be an exclusive covenant between one man and one woman. Divorce is damaging to individuals, to families, to society, and to the cause of Christ. We therefore discourage divorce, and urge that every effort be made to strengthen and restore marriages. We disapprove of any persons getting divorced except for those reasons identified in this policy. Those persons, who as Christians, divorce unbiblically and remarry, may not be issued with or retain any Assemblies of God credential. In this regard, **Section E** provides the guidelines that the National Executive will consider when determining when a credential will be given or removed.

1. Marriage

Marriage is ordained by God as an exclusive covenant between one man and one woman (Genesis 2:18). God designed marriage as the foundational element of all human society. A public exchange of vows, sexual intimacy and loving care, constitute the essential elements of the marriage covenant. These three vital elements expressed by love, loyalty, faithfulness and responsibility, constitute marriage, which Scripture declares is, in principle, permanent. The Biblical support for these three elements is found in the following Scriptures:

- a) **A public exchange of vows:** Genesis 2:24 identifies that a public commitment initiates the marriage covenant, in that, "*a man shall leave his father and mother and be joined to his wife.*" Here, the security and shelter of one's home is left, and a new relationship is established - a new unit of society begins. Malachi 2:13-15 affirms that the covenant aspect of marriage is witnessed by God.
- b) **Sexual intimacy:** Genesis 2:24 identifies that sexual intimacy consummates the marriage covenant, in that, "*the two shall become one flesh.*" While having children is an important factor in marriage, sexual intimacy is designed for more than procreation. Sexual relationship assists in establishing, expressing, and maintaining intimacy in the marriage.
- c) **Loving care:** Marriage is more than a publicly declared covenant. It is more than sexual intimacy, and it is more than an outward observance of a marriage relationship. Ephesians 5:25-29 conveys a constant nourishing care in the marriage relationship, while Exodus 21:10-11 speaks of the reciprocal responsibilities and privileges of sexual intimacy, caring support, and domestic interdependence.

2. Divorce

Divorce is damaging to individuals, to families, to society, and to the cause of Christ. We therefore discourage divorce and urge that every effort¹ be made to strengthen and restore marriages. Jesus made it clear that in the beginning, God made Adam and Eve to be "*one flesh*" in a lifelong union (Matthew 19:5-6). However, because of the hardness of people's hearts (Matthew 19:8)², in certain instances, divorce is permitted on Biblical grounds (Exodus 21:10-11; Deuteronomy 24:1-4; 1 Corinthians 7:1-16). In these instances, the victim of the broken marriage vows is free to end the marriage, although this is never mandatory. There are three instances where divorce may be permitted on Biblical grounds:

a) Divorce on the basis of sexual immorality

Divorce is permitted on the grounds of sexual immorality.³ Jesus, in His answer to the Pharisees' question (Matthew 5:32; Matthew 19:9), permitted divorce because of the "*sexual immorality*" clause as found in Deuteronomy 24:1.⁴

b) Divorce on the basis of abandonment

Divorce is permitted when a marriage partner, who is not a believer⁵, abandons the marriage (1 Corinthians 7:12-16).⁶

c) Divorce on the basis of domestic abuse

Divorce is permitted when there has been domestic abuse that violates the covenant vows of marriage (Exodus 21:10-11; 1 Timothy 3:3; Titus 1:7; Ephesians 5:28-29).⁷

Conclusion

These grounds for divorce need to be understood in the context of the biblical emphasis on grace that empowers forgiveness, and reconciliation. Divorce is the very last option, not the first resort. Ezekiel identifies the aforementioned grounds for God's divorce from Israel, pleading with Judah not to follow her example (Ezekiel 16). God was faithful to His covenant obligations, in contrast to Israel's repeated and unrepentant unfaithfulness toward Him.⁸ He did not immediately divorce Israel, but gave her many opportunities to repent and be reconciled. God's reluctance to divorce Israel despite her repeated violations demonstrates the importance of forgiveness and reconciliation. However, Israel's hardness of heart in refusing to be reconciled resulted in God finally giving her a "*certificate of divorce*" (Jeremiah 3:8). This is one of the reasons why in Malachi 2:16 God says that He "*hates divorce*" because He knows from personal experience the pain it causes.

Section A Footnotes

¹ "*Every effort*" in this context may include appropriate pastoral support, professional Christian counselling (personal and/or marriage), and consultation with other medical professionals.

² "*Hard-heartedness*" in this context, refers to the stubborn refusal of a marriage partner to repent of and/or to stop the sinful behaviour that violates and breaks marriage vows. The word used in the Greek translation of the Old Testament (Septuagint) in the context of Jeremiah's warning to Judah that she was in danger of being divorced by God, just as He had divorced Israel because of her hardheartedness. Jeremiah 4:4 "*Circumcise yourselves to your Lord, and circumcise your hard-heartedness...*" This passage would have been familiar to the Pharisees listening to Jesus. "David Instone-Brewer, *Divorce and Remarriage in the Church* (Paternoster Press 2003), Ch. 5." & "David Instone-Brewer, *Divorce and Remarriage in the Bible* (Eerdmans 2002) Ch. 6."

³ Sexual immorality in Matthew 19 was expressed by the Greek word "*porneia*." This word is a generic term for sexually immoral acts and can refer to acts such as incest, bestiality and homosexuality, as well as adultery (Matthew 19:9; 1 Corinthians 5:1; 1 Thessalonians 4:3). W.E.Vine, *Vine's Expository Dictionary of Old and New Testament Words* (Fleming H. Revell 1981), Johannes Louw, and Eugene A. Nida, *Greek-English Lexicon of the New Testament based on Semantic Domains*, (United Bible Societies 1988,1989).

⁴ Jesus was responding to a debate based on Deuteronomy 24:1. There were two main schools of rabbinic thought on this passage at the time Jesus was asked the question. The school of Hillel had interpreted Deuteronomy 24:1 to include two grounds for divorce. The first because of "*sexual immorality*" and the other based on "*any cause*" (in effect, without any grounds). This second basis for divorce had almost totally replaced divorces on Old Testament grounds by the end of the 1st century AD. However, the school of Shammai strongly opposed this reading of Deuteronomy and argued that it referred only to "*sexual immorality*." Jesus, in His answer to the Pharisees followed the interpretation of Shammai in saying that "*Any Cause*" divorces are unbiblical and that Deuteronomy 24:1 was specifically referring to "*sexual immorality*." Editors Joel B. Green & Scot McKnight, *Dictionary of Jesus and the Gospels* (Intervarsity Press, 1992) Article on Divorce R.H.Stein.

The question was not whether divorce itself is unlawful, but whether a groundless divorce is lawful. Both the school of Shammai and Hillel accepted the Exodus 21 grounds for divorce (**See Footnote 6**) and there is no reason to suppose that Jesus did not also accept it. Therefore, in context, Jesus was saying that the remarriage of a person after a groundless divorce resulted in adultery. "David Instone-Brewer, *Divorce and Remarriage in the Church* (Paternoster Press 2003), Ch. 2, 5, 12," & "David Instone-Brewer, *Divorce and Remarriage in the Bible* (Eerdmans 2002) Ch. 5 & 6."

⁵ Any believer who abandons a marriage for no cause, and rejects the process of reconciliation outlined by Jesus in

Matthew 18:15-20, may be treated as an unbeliever who has abandoned the marriage. Jay Adams, *Marriage, Divorce and Re-Marriage in the Bible*, (Zondervan 1980 USA).Ch. 14.

⁶ Corinth was under the Roman legal system that permitted divorce by separation. All a marriage partner had to do was to leave the house (if it was owned by the other partner) or tell his/her partner to leave (if he/she owned the house). There was no requirement to cite any grounds for ending the marriage and, having separated, both parties were legally divorced and free to remarry. Paul opposed this practice for Christians and advised those who had already separated, to seek reconciliation (1 Corinthians 7:10-11). However, if a Christian were the victim of this type of divorce by a non-believing partner, then Paul's advice was to let that person go (1 Corinthians 7:12-13). David "David Instone-Brewer, *Divorce and Remarriage in the Church* (Paternoster Press 2003), Ch. 3, 6, 8." & "David Instone-Brewer, *Divorce and Remarriage in the Bible* (Eerdmans 2002) Ch. 1, 5 & 7."

⁷ Exodus 21:10-11 speaks about the responsibility of a husband to provide food, clothing and conjugal love. Failure to do so meant that the wife could seek a divorce. The original context of this passage was that of a slave who has been married and whose husband then takes a second wife. The first wife was still entitled to food, clothing and conjugal love and, if she did not receive it, she was allowed to go free.

The rabbis argued that this was an example of case law and that it was necessary to look at the principle that lay behind the specific example given. The Biblical principle is the right of someone to divorce his/her partner if he/she neglects his/her marital obligation to provide food, clothing and conjugal love. Only the victim can initiate the divorce and the choice is always to forgive.

They argued further that if a slave wife has the right to divorce her husband, then so does a free wife; if one of two wives has the right to divorce on the basis of neglect or abuse, then so does an only wife; if a wife has these rights, then so does a husband. This basis for divorce was accepted down through the centuries until it was incorrectly superseded by the "Any Cause" divorce that did not require any evidence of mistreatment and therefore was easier to obtain (**See Footnote 4**).

These categories, as outlined in Exodus 21:10-11, reflect the marriage vows found in 1st and 2nd century Jewish marriage certificates. These became the basis for Roman and Greek divorce law. Paul alludes to this principle in Ephesians 5:28-29 when he writes of a husband feeding and caring for his wife as he would his own body. Paul's comments in 1 Corinthians 7 on the importance of conjugal love (v3-5), and pleasing your partner (v.33-34) also appear to be founded on Exodus 21:10-11. This teaching provides the Biblical basis of divorce on the grounds of abandonment. That is to say, if one partner leaves the marriage, then the abandoned partner is clearly being neglected. "David Instone-Brewer, *Divorce and Remarriage in the Church* (Paternoster Press 2003), Ch. 3, 6, 11." & "David Instone-Brewer, *Divorce and Remarriage in the Bible* (Eerdmans 2002) Ch. 1, 5, 7 & 8."

⁸ Jeremiah 2:1; 2:20-26; 3:1-8; Isaiah 50:1; Hosea 2:2. The prophets frequently used the image of the marriage covenant to describe God's relationship with His people.

SECTION B Remarriage

All considerations of remarriage must be examined in the light of the biblical teaching on what constitutes a biblical or unbiblical divorce. Where a divorce has occurred that falls within the Biblical guidelines referred to above, the person who has not caused the divorce⁹ is free to remarry with a clear conscience before God (Exodus 21:10-11, 1 Corinthians 7:15,16).¹⁰ However, we recognise that in most cases, both parties contribute in some way to the breakdown of a marriage. Therefore, it is strongly recommended that any person considering remarriage, commit to appropriate counselling before remarrying.¹¹

Any divorce that falls outside of the biblical guidelines, and occurred after conversion, is to be regarded as unbiblical ("*without cause*") and a sinful act.¹² As such, remarriage in these circumstances adds to the sin by placing one in an adulterous relationship (Matthew 19:9; Mark 10:11-12; Luke 16:18; Matthew 5:32).¹³ Nevertheless, it is recognised that divorce biblical or unbiblical, is not an unforgivable sin. Since divorce ends the marriage for both parties,¹⁴ the Scripture indicates that the person who created the grounds for the divorce, or the person who has been divorced invalidly, is also free to remarry under certain circumstances (Deuteronomy 24:1-4).¹⁵

The remarriage of this person will only be considered if:

- a) The previous spouse does not want reconciliation or has remarried. Where the previous spouse has remarried, nothing should be done to undermine that marriage (Deuteronomy 24:1-4).
- b) There is recognition that the covenant nature of marriage was diminished by their sin, and was inadequately valued and protected.
- c) There is evidence of genuine repentance for his or her sinful actions that have caused the marriage covenant to be broken. They commit to go through a process that includes repentance, counselling, and restoration before considering remarriage.

Section B Footnotes

⁹ In considering the validity of a divorce, care must be taken to determine the real grounds of the divorce to see if they comply with the biblical standards rather than relying on the grounds cited by the civil authorities in divorce documents. A "*no-fault divorce*" citing "*irreconcilable differences*" is common practice for a civil divorce. However, the actual cause of the divorce may have been on biblical grounds, e.g. desertion, sexual immorality, etc.

¹⁰ Such biblical guidelines include sexual immorality, abandonment, or severe physical abuse.

¹¹ Any person who has been divorced should be counselled about any sins in their own lives that may have contributed in some way to the breakdown of the marriage. They may also need counselling about incorrect attitudes that they may have developed about marriage because of their experience "Jay Adams, *Marriage, Divorce and Remarriage in the Bible* (Zondervan 1980), Ch. 15."

¹² Paul is addressing Christians who wanted to divorce spiritually incompatible spouses, i.e. non-Christian spouses. Offering his own judgment, he contends that such spiritual incompatibility does not provide adequate grounds for a divorce (1 Corinthians 7:12-14). In addition, by referring to the command of "**the Lord**" (1 Corinthians 7:10, 11), he implies Jesus' prohibition of "*any cause*" divorces (Matthew 19:1-9).

