

GUIDE FOR CHURCHES HOLDING A SPECIAL CHURCH MEETING

What is a Special Church Meeting?

Based firmly on the principles of congregational government, the Church has complete discretion to manage its affairs, subject to certain rules as outlined in their church constitution, the BUV Constitution and the BUV Incorporation Act 1930. (Where there is a conflict between the church constitution and the BUV Constitution or Incorporation Act, the church's own constitution is overridden.)

Schedule B of the Incorporation Act dictates that in certain situations relating to pastoral appointments and property, churches must hold a meeting that requires a certain period of notice, where only certain people can vote and a certain number must be in favor for the resolution to be passed.

When do we hold a Special Church Meeting?

Schedule B of the Incorporation Act dictates that churches must hold a Special Church Meeting when deciding to:

- Appoint a Pastor
- Dismiss a Pastor
- Purchase property
- Sell property
- Mortgage property
- Rental of property

What are the 'rules' for holding a Special Church Meeting?

There is a difference between normal church meetings and Special Church Meetings as a Special Church Meeting must comply with clause 10 of Schedule B to the Baptist Union of Victoria Incorporation Act 1930, which says:

The special Church meetings referred to above:

- 10.1 *May generally be called at any time;*
- 10.2 *May be called by the Church leadership;*
- 10.3 *Must be called if requested in writing by at least one-sixth of the members of the Church;*
- 10.4 *Must be convened by 14 days' clear notice specifying the time, place and purpose of the meeting*

At a special Church meeting:

- 10.5 *Persons voting must be over 18 years, must have been members of the Church for at least 6 months, and must have been present at Church for communion at least once in the preceding 6 months; and*
- 10.6 *A two-thirds majority vote is required (The two-thirds rule relates to two-thirds of all those members present and voting. If the vote is by ballot and invalid votes are cast, the number of invalid votes must still be included in the total number of votes against which the two-thirds requirement is measured.)*

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Simple checklist for holding a Special Church Meeting:

Before the Special Church Meeting:

- Check if the matter to be decided upon requires a Special Church Meeting; if so
- Check whoever is calling the meeting is eligible to do so; if so
- Give church members a minimum of two full weeks (14 days) written notice of the meeting, specifying the time, place and purpose of the special church meeting. Where possible, notice should include the wording of the resolutions that are being considered. Keep the resolutions specific and separate for each actual decision.

At the Special Church Meeting:

- At the SCM, make sure you have the church members roll at hand so you can check that all who wish to vote are eligible to do so, i.e. they are over 18 years, have been members of the Church for at least 6 months, and have been present at Church for communion at least once in the preceding 6 months;
- Appoint scrutineers to hand out ballots (if voting in this way) and count the results.
- Announce the results of the vote.

After the Special Church Meeting:

- Write minutes of the Special Church Meeting.
- Advise the BUV of the outcome of the meeting in writing by providing a copy of the minutes signed by the chairperson of the meeting. This will be considered sufficient evidence that the minute is an accurate record of a Church decision.
- Forward all relevant documentation required to be signed by the BUV to our office

What if our Church held a normal meeting not a Special Church Meeting?

It is possible to have a regular Annual or Quarterly church meeting that is *also* a Special Church Meeting as long as the meeting meets the criteria set out in Item 10 of Schedule B.

If your church has made decisions at its regular Annual or Quarterly meeting on a matter that required a Special Church Meeting, but you *did not* meet the criteria set out in Item 10 of Schedule B, then the decisions made at that meeting are not binding and hold no weight. The intent may be clear and the church may be fully supportive, but there is no 'legal' proof.

Without this, the BUV cannot sign property related documentation such as Transfers of Land or Mortgages of Land because to do so we need the minutes of a Special Church Meeting signed by the chairperson of the meeting. It also means that church people operating on behalf of the church are doing so without the "proper authority" and may be personally liable for any contracts they enter into.

It is important to note that in some situations you may not have time to rectify the matter before opportunities are lost. For example, in the event of purchasing property at auction, you may not be able to bid, deposits may be forfeited, or penalty rates apply (depending on where you are up to in the process). The BUV is not liable for people or churches acting outside of the required process. Any financial implications will be born by the individual or church concerned, but we will endeavour to assist you to rectify the situation.

If this has occurred at your church, you are advised to contact the BUV office immediately.