The Baptist Union of Western Australia Incorporated

CONSTITUTION

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CONSTITUTION OF THE BAPTIST UNION OF WESTERN AUSTRALIA INCORPORATED

1. NAME

The name of the association will be "The Baptist Union of Western Australia Incorporated".

2. MEMBERS

The members of the Union will be those churches that are Member Churches.

3. DEFINITIONS

In this Constitution, unless the context requires otherwise, the following definitions will apply:

Accredited Persons in Ministry – means persons who are approved by Council and recognised by Assembly in accordance with the provisions of the Accreditation Policy.
Act – means the *Associations Incorporation Act 1987* (WA).
Agency – means an agency referred to in clause 18.4.
Assembly – means the meeting of the Member Churches, duly constituted under clause 9.
Council – means the body delegated by the Assembly to govern the Baptist Union of Western Australia Inc
Director of Ministries - means the person appointed by Assembly under clause 15 to provide leadership to the Union and to be its Chief Officer in the fulfilment of its Objects.
Member Churches – means churches that have been accepted into membership under Clause 8.3, and have not ceased to be members under clauses 8.4 or 8.6.
Other Groups – means bodies in the process of becoming churches, associated congregations and other groups who do not meet the full requirements for Member Churches but whose ministry is recognized by the Union as valid.
References to clauses – are to clauses of this Constitution.
Relationship Agreement – means the agreement between Member Churches to support one another in fulfilling God's mission to Western Australia and beyond.
Society – means a society referred to in clause 19.2.
Task Teams – means groups established by Council for specific purposes from time to time, that are accountable to the Council.
Union – means The Baptist Union of Western Australia Incorporated.

4. STATEMENT OF FAITH

4.1 Baptists of Western Australia hold that:

4.1.1 Jesus Christ alone is head of the Church.

4.1.2 The Church is the community called into being by God. In both its universal and local expressions, it consists of persons who have personally and knowingly accepted Jesus Christ as Saviour and Lord, and have pledged themselves to worship, follow and serve him as a priestly community.

4.1.3 By his high-priestly ministry, Jesus Christ has opened the way for every believer to approach God the Father directly through him.

4.1.4 Jesus Christ is the supreme authority in all matters of faith and conduct in the life of both churches and individuals.

4.1.5 He has given to all churches and to every individual the right and responsibility to understand and to do God's will. Therefore, being accountable to God, Christians are not to despise their fellow believers but to accept one another as Christ's servants, allowing each other freedom of conscience.

God has given to human governments the right and responsibility to promote what is just and good but not to coerce belief or practice contrary to conscience.

4.2 In common with many other Christians, Baptists of Western Australia also hold that:

4.2.1 There is only one God. He is infinitely good and great, and has revealed himself to be personal and triune in essential being, eternally existing as Father, Son and Holy Spirit.

4.2.2 God speaks to us through the Bible, the sixty-six Scriptures of the Old and New Testaments. Being God-breathed they are fully trustworthy and supremely authoritative in all matters of faith and conduct.

4.2.3 God created the heavens and the earth and all that exists in them. He continues to care for and govern his creation, working out his purposes for all he has made.

4.2.4 God created humans in his image, male and female, intending that we live in fellowship with him. However, tempted by Satan, God's adversary, the first man and woman disobeyed God. As a result we all sin, falling short in our responsibilities to love God and neighbour and to care for the world.

4.2.5 Despite our sin, which alienates us from God and rightly deserves his judgment, God, because of his grace and great love for all people, sent his Son into the world to save us.

The incarnate Son, Jesus of Nazareth, was conceived by the virgin Mary through the Holy Spirit. Fully human and fully divine, he lived on earth a sinless life of perfect obedience. He died on the cross as a sacrifice on our behalf and in our place, redeeming us from the penalty and power of sin and triumphing over Satan. He was raised bodily from the dead and ascended to his Father's presence where he lives forever as our great High Priest and reigns as Lord of all.

4.2.6 The Gospel, the good news concerning Jesus Christ and his reconciling work, is God's powerful way of bringing salvation. All who respond in repentance and faith God sets right with himself, forgiving and cleansing them from sin, giving them his Holy Spirit and eternal life, and incorporating them into his church.