¹³ There may be certain circumstances when an unbiblical divorce has taken place that remarriage may be considered. Each case must be examined on its individual merits. For example, a person who was invalidly divorced before conversion may remarry because the divorce was entered into in ignorance of clear biblical teaching. Care should be taken, in dealing with this matter, that the significance of pre-conversion vows is not diminished.

¹⁴ In 1 Corinthians 7, Paul says the parties are not bound after divorce, although there are implications for the person who created the grounds for the divorce. The only compulsory words in a 1st century Jewish divorce certificate were "*You are free to marry any Jewish man you wish*" which assumes the right to remarry after a biblical divorce. The passages in Exodus, Deuteronomy, and (See Footnotes 14). "David Instone-Brewer, *Divorce and Remarriage in the Church* (Paternoster Press 2003), Ch. 9."

¹⁵ In Deuteronomy 24:1-4 the example is given of a man who gives his wife a certificate of divorce because of her sin. Jesus, in His debate with the Pharisees, makes it clear that the sin involved is that of sexual immorality (Matthew 19:1-9 – See Footnote 4). The wife therefore is the guilty party. However, the certificate of divorce specifically allowed her to remarry as seen from this passage. (See Footnote 13) "David Instone-Brewer, *Divorce and Remarriage in the Church* (Paternoster Press 2003), Ch. 9.

SECTION C Performing Marriage Ceremonies

- a) Ministers of the Movement are free to perform marriage ceremonies for the person who was divorced on biblically accepted grounds as outlined by this policy document.
- b) Ministers of the Movement may perform marriage ceremonies for other divorced parties if the following applies:
 - i. The previous spouse does not want reconciliation or has remarried.
 - ii. There is evidence of genuine repentance and the appropriate demonstration of this.
 - iii. They have gone through a process that includes repentance, counselling, and restoration.
- c) Ministers of the Movement are required to consult with their State Executive or their appointees on complicated divorce/remarriage situations demanding a decision.
- d) Ministers of the Movement are not required to perform any marriages where their conscience prevents them from doing so.
- e) We recommend Ministers of the Movement counsel applicants for marriage with scriptural guidelines for marriage prior to the performing the ceremony. They should not perform ceremonies for persons who, in the minister's opinion, approach marriage carelessly without proper forethought and wisdom.
- f) A Christian should not marry someone who is not a Christian; they should not marry because of being unequally yoked (2 Corinthians 6:14). When Paul writes about Christian widows remarrying, he makes it clear that they should only marry a Christian. Clearly, this biblical standard applies to all Christians who seek to marry (1 Corinthians 7:39).

SECTION D Church Government

To uphold the integrity and example of church government, as well as other key leadership positions, great care must be exercised in considering any person divorced and/or remarried for such positions. Each case should be viewed on its merit, particularly where there are any legal or moral responsibilities to their former spouse or family.

SECTION E The Ministry

The National Executive, or its appointee, shall consider all applications for a ministerial credential according to the standard credential requirements and procedures. Such candidates who have a remarriage component to their application will also be assessed, without prejudice, in accordance with the following guidelines.

The National Executive or its appointee:

- a) Will examine the background to the divorce. They will take into account such issues as pre or post conversion status at the time of divorce; attempts and attitudes towards reconciliation; fulfilment of responsibilities; and the possible presence of any current improper attitudes towards the divorce or their previous spouse.
- b) May require a candidate for ministry, or a credentialed Minister to provide that information required to assist the National Executive in determining whether a divorce was unbiblical. A candidate or credentialed Minister must not refuse any such request. The National Executive, or its appointee, will maintain confidentiality and privacy at all times.
- c) Christian persons divorced and remarried on unbiblical grounds, or married to a divorced person who has been divorced on unbiblical grounds after his or her conversion, may not enter or remain in the ministry. However, the National Executive may consider exceptional circumstances in this regard.
- d) May require a list of additional reputable referees who are familiar with the applicant's previous circumstances, and who will be able to attest to the divorce background. The National Executive, or its appointee, would then be free to contact and interview these referees.
- e) Must be convinced that the applicant's beliefs and attitudes towards marriage and divorce are in accordance with Movement's policy.
- f) Must be convinced that the current marriage is stable and healthy.
- g) Must be assured there are no legal, financial, or social complications from the previous marriage that have not been adequately addressed by the applicant.
- h) Recognise that ministers who divorce on biblical grounds, who are not a major contributor to the breakdown of the marriage, and who have not remarried, may remain in the ministry. A review of their credential will be necessary at the point of remarriage.
- i) All the conditions outlined in this policy statement regarding marriage and divorce shall apply to the applicant's spouse.
- j) The circumstances of cases where a marriage has been annulled should be carefully examined by the National Executive or its appointee, to determine suitability for ministry.
- k) Generally, a candidate for ministry should not have been divorced and remarried more than once after conversion. However, the National Executive may consider exceptional circumstances when issuing a credential.

SECTION F

Pastoral Care Recommendations¹⁶

- a) All couples seeking to get married should attend a recognised pre-marriage course.
- b) The couple should understand that marriage vows are extremely important and must not be taken lightly. Whilst couples may wish to write their own vows, these must not omit the biblical vows of "*faithfulness, love, keep, cherish, nurture*" or their equivalents.
- c) When a marriage is in crisis, the role of a minister is to encourage the couple to do all in their power to restore the marriage. A minister should rarely, if ever, advocate divorce, even if there are clear grounds for it. The only exception would be when a person is endangered by remaining in the marriage relationship. Even in this circumstance, the minister should initially recommend professional counselling and separation, and not divorce.

When a divorced person seeks to be remarried, the responsibility to accurately report the cause of their divorce must rest with them and not with the minister (Ephesians 4:20-25; Acts 5:3, 9). Before considering the remarriage of a divorced person, the following questions should be asked:

- i. Have you sought forgiveness not only from God, but also from your former spouse, children, relatives, and others involved?
- ii. Have you made every effort (where possible) to reconcile?
- iii. Have you made every effort to right all wrongs (so far as is possible) regarding:
 - a. Voluntary repayment of any unfairly obtained monies, rights, property, etc. in a divorce settlement?
 - b. Are you assuming obligations for child-support, etc?
- d) All formerly divorced persons should be counselled before remarriage about any attitudes, behaviours, and sins that may have contributed to the failure of the marriage. They should be counselled about any wrong ideas or attitudes about marriage and/or marriage partners that may have developed during their previous marriage and divorce proceedings.
- e) Where a minister is asked to conduct a wedding ceremony that involves marrying a couple who were previously engaged in an adulterous affair resulting in divorce, it is recommended that ministers do not knowingly perform the wedding ceremony. Conducting such a ceremony would appear to condone their sin of adultery. Consideration may be given if the adulterous affair occurred pre-conversion and/or if there are children resulting from the relationship.
- f) Most divorced people experience guilt about the broken vows from a previous marriage. It is therefore strongly recommended that in all cases of remarriage the minister should lead the couple through a service of "*repentance for broken vows*" (1 John 1:7-9; James 5:16). This does not diminish the uniqueness of marriage vows or the seriousness of breaking them, but it does emphasise that all sins are serious and all sins are forgivable.¹⁷ The service would be short, private, and may include significant people the couple want present (children, parents, etc).¹⁸
- g) The divorce of a church leader is a serious matter (1 Timothy 3:4). In dealing with such situations, it should be remembered that the sin of divorce lies in the breaking of marriage vows, not in the divorce itself, and the person might be innocent in this regard.

Section F Footnotes

¹⁶ Reference: Drawn extensively from "David Instone-Brewer, *Divorce and Remarriage in the Bible* (Eerdmans 2002 USA), Ch. 11." & "Jay Adams, *Marriage, Divorce and Re-Marriage in the Bible*, (Zondervan 1980 USA).Ch. 15."

¹⁷ "David Instone-Brewer, *Divorce and Remarriage in the Church* (Eerdmans 2002), Pg. 126."

¹⁸ "David Instone-Brewer, *Divorce and Remarriage in the Bible* (Eerdmans 2002), Pg. 313." *"Heavenly Father, who has cared for me from my birth, and who has loved me unconditionally, I come to you in confession. I confess that I have made promises to You and to others that I have not kept. I have promised to pray for, promised to love, and promised to care for others, and I have not kept these promises, as I should. Please forgive me for my sin, give comfort to those whom I have let down, and hurt. Please give me strength for the future, to be able to keep the promises I make. Amen."*

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OFFICIAL DOCUMENT

Title:	ACC Child Protection Policy
Document Type:	Movement Policy
Version:	2025:1
Date:	30 th April 2025
Approval:	National Conference 2025

CHILD PROTECTION POLICY

1. INTRODUCTION

This Policy reflects the moral and ethical standards of the Movement pursuant to Article 16.1 of the United Constitution and forms part of the ACC Safer Churches strategy for the protection of all people in our churches.

The ACC Safer Churches strategy is outworked through the ACC Child Protection Policy and ACC Safer Churches Guidelines (minimum good practice standards).

This strategy is supported by training, personnel and sample resources for ACC churches to utilise and or customise, as found in the ACC Safer Churches Implementation Kit (downloadable at www.acc.org.au).

It is a requirement of the ACC National and State Executives to adopt the ACC Child Protection Policy. ACC Constituent Churches are required to adopt this Policy and the ACC Safer Churches Guidelines (SC011) or use these as a minimum standard.

The structure of the ACC Safer Churches strategy is found in document SC002.

All ACC Safer Churches documentation, including definitions of relevant terminology used in this Policy and applicable legislation, can be accessed via the ACC website www.acc.org.au.

2. PURPOSE OF OUR CHILD PROTECTION POLICY

This policy:

- 2.1 Guides our work in establishing and maintaining safe environments for Children;
- 2.2 Underpins our biblical mandate to: Love the Lord your God with all your heart, soul, mind and strength, and to love your neighbour as yourself;
- 2.3 Ensures that all workers (paid and volunteer) associated with our church fulfil their pastoral, and organisational responsibilities with regard to child protection;
- 2.4 Ensures compliance with legislation, and also with the intention of the legislation (including but not limited to the 10 National Child Safe Principles, child protection, work health and safety, and the governance standards of the ACNC), as it relates to protecting Children (see document SC003); and
- 2.5 Is otherwise known as the ACC National 'Child Safety and Wellbeing Policy'.

3. SCOPE

The ACC Child Protection Policy covers all ACC People including employees, volunteers, and contractors.

This includes persons identified in legislation as working with children (e.g. pastors, youth workers, chaplains, etc.), or providing services directed to a child (e.g. playgroup or youth group), or conducting activities that may involve a child (e.g. family or community events).

This also includes supervisors of persons who work with children, (e.g. church board

members, executive officers, and chaplain managers), irrespective of whether they actually work with children, irrespective of whether the member church has adopted ACC's policy as a minimum standard.

4. POLICY STATEMENTS

ACC People commit to, according to their role or position (as described in section 5):

- 4.1 Upholding this policy, and the relevant state or territory Child Safe and Child Protection laws through the implementation of the ACC Safer Churches Guidelines;
- 4.2 Child safety and wellbeing in a way that recognises their right to grow in a safe and stable environment, and the right to be protected from harm by having a zero-tolerance stance for all forms of child abuse and maltreatment;
- 4.3 Empowering Children by engaging with Children and caregivers in relation to decisions that impact them, including inviting feedback as part of our services;
- 4.4 Recognising and responding to the diverse needs of all Children, including Aboriginal and Torres Strait Islander Children and those from culturally and/or linguistically diverse backgrounds and also the safety of Children with a disability as relevant in the local church setting;
- 4.5 Recognising the family as the primary means of providing for the nurture, care and protection of Children and to accord high priority to supporting and assisting the family to carry out its responsibilities to Children;
- 4.6 Ensuring that persons who have a Direct Role with Children within the Movement are appropriately selected, screened, trained, supervised and performing their responsibilities, including ongoing education and equipping;
- 4.7 Child-focused responses to all child safety concerns so that risks to a Child's wellbeing are quickly identified, and any necessary support, protection or care is promptly provided, including child-focused responses to allegations of risk of harm or harm in line with Safer Churches Guideline 8;
- 4.8 Providing for and promoting a child safe culture in both physical and online settings that is understood, endorsed and put into action by all the individuals who work for, volunteer or access an ACC program, service or managed facility;
- 4.9 Ensuring that ACC Constituent Churches regularly and frequently review, evaluate and improve child safe procedures and practices; and
- 4.10 Ensuring that ACC Constituent Churches have clear policy and procedural documentation that is up-to-date and readily available.

Note it is a serious breach of this policy for any ACC Person in our Movement to contravene the minimum standards set by this Policy, the minimum standards set by the related ACC Safer Churches Guidelines (SC011), or any regulation in law, in relation to the safety and protection of Children.

5. RESPONSIBILITIES FOR IMPLEMENTATION

The ACC National Conference is responsible for the development and endorsement of the ACC Child Protection Policy. It delegates the implementation of the ACC Child Protection Policy to the ACC National and State Executives and Constituent Churches. The role of each entity in relation to the implementation and enforcement of the ACC Child Protection Policy is detailed in the table below.

