**ACCOUNTABILITY MODEL CONSTITUTION (23 June 2021)**

**Recommended for growing and larger churches**

Notes to be read in conjunction with the Accountability based Model Church Constitution

1. This constitution generally relates to principles of operation. Details will need to suit each individual church.
2. Suggestions that may need to be decided are *(italicised in brackets and in red)*. The church can decide which approach it prefers.
3. This constitution is entitled the “Leadership Accountability” model for churches. An alternative wording is “Leadership-led” or “Ministry-led”.
4. This constitution refers to the “Council”. Some churches use other titles to refer to these leadership groups e.g. “Board”, “Elders”, “Deacons” and “Leadership Team”. These alternative titles can be used, if preferred. Please change where needed.
5. The constitution refers to “members”. Some churches use other terms such as “partners” and will need to adapt these.
6. Consultants are available to assist churches in the preparation or modification of their constitutions.
7. It should be noted that churches are subject to Acts of Parliament such as the *Race Relations Act, Employment Relations Act, Privacy Act, Human Rights Act and the Incorporated Associations Act. Further help can be obtained from your church advisers. (WA equivalents)*
8. It is recommended that a church should have Policy Documents such as a Members’ Agreement.
9. Please remove these notes from your final constitution

**NOTES FOR THE EDITOR ABOUT MICROSOFT WORD AND THE USE OF STYLES IN THIS DOCUMENT**

This document contains a number of inbuilt styles to assist with automatic numbering upon edits, and consistency in formats, as well as being able to insert a Table of Contents. The document also contains cross-referencing to refer to other clauses, and should automatically update. The following Styles are used: (please note that Normal is not used anywhere in this document – except in this section.)

Heading 1 – is the usual Heading 1, and will add the next number. It is followed by Hdg1Para.

Hdg1Para – is for an unnumbered paragraph of text aligned under the Heading 1 margins.

Hdg1abc – is used for an a. B. C. type list within / under a Heading 1 number. Sometimes you need to restart a new list at a. It may try to follow on from a previous list in another heading paragraph.

Heading 2 – is for the usual Heading 2 – it provides 1.2 type number, bold text and is intended for headings only. It is followed by Hdg2Para

Hdg2Para – is for an unnumbered paragraph of text aligned under Heading 2 AND Lst2 style

Hdg2abc – is used for an a. B. C. type list within / under a Heading 1 number. Sometimes you need to restart a new list at a. It may try to follow on from a previous list in another heading paragraph

Heading 3 – is being used for a numbered paragraph 1.2.1 type number, and should not be included in the Table of Contents. It is not a true heading, but was the best way to retain numbering. It is followed by Hdg3Para.

Hdg3Para – is for an unnumbered paragraph of text aligned under the Heading 3 margins.

Lst2 – is the ‘unusual one’. It allows for a 1.2 type number, that isn’t a heading – but a paragraph. It is used where a heading isn’t provided.

A sample of the numbering as at the back of this document, and should be deleted prior to print. It is at the end to serve as an example that won’t interfere with the initial numbering.

**Full Church Name Constitution**

**Adopted Date Month Year**

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# NAME

The name of the Association shall be Click here to enter text.. (“the Church”)

# TERMS USED

In these rules, unless the contrary intention appears —

***Act*** means the *Associations Incorporation Act 2015*;

***Church*** means the incorporated association referred to in rule 1;

***chairperson*** means the Council member holding office as the chairperson referred to in rule 11.4.3 and in rule 11.5;

***Commissioner*** means the person for the time being designated as the Commissioner under section 153 of the Act;

***council*** means Church Council referred to in rule 11;

***council meeting*** means a meeting of the Council referred to in rule 11.12;

***council member*** means a member of the Council referred to in rule 11.4;

***financial report***, of a tier 2 association or a tier 3 association, referred to in rule 15.2;

***financial statements*** means the financial statements referred to in rule 15.2;

***financial year***, of the Church, has the meaning given in rule 6;

***general meeting***, of the Church, means a meeting of the Church that all members are entitled to receive notice of and to attend;

***member*** means a person who is a member of the Church referred to in rule 9;

***register of members*** means the register of members referred to in rule 9.5;

***revenue*** means income that arises in the course of the ordinary activities of an entity

***rules*** mean these rules of the Church, as in force for the time being;

***secretary*** means the Council member holding office as the secretary referred to in rule 11.4.3 and rule 11.6;

***special general meeting*** means a general meeting of the Church other than the annual general meeting;

***special resolution*** has the meaning given by the Act, that is –

A resolution is a special resolution if it is passed by a majority of not less than three-fourths of the members of the Church who are entitled under the rules of the Church to vote and vote in person at a general meeting of which notice specifying the intention to propose the resolution as a special resolution was given in accordance with these rules.

At a meeting at which a resolution proposed as a special resolution is submitted, a declaration by the person presiding that the resolution has been passed as a special resolution shall be evidence of the fact unless, during the meeting at which the resolution is submitted, a poll is demanded in accordance with the rules of the Church or, if the rules do not make provision as to the manner in which a poll may be demanded, by at least 3 members of the Church present in person.