4.2.7 The Holy Spirit gives new life to all believers and resides in them permanently. He makes them holy, and enables them to grow into the likeness of Christ. Through his Spirit God empowers all his people for life and witness, granting them various gifts for the well-being, functioning and mission of the church.

4.2.8 While all believers belong to the universal church, God gathers them into local churches which exist to worship and serve him. Jesus Christ, the head of the church, has established both baptism and the Lord's Supper.

Baptism is the immersion of believers on their profession of faith, an act of identification with the death, burial and resurrection of the Lord Jesus Christ. It involves commitment to a life of discipleship in fellowship with his people.

In the Lord's Supper, believers remember Christ's sacrificial death, share in fellowship with their risen Lord and with one another, and look forward to his return.

4.2.9 All Christians are commanded to love God with all their heart, soul, mind and strength, and their neighbours as themselves. We discover what love means in practice through searching the Scriptures, which reveal God's character and will. Such love includes the responsibility of every Christian to participate in the proclamation of the Good News throughout the world.

4.2.10 Jesus Christ will return visibly and victoriously from his Father’s presence to gather his people to himself and to complete his conquest of sin and evil.

All people, both believers and unbelievers, will be raised bodily and be judged by God. Believers will enjoy eternal blessedness in God’s presence, while unbelievers will suffer the eternal punishment of exclusion from his presence. The whole creation will be so transformed that righteousness will characterise the new heavens and the new earth forever.

4.3 Concerning congregational life, Baptists of Western Australia hold that:

4.3.1 The will of Christ for each church is to be found as the Holy Spirit brings direction and conviction to that congregation gathered to seek his will in the light of the Scriptures. On this basis the members’ meeting is the final authority under Christ for a congregation. Finding Christ’s will through the members’ meeting involves mutual counsel through the exercise of the members’ gifts and learning from the experience of other congregations.

4.3.2 Christ gives leaders to his Church. It is the duty of the local church through the member’s meeting to recognise and affirm Christ’s call to such leaders, and to set them aside to serve, thereby charging them

with the responsibility to lead and delegating prescribed authority to lead. Mutual accountability is to operate between leaders and church.

4.3.3 While not in any way diminishing the autonomy of the local church, it is appropriate for Baptist churches to cooperate in a Union of Churches in which it is essential for all member churches to practise mutual care, support, and accountability.

5. OBJECTS

5.1 To provide resources and positive supportive leadership for the building of healthy missional church.

5.2 To promote the unity of the Churches in faith, fellowship and ministry.

5.3 To provide opportunity for the Churches of the Union to do together such work for the advancement of the Kingdom of God as may be impossible or difficult for each to do separately, or as may more beneficially or powerfully be done together. Such work will include the formation of Churches and the provision of assistance, where necessary, in local and overseas mission work, the training of students for the ministry and for other Christian service, evangelism, youth work, Christian education at all levels, the care of the disabled, aged and infirm, the promotion of Christian morality and any other united work.

6. POWERS

6.1 To establish such funds as may be necessary to fulfil the Objects.

6.2 To purchase, lease, hire or otherwise acquire any real or personal estate. To improve, manage, develop, sell, mortgage, lease, let-on-hire and grant rights and licences in respect of or otherwise deal with, dispose of or surrender the whole or any part or parts of the property of the Union.

6.3 To borrow or raise upon loan any sum or sums of money whether upon current account or otherwise, and for the purpose of securing the repayment thereof to execute and give any mortgages, charges, bonds, debentures, bills of sale or other securities over all or any part of the property or assets of the Union and to liquidate, redeem or pay off such securities or any of them.

6.4 To act as Trustee in any matter that is consistent with the Objects.

6.5 To give guarantees on behalf of Member Churches, and Other Groups, where consistent with the Declaration of Trust of the Union and also on behalf of Societies and Agencies of the Union.

6.6 To afford opportunity to confer among the Member Churches and Other Groups of the Union on matters of Christian principle and opinion and to make public declaration of principles and opinion, and to confer and cooperate with other Christian communities as occasion may require.

6.7 To afford opportunity to cooperate with the Baptist Union of Australia and with similar Baptist Unions within the States and Territories of the Australian Commonwealth and elsewhere.