In accordance with article 9.7 of the ACC United Constitution, in circumstances where the National Executive considers the interests of the Movement within a State are in serious jeopardy it may intervene so as to replace the role of the State Executive in all respects for such period as it determines.

Entity	Role/Responsibility
ACC National Executive	<ul style="list-style-type: none"> • Provide National leadership and promote the ACC commitment to the ACC Child Protection Policy, and the safety and wellbeing of Children within the ACC; • ACC National Executive (or its delegate) shall develop, implement and evaluate the ACC Child Protection Policy in accordance with the relevant state/territory legal obligations and make readily available to all ACC Churches and Credential holders current supporting documentation; • Review the ACC Child Protection Policy on a biennial cycle and update the Policy at National Conference in accordance with the ACC National Constitution. The National Executive may also review the policy at any time as required by legislation, regulations or organisational learnings that require a change to the ACC Child Protection Policy; • ACC National Executive (or its delegate) shall develop, implement and evaluate corresponding Child Protection Practice Guidelines (known as the 'ACC Safer Churches Guidelines' — SC011) in accordance with the relevant state/territory legal obligations and make readily available to all ACC Churches and Credential holder's current supporting documentation.
ACC State Executive	<ul style="list-style-type: none"> • The State Executive shall adopt and adhere to the ACC Child Protection Policy and ACC Safer Churches Guidelines; • Provide state/territory leadership and promote commitment to the ACC Child Protection Policy, and the safety and wellbeing of Children; • Assist and provide support to the National Executive in the fulfilment of the objectives of the ACC Child Protection Policy; • Appoint a State Safer Churches Officer/s who will be actively involved in the National Safer Churches team

	<p>and proactively share resources and experience in the development of child safe initiatives as they are identified; and</p> <ul style="list-style-type: none"> • Actively promote current ACC Safer Churches Policy and Guidelines, and relevant state/territory legislation.
<p>Constituent Churches and Credential Holders</p>	<ul style="list-style-type: none"> • Adopt the ACC Child Protection Policy (or one that uses the ACC Child Protection Policy as a minimum standard); • Adopt the ACC Safer Churches Guidelines (SC011) (or alternative guidelines that uses the ACC Safer Churches Guidelines as the minimum standard); • Advocate and promote child rights, empowering and engaging Children in support of this Policy; • Ensure all ACC People within the respective Constituent Church understand and adhere to their obligations in accordance with the ACC Child Protection Policy, including the implementation of the ACC Safer Churches Guidelines (SC011) as minimum standards; • Develop opportunities for regular discussion to support a culture of continuous improvement and accountability of child protection, including regular (minimum annual) review, evaluation and improvement of child safe procedures and practices, and maintain clear policy and procedural documentation that is readily available; • ACC People will support all Children and their families in accordance with this Policy and the ACC Safer Churches Guidelines (SC0011) in the event that a Child is harmed by any ACC People; • It is acknowledged that not all Credential holders will have sufficient influence to achieve all these objectives with a Constituent Church, but it is expected, as a minimum, that a Senior Minister and/or their appointee/s will have such influence and that all Credential holders support and implement the Child Protection policy and Guidelines within their ministry context.

6. POLICY APPROVAL AND REVIEW

- 6.1 This Policy was revised and updated to reflect current legislative requirements in Australia in January 2025 (Version 2025:1).
- 6.2 It was approved by the National Conference for adoption and implementation in April 2025.
- 6.3 The Policy and Guidelines will be reviewed, as a minimum, by the National Executive at minimum every two years and as often as necessary, in order to remain compliant with new

legislation and insurance requirements.

6.4 ACC Constituent churches shall ensure that they have adopted all changes to the Policy and Guidelines annually.

7. SAFER CHURCHES TERMINOLOGY (AS USED IN THIS POLICY) is found in the ACC Safer Churches Implementation Kit document SC001.



OFFICIAL DOCUMENT

Title:	Safer Churches Guidelines
Document Type:	Guideline
Version:	2023:1
Date:	May 2023
Approval:	National Executive

ACC SAFER CHURCHES GUIDELINES

The **Safer Churches Guidelines** (“Guidelines”) have been developed by the ACC National Executive as part of the implementation of the **ACC Safer Churches Strategy** and outworking of the **ACC Child Protection Policy** (‘Policy’).

The ACC Safer Churches Guidelines, Training and Implementation Kit assist ACC Churches and their workers in upholding Child Protection legislation and other relevant ‘people protection’ legislation – e.g. Health and Safety. That is to say, the ACC Safer Churches Strategy is aimed at the protection of all people in ACC Churches.

The Guidelines are good practice procedures for the implementation of the Policy and people protection.

The Guidelines aim to ensure that all workers (paid and volunteer) in ACC Churches, are safe people who act in a protective manner with the people they serve.

The Guidelines are divided into two categories:

- those considered to be legal, Biblical and/or moral imperatives, denoted by the word **“shall”**, must be implemented; and
- those considered as good practice, denoted by the word **“recommended”**, are strongly recommended.

It is an expectation that all workers (paid and volunteer) in ACC Constituent Churches will follow the Guidelines.

The ACC Safer Churches Implementation Kit is located in the Safer Churches section of the ACC Pastor’s Login on the ACC website.

GUIDELINE 1 – Safe Church Strategy implementation

As an outworking of the Policy statements:

ACC People commit to, according to their role or position (as described in section 5),

- *Upholding this policy, relevant state or territory Child Safe legislation the nationally recognised 10 Child Safe Principles and, applicable child protection laws and regulations, as relevant in their office and jurisdiction (see document SC003), and implementing the related ACC Safer Churches Guidelines as appropriate;*
- *ACC Constituent churches shall regularly review, evaluate and improve child safe procedures and practices; and*
- *ACC Constituent churches shall ensure that clear policy and procedural documentation is up to date and readily available.*
-

National Executive, State Executives and Local Church Boards **shall:**

- a. endorse and implement the ACC Child Protection Policy and ACC Safer Churches Guidelines (or alternative guideline/s that is/are at least consistent with the ACC Safer Churches Guidelines);
- b. ensure all ACC workers within their respective Constituent Church understand and adhere to their obligations in accordance with the ACC Child Protection Policy, including the implementation of the Safer Churches Guidelines as minimum standards for the protection of children and vulnerable people (or alternative guideline/s that is/are at least consistent with the ACC Safer Churches Guidelines);
- c. develop opportunities for regular discussion to support a culture of continuous improvement and accountability in relation to the ACC Safer Churches Strategy. This would include making this a standing item of regular meetings of the ACC National Executive and Constituent Churches and providing opportunities for ACC People to clarify and confirm the procedures to apply when taking action in relation to Children or Young People's welfare and safety;
- d. Maintain up to date documentation of all policy and procedures.
- e. Maintain secure records for worker screening and training and of complaints of responding to concerns of risk of harm and all workplace investigations into worker misconduct (including Reportable Conduct investigations in jurisdictions that operate Reportable Conduct Schemes).
- f. implement relevant ACC Safer Churches procedures and practices (consistent with the samples found in the ACC Safer Churches Implementation Kit at www.acc.org.au).

GUIDELINE 2 – Culture of safety & wellbeing

As an outworking of the Policy statements:

ACC People commit to, according to their role or position (as described in section 5),

- *providing for and promoting the care, protection and wellbeing of Children and Young People in a way that recognises their right to grow in a safe and stable environment and the right to be protected from harm, and to maximise opportunities for Children and Young People to realise their full potential; and*
- *Recognising and responding to the diverse needs of all Children and Young People including Aboriginal and Torres Strait Islander Children and Young*

People and those from culturally and/or linguistically diverse backgrounds and also the safety of Children and Young People with a disability as relevant in the local church setting ,

ACC Church workers (paid and volunteer) **shall** minister out of the love God has for everyone, by acting in the best interests of all people they serve in ministry, through:

- a. practising servant leadership (Matthew 20:25-28);
- b. respecting and valuing all people, with special care for those from Aboriginal and Torres Strait Island or diverse cultural backgrounds, and/or those with a disability including:
 - i. Encouraging and supporting a child's ability to express and enjoy their culture; and
 - ii. Acknowledging and appreciating the strengths of Aboriginal culture and understanding its importance to the wellbeing and safety of Aboriginal children;
- c. Ensuring racism, along with all forms of discrimination and abuse within the organisation are identified, confronted and not tolerated;
- d. ministry in transparent and accountable teams
- e. upholding National Privacy Principles; and
- f. providing opportunities for formal debriefing and/or counselling for families of Children or Young People who have experienced abuse and any other family in the community who may indirectly be affected by an incident.

In relation to Children and Young People, it is **recommended** that ACC People support healthy development and wellbeing through:

- a. understanding and upholding the rights of Children and Young People according to their age and stage of development;
- b. providing regular opportunities for workers to clarify and confirm the procedures to apply when taking action in relation to Children or Young People's welfare and safety; and
- c. good practice in accessing local resources when Children or Young People are experiencing distress or crisis.

GUIDELINE 3 – Promoting support networks

As an outworking of the Policy statements:

ACC People commit to, according to their role or position (as described in section 5),

- *recognising the family as the primary means of providing for the nurture, care and protection of Children and Young People and to accord high priority to supporting and assisting the family to carry out its responsibilities to Children and Young People; and*
- *promoting and recognising the need to strengthen, preserve and promote positive relationships between the Child and the Child's parent, family members, leaders, mentors, spiritual advisors and significant others,*

It is **recommended** that ACC Constituent Churches:

- a. provide practical pastoral care. For example, providing information and support in practical parenting, marriage enrichment, caring for those with additional needs or in

times of crisis;

- b. assist church attendees to recognise and access their support networks within the church and also in the local community; and
- c. actively supports and facilitates participation and inclusion by Aboriginal children, young people and their families.

GUIDELINE 4 – Promoting empowerment and participation

As an outworking of the Policy statement:

ACC People commit to, according to their role or position (as described in section 5),

- *empowering Children and Young People by engaging with Children and Young People and Caregivers in relation to decisions that impact them, including inviting feedback as part of our services,*

ACC Church workers (paid and volunteer) **shall**:

- a. listen to the views of, and respond appropriately to, concerns of all people they serve; and
- b. encourage all church attendees to speak to their local church Safer Churches Officer if they are concerned about harmful behaviours or harmful situations.

In relation to Children and Young People, ACC People **shall**:

- c. actively promote the empowerment and participation of all people at their church in the protection of Children and Young People, including:
 - i. providing opportunities for Children or Young People to tell us their views, express their culture, and give feedback about the services we provide to them;
 - ii. making information about the Child Protection Policy available to Children, Young People and Parents/Carers;
 - iii. ensuring that Children, Young People and Parents/Carers have access to adequate and age-appropriate information about child safety and how to protect themselves;
 - iv. ensuring that Children and Young People have access to adequate support to promote safety and intervene early in concerns that they raise; and
 - v. listening to Children or Young People and appropriately address any concerns that they raise with us, in the least intrusive way possible, that is consistent with the paramount concern to protect the Child or Young Person from harm and promote the Child or Young Person's development.

GUIDELINE 5 – Appointment of workers (paid and volunteer)

As an outworking of the Policy statement:

ACC People commit to, according to their role or position (as described in section 5),

- *providing for and promoting the provision of services that foster the health, developmental needs, spirituality, self-respect and dignity of Children and Young People including by ensuring that persons who have a Direct Role with Children and Young People within the movement are appropriately selected, screened, trained, supervised and performing their responsibilities, including ongoing education and equipping,*

ACC Constituent Churches **shall**:

- a. screen, appoint, and induct all workers (paid and volunteer) using a formal accountable/transparent process, including:
 - i. compliance with State and Territory legislation with regard to Working with Children/Vulnerable Persons Checks (refer to SC003);
 - ii. self-declarations (refer to SC014);
 - iii. referee checking (at least two referees); and
 - iv. police background checking for paid employees.
- b. provide adequate and role-relevant induction training as required by Health and Safety legislation;
- c. store securely and permanently all successful applicant worker appointment documentation; and
- d. **not** allow an individual to work or continue his/her work if he/she has been charged or convicted of a crime that would make him/her ineligible to be granted a Working with Children Check (or equivalent) clearance. It is illegal in all States and Territories for a person who does not, or cannot, hold a Working with Children Check (or equivalent) to engage in any child related work. The church board will need to complete a full risk assessment to ascertain the current risks, and then implement a risk mitigation strategy to protect children and young people. This risk assessment must include seeking advice from the ACC Safer Churches Helpline and the church insurance company. ACC People who have been charged or convicted of a crime that would make him/her ineligible to be granted a Working with Children Check (or equivalent) clearance have an ongoing obligation to inform the Constituent Church of this matter.
- e. It is **recommended** that ACC Churches conduct annual ministry role reviews for workers. This process should be made clear to applicants at the time of appointment, as part of the induction process. This provides an opportunity for workers to say they will or will not be available next year/time, which is important for the health of committed teams.

GUIDELINE 6 – Safer Churches training

As an outworking of the Policy statement:

ACC People commit to, according to their role or position (as described in section 5),

- *providing for and promoting the provision of services that foster the health, developmental needs, spirituality, self-respect and dignity of Children and Young People including by ensuring that persons who have a Direct Role with Children and Young People within the movement are appropriately selected, screened, trained, supervised and performing their responsibilities, including ongoing education and equipping,*

ACC Credential and Certificate holders **shall** complete ACC Safer Churches training every three years at a minimum in order for Credentials or Certificates to be renewed.

This training develops the Credential Holder's awareness of their responsibilities under the ACC Child Protection Policy and ACC Safer Churches Guidelines. ACC Safer Churches training includes understanding the concepts of child protection including knowledge of indicators of

Child or Young Person at risk of harm (e.g. abuse and neglect), and reporting procedures for when there are risk of harm concerns about a Child and/or Young Person.

ACC Constituent Churches **shall** provide people who have a Direct Role (as defined in SC001) with adequate training in the concepts of Child Protection at a minimum of every 3 years. Additionally, in states where specific legislation applies, such as Reportable Conduct and / or Child Safe Standards, awareness raising and ongoing training in the specific requirements of those laws shall occur.

This shall include indicators of Child or Young Person risk of harm (abuse and neglect), and the reporting procedures for when they have risk of harm concerns about a Child and/or Young Person who is involved in the church.

It is **recommended** that ACC Constituent Churches provide all workers with adequate, appropriate, and ongoing training in Safer Churches related policy, procedures and practices.

GUIDELINE 7 – Supervision of workers (paid and volunteer)

As an outworking of the Policy statement:

ACC People commit to, according to their role or position (as described in section 5),

- *providing for and promoting the provision of services that foster the health, developmental needs, spirituality, self-respect and dignity of Children and Young People including by ensuring that persons who have a Direct Role with Children and Young People within the movement are appropriately selected, screened, trained, supervised and performing their responsibilities, including ongoing education and equipping,*

ACC Constituent Churches **shall**:

- a. adequately and appropriately supervise all workers, including provision of a Code of Conduct (see Ministerial Code of Conduct [SC013] and sample Volunteer Church Workers Code of Conduct [SC014]). Additional requirements may be required of employed workers);
- b. provide adequate support for workers in line with Health and Safety legislation; and
- c. make adequate provision for developing workers. This may include things such as regular team meetings, praying together, eating together and planning together. It is also advisable to invest in leadership development, both through in-house and external training events.

GUIDELINE 8 – Responding to concerns

As an outworking of the Policy statement:

ACC People commit to, according to their role or position (as described in section 5),

- *promoting caring attitudes and responses towards Children or Young People, so that the need for appropriate nurture, care and protection is understood, risks to a Child's wellbeing are quickly identified, and any necessary support, protection or care is promptly provided including child focused responses to allegations of risk of harm or harm in line with Safer Churches Guideline 8,*

ACC Constituent Churches **shall** know and follow their State and Territory Legislation (SC003).

Response processes **shall** be child focused and uphold the rights of Children and Young People in line with Child Safe Standards (SC068).

Children

It is **recommended** that Constituent Churches appoint a Safer Churches Person/Team, whose roles

include: receiving reports, assisting in the process of reporting of Child Protection concerns, and keeping accurate records permanently and securely in accordance with privacy legislation.

ACC People **shall** report concerns when:

- a. a Child or Young Person discloses they have been, or are at risk of being harmed;
- b. someone else (regardless of age) discloses that they know of a Child or Young Person who has been/is at risk of being harmed; or
- c. there are concerns that the Child or Young Person may have been, or is at risk of being harmed based on their physical appearance or behaviour.

ACC People **shall**

- a. put the rights of a Child or Young Person to the protection of harm ahead of any cultural and religious practices of families in their ministry programs;
- b. follow reporting procedures without hesitation in response to concerns no matter who is involved; and
- c. co-operate with police and/or other formal investigation procedure.

ACC People are not required, as an initial response, to establish or investigate if harm has occurred, but rather report reasonable suspicions or concerns of harm, including the grounds for concerns, to the Local Church Safer Churches Person/Team (or equivalent).

In making Child Protection - Mandatory Reports in States and Territories where this legislation is in place, it is essential that you follow the process mandated for reporting¹.

If a Local Church Safer Churches Person is not available, and the harm is currently occurring, or there are reasons to believe that a Child or Young Person is at risk, a report should be made immediately to the police and appropriate authorities.

Process for reporting:

- a. Report to the Local Church Safer Churches Person/Team (**note SA reporting to CARL*).

Report concerns to one of the appointed Local Safer Churches People, except when a disclosure occurs at a program or event where the Local Safer Churches Person/Team is not available, or a Child's/Young Person's immediate safety is at risk (sexual and physical abuse). In this case, immediately phone the police and organise appropriate support for the Child/ren. This can be done with the help of the most senior on-site leader, who will also need to assist with managing the immediate situation.

If the allegation involves the Local Safer Churches Person, then this should be reported to the most senior person available, who will take the role of the Safer Churches person in this instance.

- b. Complete applicable form/s and/or online reporting.

The Local Church Safer Churches Person/Team will keep permanent and secure records for the Constituent Church, upholding privacy principles.

- c. Take the appropriate action with your Local Church Safer Churches Person including:
 - i. police/government child protection agency reporting;

¹ For example in *South Australia, individuals who have a reasonable concern must report directly to CARL (Child Abuse Report Line on 13 14 78)*.

- ii. contact the **National Safer Churches Helpline (1800 070 511)** for advice and assistance and/ or to ensure ACC is aware of all child-related matters of concern; and
 - iii. initiate the correct complaints handling processes if the allegations are about ACC Workers/Credential Holders.
- d. Provide ongoing support, pastoral care and risk management processes.

It is the role of the Local Church Board to implement pastoral care and support for all parties involved, including the Child or Young Person and family, as much as is practical. There may also be Local Church risk management action plans that need to be implemented, e.g. stepping aside a leader/Credential Holder who has been accused of harming a Child or Young Person whilst the investigation occurs.

Adults

ACC Church leaders **shall** report to police and/or government agencies all concerns involving adults as required by their State or Territory Legislation.

It is **recommended** that ACC Church leaders follow good pastoral practice in relation to concerns of harm or risk of harm in adults.

(Refer to SC026 in the Implementation Kit at the ACC Pastor's login on the ACC website for more information.)

GUIDELINE 9 – Responding to conflict

As an outworking of the Policy statements:

ACC People commit to, according to their role or position (as described in section 5),

- *providing for and promoting the care, protection and wellbeing of Children and Young People in a way that recognises their right to grow in a safe and stable environment and the right to be protected from harm, and to maximise opportunities for Children and Young People to realise their full potential; and*
- *promoting and recognising the need to strengthen, preserve and promote positive relationships between the Child and the Child's parent, family members, leaders, mentors, spiritual advisors and significant others,*

ACC Constituent Churches **shall**

- a. consider the pastoral, legal, and insurance implications of the conflict or allegation, and respond with transparency and accountability;
- b. use the ACC Grievance Procedure for Certificate Holders (Refer to SC033) when responding to allegations of misconduct and/or abuse by ACC Credential or Certificate holders; and
- c. work through an appropriate process that affords natural justice to all parties when responding to allegations of misconduct and/or harm by those who are not ACC Credential or Certificate holders. (Refer to SC034 and SC035 in the Implementation Kit.) Your ACC State Safer Churches Officer can provide assistance working through such a process if required.

GUIDELINE 10 – Safe environments

As an outworking of the Policy statement:

ACC People commit to, according to their role or position (as described in section 5),

- *providing for and promoting a Child safe culture in both physical and online settings that is understood, endorsed and put into action by all the individuals who work for, volunteer or access an ACC program, service or managed facility,*

1. Safe online and digital practices

ACC People **shall** be mindful of the position of trust they hold by:

- actively being safe in all online and digital interactions, including maintaining transparency and accountability in the use of electronic communications with Children or Young People as far as is practical, that is as a team, not as individuals, e.g. group emails/text messages/Facebook.
- not** transmitting, downloading or storing any communication that is:
 - discriminatory or harassing;
 - derogatory;
 - obscene, sexually explicit or pornographic;
 - defamatory;
 - threatening;
 - for any purpose that is illegal or contrary to the Code of Conduct relevant to their position;
- reporting any communication to their Local Church Safer Churches Person/Team that breaches the requirements outlined above; and
- not** sending any electronic communication that attempts to hide their identity or represent the sender as someone else.

It is **recommended** that communications with Children under 16 occur with the full knowledge of the Parent/s or Carer/s of the Child or Young Person.

It is **recommended** that photos or videos of Children under 16 not be shared without the consent of the Parent/s or Carer/s of the Child or Young Person.

2. Compliance with WHS legislation

It is **recommended** that each ACC Church:

- elect a **Health & Safety Team**, including at least one Board member, to oversee implementation of WHS compliance;
- write and implement Health and Safety policies, including privacy policy and evacuations procedures;
- keep Health and Safety on the agenda at every Local Church Board and team meetings;
- notify incidents such as serious events and dangerous incidents within a prescribed period to the Health & Safety Team;
- address health and safety concerns within a timely manner of the concern being communicated to the Health & Safety Team;
- use incident report documentation to report serious incidents to your insurer and your

ACC State Safer Churches Officer;

- g. ensure all workers know and follow the church's abuse reporting and grievance procedures; and
- h. have the Health & Safety Team undertake a safe environment audit of all church facilities at least twice a year.

3. Annual program approval

It is **recommended** that all Children or Young People's programs be approved by the Local Church Board through a formal, annual written approval process.

4. Managing event and/or program risks

It is **recommended** that ministry coordinators manage individual program risk according to risk management good practice, including annual risk management as part of the annual program approval process.

5. Safe physical environments

It is **recommended** for the safe running of programs and events that the following matters are considered:

FIRST AID including:

- a. at least one on-site leader should have current first aid training; and
- b. a suitable, up-to-date and accessible first aid kit is to be available at all times and in all locations;

TRANSPORTATION including:

- a. never be alone in a car with a Child or Young Person;
- b. at no time should there be more passengers in a car than the number of seat belts that are in working order and available for use;
- c. all cars will be registered, in good working order and driven by licensed drivers abiding by any licence restrictions (e.g. Provisional licence passenger conditions); and
- d. if a Child/Young Person is travelling in a vehicle driven by a worker, prior written consent should, wherever possible, be given by a Parent/Carer, except in the case of emergencies.

FOOD SAFETY including:

- a. prepare a food preparation & storage practices guide;
- b. display food preparation and storage practices guide in the kitchen or food preparation area; and
- c. checking with relevant council to ensure compliance with local requirements in relation to food handling.

SUPERVISION NUMBERS including:

- a. ACC People should ensure that adequate numbers of leaders are present to supervise the program;
- b. precise numbers of leaders are hard to determine and will depend greatly on the size of the group, their age, and the level of physical and/or emotional risk inherent to the activity. Programs aimed at younger children and those with an additional need require more supervision due to the increased level of risk involved;
- c. when considering supervision numbers, risk assessment should include how supervision

would be affected by an accident or emergency. Adjustment to required leader numbers should then be made to reduce any reasonably foreseeable risk; and

- d. an example may be requiring a minimum of two adult leaders on site for all programs in addition to the leader-to-participant ratio of 1:10. This will allow for safe supervision if and when accidents or critical incidents occur. Of course, many more leaders will be needed for high-risk activities such as taking Children or Young People off-site, swimming, bushwalks, games nights or the like, or if the group is large.

It is **recommended** that ACC People running Children's or Young People's programs:

- i. make the distinction between those adults who are part of the team, and who are junior leaders (under 18 years). Junior leaders are not to be counted in the supervision ratios;
- ii. use adult helpers age 18 or over who are not leaders of the group, but rather are present on-site for supervision purposes. Such adult helpers, though still Volunteer Workers, would not actually run activities, whereas junior ministry leaders may run many. Adult helpers are important to help ensure the safety of the Children or Young People;
- iii. do not allow leaders or helpers to be alone, one-on-one, with a Child or Young Person. One adult with a small group may be fine as long as there are other adults on site. Where possible, have both male and female leaders to provide support for both boys and girls; and
- iv. in relation to camps or overnight settings, it is not advisable that leaders sleep in the same room as Children or Young People. Leaders should be sleeping in a designated leaders' space (cabin) nearby.

MANAGEMENT OF HIGH-RISK ACTIVITIES including:

- a. for high-risk and off-site activities: e.g. water sports, swimming excursions, white water rafting/caving/bungy jumping, inflatable sumo suit wrestling, gladiator games, horse-riding, high ropes activities, roller blading/skating, skateboarding or activities involving live animals, an employee/leader with appropriate (certified) training for the event should be running the activity;
- b. active supervision is required at all times. Supervisors must not be involved in any additional activities that will distract from their role as a supervisor;
- c. all participants involved in high-risk activities should have a signed liability release from each Parent/Guardian. However, it is important to note that a liability release form does not actually indemnify against an accident. Individual leaders may be protected where all due care has been taken, but a church may still be deemed liable, where duty of care failures are proven; and
- d. contact the church's insurance broker/company for advice before running high-risk activities as some high-risk injuries may be excluded from the Church's liability cover.