6.8 To exercise the power conferred by clause 8.4.

6.9 To do such other things not specified as will assist in the achievement of the Objects.

7. NOT FOR PROFIT CLAUSE

The income and assets of the Union will be applied solely for the promotion of the Objects of the Union and no part will be paid, transferred or applied directly or indirectly by way of payment, dividend or benefit to any Member provided that nothing will prevent payment in good faith for services actually rendered nor prevent the payment of interest at normal commercial rates on monies borrowed.

8. MEMBER CHURCHES

8.1 Application by a Church for admission to the Union will be made in writing to the Director of Ministries, and the Director of Ministries will report on the application with a recommendation to the Council. Every application must:

8.1.1 be accompanied by a copy of the Constitution and Statement of Faith of the applicant Church;

8.1.2 state the number of members in the applicant Church; and

8.1.3 confirm acceptance by the applicant Church of the Relationship Agreement.

8.2 To be eligible to become or continue as a Member Church, the Church at the time of applying and thereafter must have a doctrinal statement that is compatible with the Statement of Faith of the Union (clause 4 of this Constitution) and also expresses the principle of Congregational Government, including the principle that the final authority for the Church is vested in the Church Members' Meeting.

8.3 Council is empowered to provisionally accept applications for membership, subject to ratification by the Assembly. All applications for membership must be presented to the Assembly for approval or ratification.

8.4 Where a Member Church (not being an association incorporated under the Act) is unable to function, the Union (through the Council and its delegates) may, subject to the Relationship Agreement and any relevant provisions in the constitution of the Member Church, and after consultation with the Member Church and prayerful consideration of alternative courses of action take control of the affairs of that Member Church and where appropriate, dispose of or otherwise deal with its assets, including the distribution of any surplus assets.

8.5 In exceptional circumstances the Council may declare that the membership of any Church with the Union will cease as from a certain date. The declaration of the Council stating reasons for such declaration will be conveyed to the Church concerned by the Director of Ministries or delegate in such manner as the Council may decide. Council shall inform the Assembly of the actions taken.

8.6 Where the Council takes action under clause 8.4 or clause 8.5, the Church concerned will have a right of appeal under clause 17. To exercise this right, notice of appeal must be given in writing to the Director of Ministries or Chair of Council or such other person appointed by the Council for the receipt of such notices within twenty-eight (28) days of notification of the Council's action.

8.7 A Member Church may at any time request that its membership of the Union will cease. The Church will advise the Council of the request in writing. The Council will seek to arrange discussion with the Church. If the Church maintains its desire to cease membership, the Church may so notify the Council in writing and as from the time when that notice is received by the Council, the membership of that Church will cease. The Council will report on the cessation of membership to the next Assembly.

9. ASSEMBLY

9.1 The member churches of the Union comprising the Assembly will be the final authority in all matters pertaining to the Union. The Assembly may delegate its authority to the Council or Agencies as provided by this Constitution or authorised by the Assembly or it may take such direct action as it considers appropriate.

9.2 There will be an Annual Assembly, which will be held within four months (or longer if the act allows) after the end of each Financial Year.

9.3 A special Assembly may be called at any time by the Assembly or Council, or on receipt of a written request from at least ten (10) Member Churches.

9.4 The Assembly will consist of -

9.4.1 All Accredited Persons active in Baptist pastoral and/or denominational ministry and Sole or Senior pastors. In the absence of special circumstances it is expected that all those eligible under this clause would attend.

9.4.2 Delegates appointed by Member Churches from among their members on the basis of two (2) delegates for each church, and in addition one (1) delegate for each fifty (50) resident members (or part thereof) above 50 members. The number of delegates to be determined by the membership figures reported in the current annual statistical return. Churches who do not report their current membership figures will be allocated the minimum number of delegates.In the absence of special circumstances a member of the leadership team would normally be appointed as one of the delegates.

If a Member Church situated more than four hundred (400) kilometres from Perth is unable to appoint the delegates to which it is entitled from among its own members, it may appoint one (1) member from another Member Church as a proxy to represent it.

9.4.3 The members of the Council elected pursuant to clause 10.

9.4.4 The Appointees appointed according to clause 13.

9.5 At any Assembly fifty (50) members of Assembly will form a quorum.

10. THE COUNCIL

10.1 There will be a Council, which will consist of the Director of Ministries and six (6) others elected by Assembly, each of whom will normally serve for a term of 3 years. No person other than the Director of Ministries may become or continue as a member of the Council if that person or their spouse is engaged by the Union in any remunerated or volunteer staff position.