GUIDELINE 11 – Responding to incidents

As an outworking of the Policy statement:

ACC People commit to, according to their role or position (as described in section 5),

- *providing for and promoting a Child safe culture in both physical and online*

settings that is understood, endorsed and put into action by all the individuals who work for, volunteer or access an ACC program, service or managed facility,

ACC Church workers **shall**

- a. respond to incidents appropriately and promptly and take adequate follow up action;
- b. use appropriate report forms. Injuries or accidents requiring secondary medical attention, e.g. visit to a doctor or medical centre, are to be written up on an incident report;
- c. report incidents of a serious nature to your local church insurer; and
- d. report all incidents to parents and/or caregivers of Children or Young People, and in instances where the impact has been felt by a wider group, report, with the permission of those involved in the incident, to the wider concerned group.

GUIDELINE	Implementation Kit supporting documents
1	SC001-9, SC011, SC024, SC048, SC075, SC077
2	SC020, SC044
3	
4	SC006, SC016, SC017, SC018, SC019, CPP INFOGRAPHIC POSTERS
5	SC003, SC012, SC014, SC015, SC027-29, SC030-32, SC053, SC056-60, SC076
6	SC021
7	SC013-14
8	SC021, SC023-26, SC036, SC068, SC078
9	SC033-35
10	SC022, SC037-45, SC049-56, SC061-66, SC069-74
11	SC046-47



LOCAL CHURCH STRUCTURE

Please contact Corney & Lind Lawyers to identify the best structure for your church

Phone: (07) 3252 0011



First Step

Contact Corney & Lind to make an appointment for a 30 to 60 minute teleconference with a senior lawyer from their office to discuss the pros and cons of different structures, and obtain some background as to the churches' current governance and property holdings and endorsements.

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CORNEY & LIND
LAWYERS

Church Structuring and Property Holding Options for Local ACC Churches

Andrew Lind, Director

Kristel Winkler, Senior Associate

Friday, 26 February 2016

1:00pm (Brisbane time)

just redemptive outcomes



CORNEY & LIND
LAWYERS

Introduction

Corney & Lind Lawyers Pty Ltd

- Mid size law firm – 18 lawyers & 30 staff
- Our focus areas

Schools & Education

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Schools & Education | Not for Profit & Charity | Commercial | Employment & Discrimination | Compensation Law | Family Law | Estate & Elder Law

This presentation is information only not legal advice | © Corney & Lind Lawyers Pty Ltd | Page 2



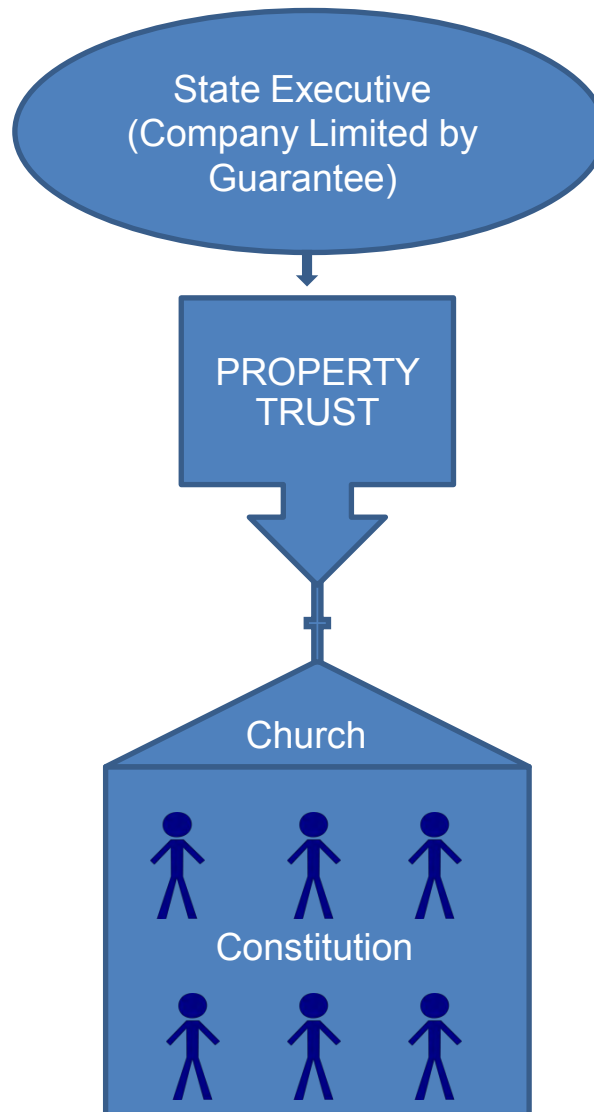
What is your current Church structure?

- Historically most local ACC churches were **unincorporated**
- An unincorporated church is **not** a “legal person” / “legal entity”
- This means it cannot hold property in its own name
- The State Executive Australian Christian Churches Queensland Ltd (formerly Assemblies of God in Australia (Queensland Conference)) has historically acted as trustee for local unincorporated churches, providing a legal person to own a church’s property on its behalf.
- Tighter regulation and stricter financial reporting requirements have increased the financial and administrative burden of the State Executive performing this role. Consequently, the State Executive is working to facilitate a transition property holding from the State Executive to local churches within their own local church structure.
- This is an ideal time for churches to review their structure and governance, ensure their ongoing compliance with legislation, while establishing a property holding structure that:
 - is local church controlled;
 - provides some asset protection;
 - is generally well accepted by lending institutions



What is your current Church structure?

- Unincorporated local church with the State Executive acting as trustee for property holding:
 - Most churches
 - Historically was a simple and affordable way for local churches to buy property
 - Increasingly problematic from a governance and regulatory perspective



Trustee (legal person) holds property on trust of the religious purposes of the Church as set out in its Constitution

An unincorporated church is a group of people who agree to join together for the religious purposes set out in its Constitution



Other Structures

- Unincorporated local church with a locally controlled company limited by guarantee acting as trustee for property holding:
 - Historically recommended for churches desiring local control of their church assets
 - Recommended in the past for asset protection reasons and governance reasons
 - Structure more complicated
 - As assets are held separately from the church income, can be problematic when dealing with financiers. Some financiers will only lend to incorporated churches.
- Local church historically Incorporated by Letters Patent:
 - Churches incorporated under the now repealed Religious Educational and Charitable Institutions Act of 1861
 - No longer an option for incorporation
 - Existing letters patent bodies preserved under the Associations Incorporation Act 1981
 - Possible to transition incorporation type to company limited by guarantee
 - Can be prudent to maintain the “status quo” with these unique structures
- **Local Church incorporated as a Company Limited by Guarantee – increasingly the preferred model:**
 - Church operations and property holding conducted directly from one church company entity;
 - Comprised of members and directors
 - Recommended → Company Limited by Guarantee not Incorporated Association.



Unincorporated vs Incorporated Church

Unincorporated local church –

PROS

- Freedom constitutionally
- Less Regulation
- “Basic Religious Charity Exemption”
 - no financial reporting to the ACNC
 - not subject to the Governance Standards under the ACNC Act

CONS

- Leaders (and possibly members):
 - jointly and severally liable for the liabilities of the church
 - at risk of personal suit for any claims against the church
 - leaders jointly and severally liable under the ACNC Act (s 180.5)
- No ability to hold property or enter into contracts
- As churches become larger with more staff and bigger budgets, these risks increase accordingly



Unincorporated vs Incorporated Church

Incorporated local church (as a Company limited by guarantee) –

PROS

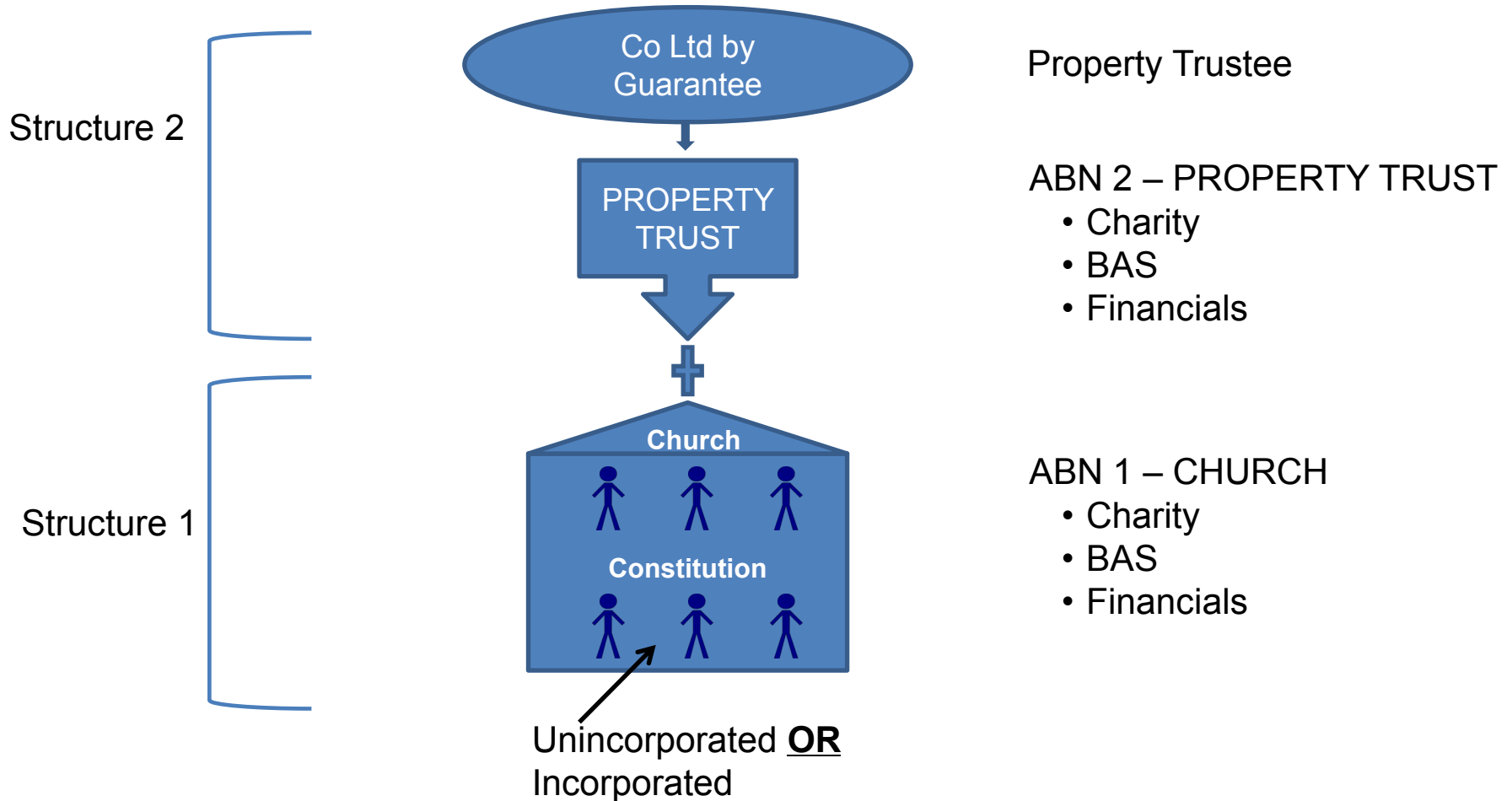
- Protection of the corporate veil
 - members liability for the debts of the church limited
 - Directors protected against personal liability except in certain instances.
- Ease of corporate structuring and control
- Can hold property in its own right (property holding trust not necessary for property holding)
- Can enter contracts
- Well understood by lenders and leaders in the Church
- Learning in this “for profit” world can be more readily applied.

CONS

- Financial reporting to the ACNC (not a Basic Religious Charity)
- Subject to the Governance Standards & ACNC Act generally (not a Basic Religious Charity)
- Subject to the Corporations Act. In our experience, this is very manageable for churches without the church feeling that they need to compromise their Biblical convictions.



Structures with a Property Holding Trust





Structures with a Property Holding Trust

- Necessary for *unincorporated* churches
- Are there any benefits for incorporated churches?
 - Asset protection?
 - However, recent decisions have eroded *Richstar & Spry*
 - Asset holding structure able to access basic religious charity exemption
 - Sometimes appropriate property holding structure where the church entity wishes to have many members (that is, church membership open to most congregational members). The property holding trustee can be controlled by a smaller group of leaders, allowing for efficient dealing with property.
- Be wary of trend with financiers to lend only to the income receiving entity (that is, the church entity) regardless of capital held in a trust. This can be overcome by the borrower being the church entity and the property holding trust providing third party security.
- State Trustee or Local Trustee
 - State Trustee historically provided accessible property holding option, especially for smaller churches
 - Local ability to deal with property without needing to liaise with State trustee



Where is my “Trust Deed”?