10.2 At each Annual Assembly, two (2) members of Council (other than the Director of Ministries) will retire from office, being firstly any member appointed to fill a casual vacancy and secondly the member longest in office since last elected. If the number of members last elected on the same day exceeds the number of members required to retire under this clause, the member or members to retire will be selected by agreement between them or by lots. Those retiring will be eligible for re-election.

10.3 The Council will elect one of its number, not the Director of Ministries, as Chairman.

10.4 The Council will normally be chaired by the Chairman or, in the absence of the Chairman, another Council member chosen by the Council members to act as chairman.

10.5 The Council will meet on no less than four occasions per year to discuss the business of the Union. The Chairman may call a meeting or on receipt of a written request signed by at least three (3) members of the Council will call a special meeting of the Council.

10.6 At any meeting of the Council, five (5) members will form a quorum.

10.7 The Council will, subject to any directions previously given by the Assembly, have the responsibility for the governance of the Union and will (without limiting that responsibility) have power and authority to do all or any of the following things:

10.7.1 Implement policy and other decisions made by Assembly.

10.7.2 Exercise all or any of the powers in clause 6.

10.7.3 Have the control and management of the finances of the Union, including the Budget.

10.7.4 Appoint Task Teams and delegate to them such powers as it deems appropriate. The Task Teams may co-opt non-voting specialist advisors to assist them.

10.7.5 Fill any casual vacancy occurring in the Council other than appointments made under clause 13.

10.7.6 Recommend the engagement of Appointees under clause 13 having considered the views of the Director of Ministries.

10.7.7 Research and prepare overall policy and vision of the Union for consideration by Assembly.

10.7.8 Promote the Objects of the Union.

10.7.9 Make public comment on social questions.

10.7.10 Exercise on behalf of the Union, directly or through its delegates, the power conferred by clause 8.4.

10.7.11 Take other action necessary for carrying out the Objects of the Union in accordance with this Constitution.

10.7.12 Establish and maintain policies and guiding principles that authorise the Director of Ministries to lead the Union towards the fulfilment of its Objects.

10.7.13 Delegate such of its powers as it deems fit to the Director of Ministries and vary or revoke such delegations, subject to any specific direction of Assembly.

10.8 The Council will:

10.8.1 be accountable to the Assembly; and

10.8.2 hold the Director of Ministries accountable for observance of Assembly and Council policy and for results to be achieved from time to time by the Union.

11. ELIGIBILITY

11.1 To be eligible for election or appointment to membership of any Agency, the Council or to any Appointment under clause 13, a person must be an immersed baptised believer who is a member of a Member Church.

11.2 In the case of an Appointee under clause 13 or other positions determined by Council, appointments may be made where the Appointee is not currently a member of a Member Church if the Appointee undertakes to become a member of a Member Church within twelve (12) months of taking up the appointment.

11.3 To be eligible for appointment under clause 13, or for appointment or election to the Council or to other positions as determined by Council, the nominee must confirm in writing their whole-hearted acceptance of the Statement of Faith of the Union (clause 4 of this Constitution).

11.4 Prior to the election or appointment of a person to the Council the continuing members of Council will satisfy themselves as to the commitment of the person nominated to the Objects of the Union.

11.5 In considering nominees, the continuing members of Council will seek to ensure that at least one member of Council has financial expertise.

12. ELECTION OF COUNCIL

12.1 The following are eligible to nominate persons for election to Council:

12.1.1 Member Churches; and

12.1.2 Council.

12.2 Nominations must be signed by a responsible officer of the nominating body, and by the nominee.

12.3 Nominations must be in the hands of the Director of Ministries or such other person appointed by Council for the receipt of nominations six (6) weeks before commencing date of the Annual Assembly.

12.4 A full list of all nominations will be forwarded to all Member Churches at least fourteen (14) days prior to the commencing date of the Annual Assembly.

12.5 Accreditation Candidates or their spouses will not be eligible for membership of Council.

12.6 Elections will be by secret ballot.

12.7 No person will be declared elected who has not received a majority of the votes cast.

13. APPOINTEES

13.1 The Assembly may appoint persons to positions to fulfil identified ministries.

13.2 Assembly appointees are the Director of Ministries, the Principal of Vose Seminary and other positions as determined by Council or Assembly.