- Historical property trusts often established via a “Schedule of Trusts”
 - Short form document annexed to the Transfer lodged at the Titles Office, usually when the property is first purchased.
 - Relates only to real properties specifically purchased in that trust;
 - Often not registered as a charity or endorsed to receive charitable tax concessions – best practice is that the trusts are registered as charities prior to dealing with property to avoid capital gains tax liability
 - Due to their unusual nature, often not understood by banks financial institutions
 - There is no “trust deed”
 - Still require an incorporated trustee entity – historically the State Trustee
- Recommend moving to a Deed of Trust instead of a Schedule of Trusts
 - Banks understand them – avoid the question – “where is the Trust Deed?”
 - Versatile - can be used for other property holding – vehicles, personal property



Steps – Incorporated Church

First - have a meeting or teleconference with us to discuss your current structure and which structuring option is best for your church going forward.

Incorporated Church (no separate property trust)

- Is your current property trust endorsed as a tax concession charity – talk with us about the risks
- Hold a meeting of your church membership to pass a resolution to incorporate the unincorporated church
- Members and Directors need to consent
- New constitution – Template approved by the State Executive. Amended to suit your church's structuring and governance needs.
- Company incorporated with ASIC
- Company applies for new ABN, registration as a charity with the ACNC and tax concession charity endorsement with the ATO
- Existing property to be transferred from existing property trust to new church company. A transfer duty exemption application to OSR will be required to avoid transfer duty becoming payable on the transfer
- New church property assumes conduct of church activities
- Old ABN for unincorporated church cancelled



Steps – Local Property Trustee Company

- Is your current property trust endorsed as a tax concession charity – talk with us about the risks
- Hold a meeting of your church membership to pass a resolution to incorporate a local church trustee, establish a new property holding trust and transfer church property to the new structure once established and appropriately endorsed.
- Members and Directors of new trustee company need to consent
- New constitution for trustee company. Amended to suit your church's structuring and governance needs.
- Trustee company incorporated with ASIC
- Deed of trust settled – charitable trust existing to hold property on trust for the religious purposes of the church (established)
- Trust applies for new ABN, registration as a charity with the ACNC and tax concession charity endorsement with the ATO
- All existing property to be transferred from existing property trust to new trust. A transfer duty exemption application to OSR will be required to avoid transfer duty becoming payable on the transfer.
- Previous ABN and Charity endorsements of old property trust (if any) – cancelled

just redemptive outcomes



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LOCAL CHURCH CONSTITUTION TEMPLATE

- Incorporated Church Model

(Company Limited by Guarantee)



Recommended constitution for local church - Incorporated Church Model

To assist local churches wishing to incorporate, the National Executive has commissioned the development of a company limited by guarantee template.

Basis:

The company limited by guarantee format has been chosen because

- It is applicable in all states and territories.
- The company format is better understood by lenders and outside authorities and is the most robust form of incorporation.
- More flexibility in structuring of constitution is allowed making them preferable for churches
- Under ACNC the compliance and audit/review costs are now founded upon turnover rather than the form of structure
- The company's only annual reporting requirement is to the ACNC (rather than ACNC and state based incorporated association authority)
- The largest component of cost of incorporating is in the preparation of the constitution so this cost will not apply to churches adopting the model. Only minor costs would be applicable if churches wish to make small modifications to suit their circumstances

Next steps:

1. Download the constitution for your lawyer and instruct them to make any variation you require
2. Instruct your lawyer to prepare the final constitution and incorporation forms for filing in ASIC
3. Once incorporated apply for an ABN and register the church with ACNC

You are now ready to operate.

CORPORATIONS ACT 2001

CONSTITUTION

of

[INSERT CHURCH NAME]

ACN #

A Company LIMITED BY GUARANTEE



**CORNEY
& LIND**
LAWYERS

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**[INSERT CHURCH NAME] - ACN #
CONSTITUTION**

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**[INSERT CHURCH NAME] - ACN #
CONSTITUTION**

1 DEFINED MEANINGS

Words used in this Constitution and the rules of interpretation that apply are set out and explained in the Definitions and Interpretation clause at the back of this document.

2 NAME

The name of the Company is [INSERT CHURCH NAME] (hereinafter called the “**Company**”).

3 REGISTERED OFFICE

3.1 Location

The registered office of the Company shall be situated at such place in Australia as the Board may from time to time determine.

3.2 Display name

The Company must display its name and the expression “Registered Office” at that place.

4 OBJECTS

The objects for which the Company is established are:

- A. To advance the Christian religion and to preach and teach and generally to further the cause of the Gospel of the Lord Jesus Christ and to work for the building up and extension and renewal of the Christian Church.
- B. To meet for the worship of God, the Father, Son and Holy Ghost, the preaching and teaching of the Word of God and the administration of the Sacraments.
- C. To further propagate the Christian faith in Australia or elsewhere by the conduct of evangelism or by the establishment of further churches or missionary works with similar objects.
- D. To render spiritual oversight, care and assistance (whether material or otherwise) and such other help as may be deemed appropriate to, as far as practicable, meet the needs of persons to whom the church ministers.
- E. To make donations to, assist, undertake the oversight of or in any way co-operate with other churches, organisations, societies or individuals having similar objects.
- F. To provide such educational or other programmes or institutions as will assist members to live whole and balanced lifestyles and to be a blessing to the community in which they live.
- G. To be a co-operative fellowship of Australian Christian Churches.

5 POWERS

The Company has the legal capacity and powers of an individual as set out in Section 124(1) of the Act.

6 STATEMENT OF FAITH

The Company has the doctrines as are expressed in the United Constitution of Australian Christian Churches as expressed from time to time.

7 USE OF THE INCOME AND PROPERTY OF THE COMPANY

7.1 Non-profit

161066 - 534714R3 - NEB

**[INSERT CHURCH NAME] - ACN #
CONSTITUTION**

The income and property of the Company shall be applied solely towards the promotion of the objects of the Company as set forth in this Constitution. No portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise to the Members of the Company.

7.2 Permitted payments to Members and Directors

Nothing in clause 7.1 prevents the payment in good faith of reasonable and proper:

- 7.2.1 Remuneration to any Member or Director of the Company in return for any services actually rendered by them to the Company;
- 7.2.2 Compensation to any Member of the Company for expenses properly incurred by them on behalf of the Company;
- 7.2.3 Payment for goods supplied to the Company by any Member in the ordinary and usual way of business;
- 7.2.4 Interest on money borrowed from any Member for any purpose of the Company at a rate not exceeding the rate for the time being charged by the Company's Bank for overdrafts under \$100,000; or
- 7.2.5 Reasonable and proper rent for premises demised or let by any Member to the Company.

7.3 Directors fees

No Directors shall receive remuneration or be paid any fees in respect of their ordinary duties as a Director of the Company.

7.4 Reimbursement of Directors' expenses

The Company may also pay the Directors' travelling and other expenses that they properly incur:

- 7.4.1 In attending Directors' meetings or any other meetings of committees of Directors; and
- 7.4.2 In attending any general meetings of the Company; and
- 7.4.3 In connection with the Company's business,

provided that any such payment would be reasonable in the circumstances of the Company. Any such payment must be approved by the Directors.

7.5 Other payments to Directors

Subject to clause 7.3, no payments shall be made to any Director other than those payments authorised by clauses 7.2 and 7.4 unless:

- 7.5.1 the payment is approved by the Directors; and
- 7.5.2 the payment is approved, if required, by the Members in accordance with the Act.

8 LIMITED LIABILITY

The liability of Members is limited.

9 MEMBERS' CONTRIBUTIONS

**[INSERT CHURCH NAME] - ACN #
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Every Member of the Company undertakes to contribute to the property of the Company in the event of the same being wound up whilst he is a Member or within one year after he ceases to be a Member for payment of the debts and liabilities of the Company (contracted before he ceased to be a Member) and of the cost, charges and expenses of winding up and for the adjustment of the rights of the contributories among themselves such amounts as may be required not exceeding fifty dollars (\$50.00).

10 USE OF PROPERTY ON WINDING UP

10.1 No distribution to Members on winding up

If upon the winding up or dissolution of the Company there remains after satisfaction of all its debts and liabilities, any property whatsoever (surplus), the surplus shall not be paid to or distributed amongst the Members of the Company, unless the said Member(s) is also an institution approved by the Commissioner of Taxation as a Tax Concession Charity and with similar charitable objects.

10.2 Distribution of surplus on winding up

Subject to clause 10.1, the surplus shall be given or transferred to some other institution or institutions approved by the Commissioner of Taxation as a Tax Concession Charity such institution:

10.2.1 having objects similar to the objects of the Company; and

10.2.2 whose Memorandum of Association or Constitution shall prohibit the distribution of its or their income or property amongst its or their members to any extent at least as great as is imposed on the Company under this Constitution;

such institution or institutions to be determined by the Members of the Company at or before the time of dissolution and in default thereof by a Judge of the Supreme Court of a State or Territory in which the Company operates.

11 AMALGAMATION

The Company must not amalgamate with any other body that does not have Tax Concession Charity status.

12 MEMBERSHIP

12.1 Members

The members at the time of the adoption of this Constitution and such natural persons as the Board admits to membership in accordance with this Constitution shall be Members of the Company.

12.2 Membership criteria

No person may be admitted to membership unless the person provides evidence to the Board that they:

12.2.1 are a Born Again Believer in the Lord Jesus Christ and exhibit positive evidence of a consistent Christian Life; and

12.2.2 have been baptised in water; and

12.2.3 accept and abide by the doctrinal bases set out in clause 6; and

12.2.4 have attained the age of 18 years; and

12.2.5 have attended the Church regularly for a period of three months prior to the date of the application for membership; and

**[INSERT CHURCH NAME] - ACN #
CONSTITUTION**

- 12.2.6 express willingness to attend regularly and make a regular commitment to support the Church through, but not limited to, the giving of tithes, offerings and prayer; and
- 12.2.7 meet such other criteria as may be determined by the Board from time to time. Such criteria should reflect and be consistent with accepted Christian faith, mission, vision, values and policies of the Church, and in line with the United Constitution of Australian Christian Churches from time to time, and any relevant Volunteer Church Workers Code of Conduct.

12.3 Form of application

Every application to the Board for membership of the Company shall be in such form as prescribed by the Board.

12.4 Board may accept or reject

The Board may accept or reject an applicant for membership without giving a reason.

12.5 Notification of acceptance

When an applicant has been accepted for membership the secretary must forthwith send to the applicant written notice of his acceptance and update the Register of Members accordingly.

12.6 Annual subscription

No entrance fee or annual subscription is payable by Members.

13 REGISTER OF MEMBERS

13.1 Register must be kept

The Board must keep a Register of Members.

13.2 Contents of Register

The following information must be contained in the Register of Members in respect of each Member:

- 13.2.1 the full name of the Member;
- 13.2.2 the address of the Member;
- 13.2.3 the date of admission to and cessation of membership;
- 13.2.4 such other information as the Board requires.

13.3 Member must notify changes

Each Member must notify the Secretary in writing of any change in that person's name or address.

13.4 Evidence of membership

Inclusion of a name in the Register of Members is prima facie evidence of membership.

14 CESSATION OF MEMBERSHIP

14.1 When membership ceases

**[INSERT CHURCH NAME] - ACN #
CONSTITUTION**

A person ceases to be a Member on:

- 14.1.1 resignation; or
- 14.1.2 death; or
- 14.1.3 becoming bankrupt or insolvent or making an arrangement or composition with creditors of the person's joint or separate estate generally; or
- 14.1.4 becoming of unsound mind or a person whose person or estate is liable to be dealt with in any way under a law relating to mental health; or
- 14.1.5 the member being in breach of 12.2; or
- 14.1.6 the termination of the person's membership by the Directors or by the Company in general meeting in accordance with this Constitution.

Upon cessation of membership the Register of Members must be updated in accordance with clause 13.2.

14.2 Resignation

A Member may by written notice to the Company resign from membership with immediate effect or with effect from a specified date occurring not more than 3 months after the service of the notice. A Member remains liable after resignation for any annual subscription fee (if any) due and unpaid at the date of the Member's resignation and for all money due by the Member to the Company, in addition to any sum for which the Member is liable as a Member under clause 9.

14.3 Censuring, suspension or expulsion of Member

If any Member wilfully refuses or neglects to comply with the provisions of this Constitution, or acts in a manner which in the opinion of the Directors is prejudicial to the interests of the Company, the Directors may by resolution censure, suspend or expel the Member from the Company, provided that the following procedure is observed:

- 14.3.1 at least one week before the Directors' meeting at which the resolution is to be considered, the Member must be given notice of the meeting setting out:
 - a what is alleged against the Member; and
 - b the intended resolution;
- 14.3.2 at the Directors' meeting, and before the passing of the resolution, the Member must be given an opportunity of giving, orally or in writing, any explanation the Member thinks fit;
- 14.3.3 the Member may elect to have the question dealt with by the Company in general meeting, by notice in writing lodged with the Secretary at least 24 hours before the time for holding of the Directors' meeting at which the resolution is to be considered by the Directors;
- 14.3.4 if the member gives a notice under clause 14.3.3:
 - a no resolution of the Directors on that matter is effective;
 - b a general meeting of the Company must be called for the purpose of considering the resolution set out in the notice originally given to the Member under this clause; and
 - c if, at the general meeting, a resolution is passed by a majority of at least two-thirds of those present and voting (the vote to be taken by ballot), the Member concerned must be dealt with in accordance with the resolution; and

**[INSERT CHURCH NAME] - ACN #
CONSTITUTION**

14.3.5 in the case of a resolution passed by the Directors the membership of the Member automatically terminates, in which case the Member ceases to be a Member.