13.3 All appointments under this clause 13 will be for a period not in excess of five (5) years and can be renewed by Assembly.

13.4 Appointees (other than the Director of Ministries) will be accountable to the Director of Ministries (either directly or through another person) for the results to be achieved in their respective appointments.

13.5 Recommendation for appointments under clause 13 will come to the Assembly from the Council.

13.6 For the appointment of the Director of Ministries, the Council will bring the recommendation to Assembly. The Director of Ministries will not participate in any Council deliberations in relation to such appointment.

13.7 The Council will satisfy itself of the proposed Appointee's whole-hearted acceptance of the Union's Statement of Faith (clause 4 of this Constitution) and willingness to work within the framework of this Constitution.

13.8 All Member Churches will be advised of the name of the proposed appointee, with relevant information about them, at least four (4) weeks prior to the commencement of the Assembly at which the appointment is to be considered.

13.9 Voting on appointments will be by secret ballot.

13.10 A two-thirds majority of those present and voting will be required for the appointment.

14. VOTING AT ASSEMBLY

14.1 Except as provided in clauses 12.6 and 13.9 voting will normally be by show of hands.

14.2 A secret ballot may be ordered by the Chairman at their discretion or if so decided by the meeting.

14.3 Except in matters of Special Business motions will be resolved by a simple majority of those present and voting.

14.4 Matters of Special Business will be determined by a two-thirds majority of those present and voting.

14.5 The following will be regarded as Special Business:

14.5.1 motions regarding the appointment of persons under clause 13;

14.5.2 motions dealing with the acceptance of new Member Churches and termination of church membership (other than termination pursuant to clause 8.7); and

14.5.3 any other matter which immediately after it has been moved and seconded and before any discussion has taken place is resolved to be special business by a simple majority of those present.

14.6 No Chairman will have a casting vote. Where the vote on a motion requiring a simple majority is tied, the Chairman must rule that the motion is lost.

14.7 Each person entitled to vote will have the right to one vote only, except where appointed as a proxy for another Member Church in accordance with clause 9.4.2.

15. DIRECTOR OF MINISTRIES

15.1 The Director of Ministries will, within the policies and guiding principles established by the Council, lead the Union towards the fulfilment of its Objects.

15.2 The Director of Ministries will be accountable to the Assembly through the Council for leadership of all the activities of the Union, except where otherwise provided in the constitution or rules of an Agency or Society.

15.3 The Director of Ministries may engage the services of people (other than Appointees under clause 13.2) as considered necessary to further the Objects of the Union on either a remunerated or honorary basis, and will control and hold those people accountable for results to be achieved from time to time in their respective positions.

15.4 The Director of Ministries may suspend or dismiss people engaged in remunerated or honorary positions (other than Appointees under clause 13.2). In this event, the person suspended or dismissed will have the right of appeal to the Council under clause 17.

16. REMOVAL FROM OFFICE

16.1 The Council will have the power to suspend from office, and to recommend to Assembly the removal from office of:

16.1.1 members of the Council;

16.1.2 Appointees appointed under the provisions of clause 13; and

16.1.3 any other persons appointed to any office or role by the Council.

16.2 The Council will have the power to remove from office persons elected or appointed to any Agency or Society, except in cases where an Agency or Society is controlled by its own separate constitution.

16.3 The exercise of power under clauses 16.1 and 16.2 is subject to the following special provisions:

16.3.1 The issue involved must be communicated to the person concerned, and that person must be given a reasonable opportunity to submit grounds for opposing removal or suspension from office.

16.3.2 The issue involved in the possible removal or suspension from office must first be considered by the Council.

16.3.3 A motion for removal or suspension from office will be resolved by secret ballot.

17. APPEALS

17.1 A Member Church or Accredited Person in ministry may appeal a decision of Council. Notice of appeal must be given to Council or a person delegated by Council, unless this Constitution provides otherwise.

17.2 When an appeal is received by Council they will discuss the issue with the appellant. If the matter cannot be resolved then an Appeals Board, of three (3) persons, will be convened to review the processes followed to make the decision. If as a result of this review the processes are found to be inadequate the Appeals Board will refer the matter back to Council to be corrected and Council's reviewed decision is final.

17.3 Assembly will appoint up to 6 persons to form an Appeals Panel which will be drawn on to form an Appeals Board, if required under clause 17.2. A maximum term of 3 years will apply to members.

The persons selected must not be current members of the Council. No person is to accept appointment to an Appeals Board if they have any conflict of interest in the matter or any personal connection with any party who has a significant role in the matter.

17.4 An appeal may be initiated where a decision removes a responsibility, authority or engagement already granted. It refers to the taking away of something previously granted, not to something sought but not granted. Appeal rights will be subject to Council's Policy and Procedures.

18. AGENCIES

18.1 The Union may establish such Agencies as it deems necessary for the carrying out of its Objects.

18.2 Agencies of the Union will carry out specific tasks on behalf of the Union.

18.3 Agencies of the Union will report at least annually to Council.

18.4 The Agencies of the Union are:

- The WA Baptist Hospital and Homes Trust Inc. (Baptistcare);
- The Minnie Bairstow Trust; and
- other Agencies established under clause 18.1.

18.5 The functions, composition, constitution and policies of each Agency will be as approved by the Council.

18.6 Each Agency shall operate in accordance with the constitution or rules of the individual Agency.

18.7 Unless otherwise provided in its constitution, the boards or committees will be appointed by Council normally upon the recommendation of the continuing members of the board or committee of the Agency.

19. SOCIETIES

19.1 The Union may, through the Council, accept as affiliated Societies those Baptist organisations whose rules are not inconsistent with the Objects and Statement of Faith of the Union.

19.2 The Societies of the Union are:

- The Baptist Historical Society of Western Australia Inc.; and
- any other organisation accepted by Council from time to time under clause 19.1.

20. FINANCE

20.1 The finances required to maintain the normal work of the Union will be provided through contributions of Member Churches in accordance with the Relationship Agreement and the contributions received from appropriate ministries of the Union.

20.2 The financial reports of the Union will be audited annually. The auditors will be appointed by Council for such term and on such conditions as the Council may determine. Council will inform the Assembly of the appointment.

20.3 Any member of the Assembly, the Council, an Agency or a Society or any person engaged by the Union who holds any direct or indirect pecuniary interest in any matter must declare the nature of their interest and must not take part in any deliberations or decisions regarding the matter.

20.4 The Council may delegate authority for the opening of such bank accounts as may be necessary for the effective operation of the activities of the Union to the Director of Ministries (or other responsible person engaged by the Union) who will determine the method of operation of such accounts in accordance with the policies of the Union.

21. SEAL HOLDERS

21.1 The Director of Ministries, the Chairman of the Council and three (3) other persons (who must be members of Council or senior administrative staff of the Union) will be the Seal-holders of the Union. Any two of the Seal-holders will be authorised to affix the Common Seal of the Union.

21.2 The Seal of the Union will only be affixed by the authority of a resolution of the Council, except where as a matter of urgency it is affixed by request of an Agency, or of a Church in accordance with the Declaration of Trust (1903).

21.3 The Seal of the Union will be in the custody of the Director of Ministries who will cause a record to be kept of all documents to which the Seal has been affixed (the Seal Register).

22. MEMBERSHIP REGISTER AND INSPECTION OF RECORDS

22.1 The Director of Ministries will cause a Membership Register to be maintained, recording the names and addresses of all Member Churches as current from time to time.

22.2 A Member Church may, through its authorised delegate(s), at any reasonable time and with reasonable notice, inspect without charge the Minutes of the Assembly, the Membership Register and the Seal Register.

23. ALTERATION TO CONSTITUTION

No change will be made to this Constitution except by the approval of three-quarters of the members present and voting at an Assembly. Notice of any proposed change must be given in writing to the Director of Ministries or such other person appointed by the Council for the receipt of such notices, at least four (4) months prior to the commencement of the Assembly at which it is to be considered. Member Churches must be given at least three (3) months notice of such proposed change. Any such proposal may be adopted as presented or as amended by the Assembly.

24. DISSOLUTION

24.1 The Union may be dissolved by a resolution approved by at least three-quarters of the members present and eligible to vote at a special Assembly called for such purpose; provided at least six months notice of the proposal has been given to members and section 30 of the Act is complied with. In the event of such a resolution being passed, persons appointed by the Assembly shall take all necessary steps to wind up the affairs of the Union.