15 GENERAL MEETINGS OF MEMBERS

15.1 General meetings

An Annual General Meeting of the Company must be held in accordance with the provisions of the Act. All general meetings, other than Annual General Meetings, shall be called extraordinary general meetings.

15.2 Location

All meetings of the Company shall be held in Australia. The Company may hold a meeting of its members at 2 or more venues using any technology that gives the members as a whole a reasonable opportunity to participate.

15.3 Convening meetings

A majority of Directors may whenever they think fit convene an extraordinary general meeting. Members can only convene a meeting as allowed by the Act.

15.4 Amount of notice of meetings

Subject to the provisions of the Act relating to special resolutions and agreements for shorter notice, the period of notice with respect to general meetings shall be twenty-one (21) days.

15.5 Contents of notice

Notice of a general meeting shall:

15.5.1 set out the place, the day, and the hour of meeting;

15.5.2 state the general nature of the meeting's business;

15.5.3 if a special resolution is to be proposed at the meeting – set out an intention to propose a special resolution and state the resolution.

15.6 Persons entitled to notice

Notice of every general meeting shall be given in any manner authorised by clause 24 and in accordance with the Act to:

15.6.1 every Member and Director; and

15.6.2 the Auditor or Auditors, if any, for the time being of the Company;

No other person shall be entitled to receive notices of general meetings.

15.7 Notice of adjourned meeting

When a meeting is adjourned for thirty (30) days or more, notice of the adjourned meeting must be given as in the case of an original meeting. Save as aforesaid, it shall not be necessary to give any notice of an adjournment or the business to be transacted at any adjourned meeting.

15.8 Accidental failure to give notice

Subject to the Act, an accidental failure to give notice of any general meeting to a person entitled to receive notice, or the non receipt by that person of the notice, does not affect the validity of the proceedings at the meeting or any resolution passed at it.

16 PROCEEDINGS AT GENERAL MEETINGS OF MEMBERS

16.1 Business of Annual General Meeting

The business of an Annual General Meeting may include any of the following, even if not referred to in the notice of meeting:

- 16.1.1 to receive and consider the annual financial report, the report of the Board and the Audit/Financial Review report as applicable;
- 16.1.2 the election of Directors; and
- 16.1.3 the appointment of auditors.

16.2 Special business

All other business transacted at an Annual General Meeting and all business transacted at any extraordinary general meeting is special business.

16.3 Quorum

No business can be transacted at any general meeting unless a quorum of Members is present at the time when the meeting proceeds to business. A quorum is represented by double the number of directors at the time of the meeting plus one person or 50% of the members, whichever is the lesser. For the purpose of this clause "Member" includes a person attending as proxy.

16.4 When quorum not present

If within half an hour from the time appointed for the meeting a quorum is not present, the meeting, if convened upon the requisition of Members, must be dissolved; in any other case it shall stand adjourned to the same day in the next week at the same time and place, or to such other day and at such other time and place as the Board determines and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the Members present shall be a quorum.

16.5 Chairperson

The chairperson must preside at every general meeting of the Company, or if there is no chairperson, or if he is not present within fifteen minutes after the time appointed for the holding of the meeting or is unwilling to act, the vice-chairperson must be the chairperson, or if the vice-chairperson is not present or is unwilling to act then the Members present must elect one of their number to be chairperson of the meeting. The Members may appoint an independent Chairperson endorsed by the ACC National or State Executive.

16.6 Adjournment

The chairperson may, with the consent of any meeting at which a quorum is present (and must if so directed by the meeting), adjourn the meeting from time to time and from place to place, but no business can be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. When a meeting is adjourned notice of the adjourned meeting shall be given in accordance with clause 15.7 (if required).

16.7 Voting and demanding a poll

At any general meeting a resolution put to the vote of the meeting must be decided on a show of hands unless a poll is (before or on the declaration of the result of the show of hands) demanded:

- 16.7.1 by the chairperson, or
- 16.7.2 by a Member present in person.

16.8 Declaration of vote on show of hands

**[INSERT CHURCH NAME] - ACN #
CONSTITUTION**

Unless a poll is so demanded, a declaration by the chairperson that a resolution has on a show of hands been carried or carried unanimously, or by a particular majority, or lost, and an entry to that effect in the book containing the minutes of the proceedings of the Company, is conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against the resolution. The demand for a poll may be withdrawn.

16.9 Taking a poll

If a poll is duly demanded it shall be taken in such a manner and either at once or after an interval or adjournment or otherwise as the chairperson directs, and the result of the poll shall be the resolution of the meeting at which the poll was demanded but a poll demanded on the election of a chairperson or on a question of adjournment must be taken forthwith.

16.10 Chairperson does not have a casting vote

In the case of an equality of votes, whether on a show of hands or on a poll, the chairperson of the meeting at which the show of hands takes place or at which the poll is demanded is not entitled to a second or casting vote. A Chairperson, who is not a member of the company, shall not be entitled to vote.

16.11 Voting rights

A Member may vote in person or by proxy (provided such proxy is also a member of the Company) or by attorney and on a show of hands every person present who is a Member or a representative of a Member shall have one vote and on a poll every Member present in person or by proxy or by attorney or other duly authorized representative shall have one vote.

16.12 Appointment of proxies

The instrument appointing a proxy shall be in writing under the hand of the appointer or of his attorney duly authorized in writing. The instrument appointing a proxy shall be deemed to confer authority to demand or join in demanding a poll. A Member shall be entitled to instruct his proxy to vote in favour of or against any proposed resolutions. Unless otherwise instructed the proxy may vote as he thinks fit.

16.13 Proxy form

The instrument appointing a proxy may be in the following form or in a common or usual form:
“

I.....of..... being a Member
of

[INSERT CHURCH NAME] hereby appoint of
or failing

him/her of as my proxy to
vote for me

on my behalf at the (annual or extraordinary, as the case may be) general meeting of the
Company, to

be held on the day of 20... and at any adjournment
thereof.

My proxy is hereby authorized to vote *in favour of/against the following resolutions:

Signed this day of20....

(Note - in the event of the Member desiring to vote for or against any resolution he shall instruct his proxy accordingly. Unless otherwise instructed, the proxy may vote as he thinks fit.)

**[INSERT CHURCH NAME] - ACN #
CONSTITUTION**

* Strike out whichever is not desired."

16.14 Proxy form and power of attorney to be deposited before meeting

The instrument appointing a proxy and the power of attorney or other authority, if any, under which it is signed or a duly certified copy of that power or authority shall be deposited at the registered office of the Company, faxed to the registered office or deposited at, faxed or sent by electronic mail to such other place as is specified for that purpose in the notice convening the meeting, not less than forty-eight hours before the time for holding the meeting or adjourned meeting at which the person named in that instrument proposes to vote, or in the case of a poll, not less than twenty-four hours before the time appointed for the take of the poll and in default the instrument or proxy shall not be treated as valid.

16.15 Validity of proxy or attorney vote

A vote given in accordance with the terms of an instrument of proxy or attorney shall be valid notwithstanding the previous death or unsoundness of mind of the principal or revocation of the instrument or of the authority under which the instrument was executed if no intimation in writing of such death, unsoundness of mind or revocation as aforesaid has been received by the Company at the registered office before the commencement of the meeting or adjourned meeting at which the instrument is used.

17 COMPOSITION OF THE BOARD

17.1 Directors and appointment of Chairperson

The business and affairs of the Company shall be managed by the Board of Directors consisting of the Senior Pastor and not less than two (2) elected Directors. The Board of Directors shall appoint one of their number as chairperson and may do so from time to time as occasion may require.

17.2 Directors on adoption of this Constitution

The Directors on adoption of this Constitution shall remain directors until the first annual general meeting after the adoption of this Constitution. With the exception of the Senior Pastor who is an ex-officio member of the Board, half of the Directors shall retire at the first annual general meeting but shall be eligible for re-election, the remaining Directors shall retire at the second annual general meeting after the adoption of this Constitution. The Directors shall determine which Directors shall retire at the first annual general meeting or, in the absence of agreement, this shall be determined by lot. Thereafter the Board shall consist of the Senior Pastor and those Directors elected as herein provided.

17.3 Term of appointment

At the first annual general meeting of the Company after the adoption of this Constitution and at the annual general meeting of the Company in each year thereafter half the Directors must be elected and shall hold office until the conclusion of the second annual general meeting after their appointment when they must retire but they shall be eligible for re-election at such meeting.

17.4 Election of Directors

The election of Directors shall take place in the following manner:

17.4.1 The Board shall be at liberty to nominate any other person to serve as a Director. The candidate must be a Member of the Company;

17.4.2 No person is eligible for election as a Director unless they meet, in the opinion of the Board, the Biblical requirements for Elders as outlined in 1 Timothy 3 and Titus 1, and agree to abide by the doctrines and policies of the Church, and the United Constitution

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of Australian Christian Churches from time to time, and any other relevant Code of Conduct of Australian Christian Churches from time to time;

- 17.4.3 No person is eligible for election as a Director unless they provide a written consent to the Company;
- 17.4.4 The nomination, which shall be in writing and signed by the candidate and his proposer, and the consent must be lodged with the secretary at least fourteen days before the annual general meeting at which the election is to take place;
- 17.4.5 In case there shall not be a sufficient number of candidates nominated the Board may fill up the remaining vacancy or vacancies.
- 17.4.6 On reasonable grounds, the Senior Pastor may refuse to endorse the nomination of a Director.

17.5 Increasing or reducing number of Directors

The Company may from time to time by ordinary resolution passed at a general meeting increase or reduce the number of Directors provided that the minimum number of Directors must not be less than three.

17.6 Board power to appoint

The Board has the power at any time, and from time to time, to appoint any person to the Board, either to fill a casual vacancy or as an addition to the existing Directors but so that the total number of Directors shall not at any time exceed the maximum number fixed, if any, in accordance with this Constitution. Any person appointed as a Director must provide the Company with a signed consent to act as a Director prior to their appointment as required by the Act. Any Director so appointed shall hold office only until the conclusion of the next following annual general meeting when they shall retire but they shall be eligible for re-election.

17.7 Resignation

A Director may resign from office by notice in writing to the Company.

17.8 Removal by Members

Subject to the Act, a Director may be removed from office by ordinary resolution of the Members at a general meeting convened for that purpose on at least twenty-one (21) days notice. At the meeting the Director must be given the opportunity to present his case orally or in writing.

17.9 Directors cannot remove another Director

A Director cannot be removed from office by the other Directors.

17.10 Vacation of office of Director

The office of a Director shall become vacant if the Director:

- 17.10.1 becomes bankrupt or makes any arrangement or composition with his creditors generally;
- 17.10.2 becomes prohibited from being a Director of a Company by reason of any order made under the Act;
- 17.10.3 ceases to be a Director by operation of any provision of the Act;
- 17.10.4 becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health;
- 17.10.5 resigns his office in accordance with clause 17.7;

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- 17.10.6 is removed under the provisions of clause 17.8;
- 17.10.7 fails to meet, in the opinion of the Board, the Biblical requirements for Elders as outlined in 1 Timothy 3 and Titus 1, or fails to abide by the doctrines and policies of the Church or the United Constitution of Australian Christian Churches from time to time or any other relevant Code of Conduct of Australian Christian Churches from time to time;
- 17.10.8 for more than three (3) months is absent without permission of the Board from meetings of the Board held during that period;
- 17.10.9 ceases to be a Member pursuant to clause 14.

18 POWERS AND DUTIES OF THE BOARD

18.1 General powers of Board

The business of the Company shall be managed by the Board who may exercise all such powers of the Company as are not, by the Act or by this Constitution, required to be exercised by the Company in general meeting.

18.2 Regulations

The Board may make regulations for the conduct of the activities of the Company, or any of them. Such regulations shall nevertheless be subject to this Constitution and to the provisions of the Act. Any regulation of the Company made by the Board may be disallowed by the Company in general meeting provided that no resolution by the Company in general meeting shall invalidate any prior act of the Board which would have been valid if that resolution had not been passed or made.

18.3 Borrowing

The Board may exercise all the powers of the Company to borrow money and to mortgage or charge its property or any part thereof, and to issue debentures and other securities whether outright or as a security for any debt, liability or obligation of the Company.

18.4 Execution of cheques etc

All cheques, promissory notes, drafts, bills of exchange and other negotiable instruments, and all receipts for money paid to the Company shall be signed, drawn, accepted, endorsed or otherwise executed, as the case may be, by any two Directors or in such other manner as the Board from time to time determines.

18.5 Minutes

The Board shall cause minutes to be made:

- 18.5.1 of proceedings and resolutions of meetings of the Company; and
- 18.5.2 of proceedings and resolutions of meetings of the Board (including meetings of a committee of Directors); and
- 18.5.3 of resolutions passed by a Member without a meeting where the Company has only one Member; and
- 18.5.4 of resolutions passed by Directors without a meeting.