24.2 If upon the dissolution of the Union there remains after satisfaction of all of its debts and liabilities any property whatsoever, the same shall be distributed to another incorporated association with similar objects to the Union or for other Christian charitable purposes within Western Australia as determined and confirmed by the special Assembly called under clause 24.1.

APPENDICES

1. Appendix I - Baptist Union of Western Australia Incorporated Lands Act 1941

Baptist Union of Western Australia Incorporated Lands Act 1941of 5 Geo. VI, No. III No. 3 of 1941

An ACT to enable Baptist Union of Western Australia Incorporated to sell, lease or mortgage its lands.
(Assented to 25th September, 1941)

Be it enacted by the King's Most Excellent Majesty, by and with advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same as follows:

1. This Act may be cited as the Baptist Union of Western Australia Lands Act, 1941.

2 i) It shall be lawful for Baptist Union of Western Australia Incorporated (hereinafter called "The Union"), subject to its rules and regulations in force for the time being and from time-to-time -

a) to sell any land granted or demised by the Crown or otherwise acquired and held in trust for the Union or for any of the purposes thereof, and to transfer or otherwise assure the same to a purchaser freed and absolutely discharged from any trusts to which the said land may be subject; and

b) to mortgage any such land to secure monies borrowed for the purpose of paying and discharging debts heretofore incurred and which are secured by existing mortgages of land of the Union, or to secure monies which may hereafter be lawfully borrowed and for the purpose of such security to assure such land to the mortgagee and his assigns freed and discharged from any such trusts as aforesaid; and

c) notwithstanding any such trusts to lease any such land for any term with or without right of renewal and either by way of building lease or otherwise, and subject to such covenants, conditions, and agreements as the Union may think fit.

ii) No purchaser, mortgagee or lessee of any such land shall be bound or concerned to inquire whether any power of sale, mortgage or lease was duly and regularly made or exercised, or in anywise to see to the application of any purchase, mortgage, or other monies, or to inquire into the necessity, regularity, or priority of any such sale, mortgage, or lease or be affected by notice that the same is irregular, unnecessary or improper.

Provided that no transfer or mortgage, and no lease for a term exceeding twenty-one (21) years, of land granted by the Crown to or for use or benefit of the Union without pecuniary consideration shall be valid unless countersigned as approved by the Governor.

2. Appendix II - Declaration of Trust 1903

To all To Whom These Presents Shall Come:

The Baptist Union of Western Australia Incorporated -

A Corporation registered under the Associations Incorporated Act, 1895, then and now in force in the State of Western Australia, hereby declare -

1. That all properties now standing in the name of the Baptist Union of Western Australia Incorporated, shall continue to be held in its name. That in future, all land granted to the Union by the Government, or by private individuals, either on lease or otherwise, with all hereditaments and appurtenances, shall also be held in the name of the Union. That all Baptist Churches in the Union, holding property in their own name, shall be invited to transfer them to the Union to be held in its name. And that each Baptist Church hereafter established and desiring to join the Union, shall be invited to transfer its land and property to the Union.
2. That each Church shall have the entire management of its own affairs, excepting as to the sale of land and property, and excepting also the mortgaging of the property or properties, in which case the final decision shall lie with the Council of the Union. A two-thirds majority of members present at a duly convened meeting of the Council shall be required in favour of such a mortgage.

   And such mortgage shall only be executed by the Common Seal of the said Union.

   * The Executive in matters of urgency arising, has the authority to authorise the sealing of documents and report to the next appropriate Council meeting on action taken.
3. At the request of any Church desiring to obtain an advance, it shall be understood that no property shall be mortgaged for more than two-thirds of its value.
4. Before any property is mortgaged by the Union, the Church, through its representative, shall confer with the Executive of the Union as to there being reasonable prospect of the Church being able to meet the liabilities proposed to be incurred.
5. The Union shall have no power to dispose of, or mortgage, any real estate of the Union, without the consent of the Church directly interested being obtained by a two-thirds majority at a specially convened meeting of its members.
6. The permanent Pastor or Minister of each Church must have been immersed.

The said Union hereby declares and covenants on its part, and its successor, to carry out the terms and conditions of this declaration in every particular.

* *Amendment to Declaration of Trust 1903. Approved by all Assembly constituents in writing and adopted unanimously by Annual Assembly, 23rd October, 1987.*