Such minutes shall be signed by the chairperson of the meeting at which the proceedings were held or by the chairperson of the next succeeding meeting. Where the minutes referred to in this clause are signed in accordance with this clause, those minutes shall be presumed to be an accurate record of the relevant proceedings and resolutions unless the contrary is proved.

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18.6 Notice required when Director has material personal interest

Subject to the Act, a Director who has a material personal interest in a matter that relates to the affairs of the Company must give the other Directors notice of their interest and must not be present at the meeting while the matter is being considered or vote on the matter. The notice required to be given to the other Directors must give details of the nature and extent of the material personal interest and the relation of the material personal interest to the affairs of the Company. Notice must be given at a Directors' meeting as soon as practicable after the Director becomes aware of their interest in the matter. Details must be recorded in the minutes of the Directors' meeting.

18.7 Standing notice of interest

A Director who has an interest in a matter may give the other Directors standing notice of the nature and extent of the interest in the matter in accordance with the Act. The notice may be given at any time and whether or not the matter relates to the affairs of the Company at the time the notice is given.

18.8 Director may contract with Company

Subject to clause 18.6, a Director is not disqualified by the office of Director from contracting or entering into any arrangement with the Company either as vendor, purchaser or otherwise and no contract or arrangement entered into with the Company by a Director nor any contract or arrangement entered into by or on behalf of the Company in which a Director is in any way interested may be avoided for that reason. A Director is not liable to account to the Company for any profit realized by any contract or arrangement, by reason of holding the office of Director or of the fiduciary relationship established by the office.

18.9 Director with interest may affix seal

A Director who is interested in any contract or arrangement may, notwithstanding the interest, attest the affixing of the Seal to any document evidencing or otherwise connected with the contract or arrangement.

19 PROCEEDINGS OF THE BOARD

19.1 Meetings of the Board

The Board may meet together for the dispatch of business, adjourn and otherwise regulate its meetings as it thinks fit. A Director may at any time, and the secretary must on the requisition of a Director, summon a meeting of the Board.

19.2 Circular resolutions

19.2.1 If a majority of the Directors have signed a document, including via email, containing a statement that they are in favour of a resolution of the Board in terms set out in the document, a resolution in those terms shall be deemed to have been passed at a meeting of the Board held on the day on which the document is signed and at the time at which the document was last signed by a Director or, if the Directors sign the document on different days, on the day on which, and at the time at which, the document was last signed by a Director.

19.2.2 For the purposes of clause 19.2.1, two or more separate documents containing statements in identical terms each of which is signed by one or more Directors shall together be deemed to constitute one document containing a statement in those terms signed by those Directors on the respective days on which they signed the separate documents;

19.2.3 A reference in clause 19.2.1 to a majority of the Directors does not include a reference to a Director who, at a Board meeting, would not be entitled to vote on the resolution.

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19.2.4 A resolution of the Board passed in accordance with clause 19.2.1 must be ratified at the next Board meeting where notice of the meeting has been given to all Directors.

19.3 Quorum for Board

The quorum necessary for the transaction of the business of the Board shall be a majority of the total Board or such greater number as may be fixed by the Board.

19.4 Meetings by electronic means

A majority of Directors shall be deemed to hold or be present at a meeting of Directors when they communicate through a telephone conference call, video or other electronic conference method in circumstances where each of them can simultaneously hear what is said by and can speak to the others of them. Such a meeting shall be deemed to be held at the place where the chairperson was present during the meeting. A resolution passed by the Board pursuant to this clause must be ratified at the next Board meeting where notice of the meeting has been given to all Directors.

19.5 Voting at Board meetings

Subject to this Constitution, questions arising at any meeting of the Board shall be decided by a majority of votes of those Directors present and a determination by a majority shall for all purposes be deemed a determination of the Board. In case of an equality of votes the chairperson of the meeting does not have a second or casting vote.

19.6 Permitted acts during vacancy in Board

The continuing Directors may act notwithstanding any vacancy in the Board, but if and so long as their number is reduced below the number fixed by or pursuant to this Constitution as the necessary quorum of the Board, the continuing Director or Directors may act for the purpose of increasing the number of Directors to that number or of summoning a general meeting of the Company, but for no other purpose.

19.7 Chairperson

The chairperson shall preside at every meeting of the Board, but if there is no chairperson, or if at any meeting he is not present within ten minutes after the time appointed for holding the meeting, the vice-chairperson shall be chairperson or if the vice-chairperson is not present at the meeting then the Directors may choose one of their number to be chairperson of the meeting.

19.8 Sub-committees

The Board may delegate any of its powers and or functions (not being duties imposed on the Board as the Directors of the Company by the Act or the general law) to one or more sub-committees. Any sub-committee so formed shall conform to any regulations that may be imposed by the Board and all members of such sub-committee shall have one vote on the sub-committee.

19.9 Advisory Boards

The Board may appoint one or more advisory boards consisting of such persons as the Board thinks fit. Such advisory boards shall act in an advisory capacity only. They shall conform to any regulations that may be imposed by the Board and all members of such advisory board shall have one vote on the advisory board.

19.10 Conduct of sub-committees and advisory boards

A sub-committee or advisory board may meet and adjourn as it thinks proper. Questions arising at any meeting shall be determined by a majority of votes of the members present, and in the case of an equality of votes the chairperson of the sub-committee or advisory board shall not have a second or casting vote.

19.11 Defects in appointment or qualifications of Director

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All acts done by any meeting of the Board or of a sub-committee or by any person acting as a Director shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment of any such Director or person acting as aforesaid, or that the Directors or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a Director.

20 DISPUTES

20.1 Handling disputes

- 20.1.1 A dispute within the church that is unable to be resolved between its parties must, before taking any other action, be referred to the board for resolution unless either the Senior Pastor, a director or the board is a party to the dispute.
- 20.1.2 Where a dispute is referred to the board for resolution the board must ensure each party to the dispute has the opportunity to put the parties' version of events before it and to be heard by it.
- 20.1.3 In the hearing of matters relating to a dispute every director must act in accordance with sub-clause 18.6 concerning any material personal interest.
- 20.1.4 Any dispute involving the Senior Pastor, and a director or the board must be referred to the State Executive for resolution before taking any other action. In the case of such a referral the State Executive must follow the terms of sub-clauses 20.1.2 and 20.1.3.

21 APPOINTMENT OF SECRETARY

The secretary shall in accordance with the Act be appointed by the Board for such term, upon such conditions as it thinks fit, and any secretary so appointed may be removed by it. A person must provide the Company with a signed consent to act as secretary prior to their appointment.

22 SEAL

22.1 Common seal optional

The Board may provide for the Company to have a common seal which must only be used with the authority of the Board or of a sub-committee of Directors authorised by the Board in that behalf.

22.2 Affixing the seal

The Company may execute a document (including a Deed) using a seal if the seal is affixed to the document and the affixing of the seal is witnessed by:

- 22.2.1 two (2) Directors; or
- 22.2.2 a Director and a Secretary.

22.3 Execution of documents without seal

The Company may execute a document (including a Deed) without using a seal if the document is signed by:

- 22.3.1 two (2) Directors; or
- 22.3.2 a Director and a Secretary.

22.4 Other ways of executing documents

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Notwithstanding clauses 22.2 and 22.3, a document (including a Deed) may also be signed by the Company in any other manner permitted by law.

23 ACCOUNTS

23.1 Keeping of financial records

True accounts shall be kept in accordance with the Act, the ACNC Act and any Charitable Fundraising Legislation (as applicable), of the sums of money received and expended by the Company and the matters in respect of which receipt and expenditure takes place and of the proper credits and liabilities of the Company.

23.2 Inspection by Members

The Board shall from time to time determine at what times and places and under what conditions the accounting and other records of the Company shall be open to the inspection of Members.

23.3 Reporting to Members

The Board shall provide annual financial reporting to Members in accordance with the Act.

24 NOTICE

24.1 Service of notices

Any notice required by law or by or under this Constitution to be given to any Member shall be given:

- 24.1.1 personally; or
- 24.1.2 by sending it by post to the address for the Member in the Register of Members; or
- 24.1.3 by sending it to the fax number nominated by the Member; or
- 24.1.4 by sending it by e-mail or like device to the e-mail address or other electronic address nominated by the Member.

24.2 When notice deemed to be served

Where a notice is given personally, service of the notice shall be deemed to occur on the day of receipt. Where a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing, pre-paying, and posting a letter containing the notice, and to have been effected 7 days after it is posted. Where a notice has been given by facsimile, e-mail or like device it shall be deemed to have been given on the same day as transmission.

25 INDEMNITY

25.1 Indemnity for Directors, Secretaries and other officers

Subject to the Act and to the extent permitted by law, the Company must indemnify every person who is or has been a Director, the Secretary or another officer of the Company against a liability:

- 25.1.1 incurred by any such person acting in that capacity to a person other than the Company or a related body corporate where the liability does not arise out of a lack of good faith;
- 25.1.2 for the costs and expenses incurred by any such person:
 - a in defending proceedings, whether civil or criminal, in which judgment is given in his or her favour or in which he or she is acquitted; or

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- b in connection with an application, in relation to such proceedings, in which the court grants relief to the him or her under the Act.

25.2 Indemnity for employees

Every employee who is not a Director, the Secretary or another officer of the Company may be indemnified, unless prohibited by law, out of the property of the Company against a liability:

- 25.2.1 incurred by the employee acting in that capacity;
- 25.2.2 for the costs and expenses incurred by him or her:
 - a in defending proceedings, whether civil or criminal, in which judgment is given in favour of the employee or in which he or she is acquitted; or
 - b in connection with an application, in relation to such proceedings, in which the court grants relief to the employee under Act.

26 INSURANCE

26.1 Insurance for Directors, Secretaries and other officers

Subject to the Act, the Company shall pay insurance premiums in respect of insurance for the benefit of a Director, Secretary or another officer of the Company acting in that capacity against:

- 26.1.1 costs and expenses in defending any proceedings, whether civil or criminal, whatever their outcome; or
- 26.1.2 a liability arising from negligence or other conduct not being a liability incurred by the person acting in that capacity and arising out of conduct involving a wilful breach of duty in relation to the Company or a breach of the provisions of the Act dealing with improper use of inside information or position.

26.2 Insurance for others

The Company may pay insurance premiums in respect of insurance for the benefit of the auditor or an employee of the Company who is not a Director, Secretary or another officer of the Company concerned in the management of the Company.

27 ALTERATION OF THIS CONSTITUTION

27.1 Special resolution

A resolution altering or repealing any part of this Constitution must be passed by special resolution.

28 DEFINITIONS AND INTERPRETATION

28.1 Definitions

In this Constitution unless there be something in the subject or context inconsistent therewith:

- 28.1.1 “**Annual General Meeting**” means the general meeting held each year as required by the Act and this Constitution;
- 28.1.2 “**Australian Christian Churches**” means the national association of Pentecostal churches ABN 58 123 514 361;
- 28.1.3 “**Board**” means the Board of Directors of the Company;
- 28.1.4 “**Chairperson**” means the chairperson of the Board;

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- 28.1.5 “**Church**” means the Company;
- 28.1.6 “**Company**” means [INSERT CHURCH NAME];
- 28.1.7 “**Director**” means a person elected or appointed as a Director of the Company;
- 28.1.8 “**Member**” means a member of the Company;
- 28.1.9 “**Ordinary resolution**” means a resolution passed by a simple majority of such persons as being entitled so to do, vote in person at a general meeting of the Company;
- 28.1.10 “**Person**” shall include natural persons and corporations;
- 28.1.11 “**Poll**” means a secret ballot;
- 28.1.12 “**Register**” means the Register of Members of the Company;
- 28.1.13 “**Regulations**” means the regulations made by the Board pursuant to this Constitution;
- 28.1.14 “**Seal**” means the common seal of the Company;
- 28.1.15 “**Secretary**” means any person appointed to perform the duties of a secretary of the Company and includes an honorary secretary;
- 28.1.16 “**Senior Pastor**” means the person engaged by the Church in the office of Senior Pastor from time to time while holding that office (or his nominee);
- 28.1.17 “**Special resolution**” means, subject to the Act, a resolution passed by a majority of not less than 75% of eligible voters, present in person at a general meeting of the company of which not less than twenty-one (21) days notice has been given, such notice setting out the intention to propose the special resolution and stating the resolution;
- 28.1.18 “**State Executive**” means the relevant State Executive of Australian Christian Churches;
- 28.1.19 “**the ACNC Act**” means the Australian Charities and Not-for-profits Commission Act 2012 (Cth) as amended from time to time; and
- 28.1.20 “**the Act**” means the *Corporations Act 2001* (Cth) as amended from time to time.

28.2 Interpretation

In the construction of this Constitution:

- 28.2.1 expressions referring to writing shall, unless the contrary intention appears, be construed as including references to printing, lithography, photography and other modes of representing or reproducing words in a visible form;
- 28.2.2 a gender includes all genders;
- 28.2.3 the singular includes the plural and vice versa;
- 28.2.4 words or expression contained in this Constitution shall be interpreted in accordance with the provisions of the Act.

28.3 Replaceable Rules

Except to the extent that is contained in any provision of this Constitution the replaceable rules referred to in the Act do not apply to this Company.