If a poll is held, a declaration by the person presiding as to the result of a poll is evidence of the matter so declared;

***tier 1 association*** means an incorporated association with revenue of less than $250,000 per year;

***tier 2 association*** means an incorporated association with revenue between $250,000 and $1,000,000 per year;

***tier 3 association*** means an incorporated association with revenue of or exceeding $1,000,000 per year;

***treasurer*** means the Council member holding office as the treasurer referred to in rule 11.4.3 and rule 11.7.

# AFFILIATION

The Church shall be affiliated with The Baptist Union of Western Australia Incorporated. (“the BUWA”)

# STATEMENT OF FAITH

We hold that:

##### Jesus Christ alone is head of the Church.

##### 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.

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

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

##### 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.

In common with many other Christians, we also hold that:

##### 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.

##### 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.

##### 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.

##### 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.

##### 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.

##### 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.

##### 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.

##### 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.

##### 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.

##### 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.

Concerning congregational life, we hold that:

##### 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.

##### Christ gives leaders to his Church. It is the duty of the local church through the Members 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.

##### 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.

# OBJECTS

The purpose of the Church shall be to glorify God by:-

##### Promoting and providing opportunities for people to meet together regularly for worship, prayer, teaching, encouragement and fellowship.

##### To engage in the task of mission, principally within Australia but also overseas (see Matthew 28:19–20).

##### Enabling and encouraging Christians to discover, develop and use their gifts for the service of the Lord Jesus Christ in the Church and in the community by ministering to the needs of various people.

##### In every possible way to seek to make disciples of Jesus Christ and bring them into his church.

##### Such other activity consistent with the foregoing Objects.

# FINANCIAL YEAR

The first financial year of the Church is to be the period, not exceeding 18 months, being a period commencing on the date of incorporation of the Church and ending on select date.

Each subsequent financial year of the Church is the period of 12 months commencing on 1st July and ending on 30th June.

The church can select a calendar year, a fiscal year or some other period if approved by the ACNC.

# STRUCTURE

The church is an autonomous body governed through itsmembers by an elected and delegated Church Council working closely with the BUWA and the wider body of Christ.

# POWERS

The powers conferred on the Church are the same as those conferred by the Act, so that subject to the Act and any additions, exclusions or modifications inserted below, the Church may do all things necessary or convenient for carrying out its objects and purposes, and in particular, may -

1. acquire, hold, deal with, and dispose of any real or personal property;
2. open and operate bank accounts;
3. invest its money in any security in which trust monies may lawfully be invested;
4. borrow money upon such terms and conditions as the Church thinks fit;
5. give such security for the discharge of liabilities incurred by the Church as the Church thinks fit;
6. appoint agents to transact any business of the Church on its behalf;
7. enter into any other contract it considers necessary or desirable; and
8. may act as trustee and accept and hold real and personal property upon trust, but does not have power to do any act or thing as a trustee that, if done otherwise than as a trustee, would contravene this Act or the rules of the Church

# MEMBERSHIP

## Members

### The Church members all have full voting rights and any other rights conferred on them by these rules or approved by resolution at a general meeting, or determined by the Council.

### Each member has one vote at a general meeting of the Church.

### The Church must always have at least 6 members with full voting rights.

## Eligibility for Membership

Persons born again of the Holy Spirit and baptised by immersion as believers in the name of the Lord Jesus Christ, who give evidence of their faith in daily life *(and are willing to uphold the commitments outlined in the members pledge)* shall be eligible for membership in the Church. However a person who for reasons of physical incapacity cannot be baptised by full immersion but is committed to the principle of believers baptism; is willing to be baptised; and otherwise qualifies, shall also be eligible for membership in the Church.

## Admission of Members

### Application for membership shall be made in writing to the Pastor or a Council member, and signed by the applicant.

### After the applicant has attended any church membership course that the church may hold from time to time, the Council will appoint 2 interviewers, consider the application and make a decision.

### The Council shall consider each application for membership of the Church and decide whether to accept or reject the application.

### The Council shall notify the applicant of the Council’s decision to accept or reject the application as soon as practicable after making the decision.

### If the Council rejects the application, the Council is not required to give the applicants its reasoning for doing so.

### The church shall be advised of successful membership applications.

### Each applicant for Church Membership shall be required to express agreement with the Statement of Faith, *(members pledge)* and to express willingness to abide by this Constitution and not be a member of another church concurrently.

### An applicant for Church Membership becomes a member when:

1. The Council accepts the application; and
2. The Church must give each person who becomes a member of the Church a copy of the rules in force at the time their membership commences. This may be by electronic transmission or providing the details of where the rules may be downloaded.

## Cessation of Membership

A person ceases to be a member when any of the following takes place:

1. Theindividual dies;
2. The person resigns from the Church by giving written notice of the resignation to the secretary. The resignation takes effect when:
	* 1. the secretary receives the notice and brings it to the Council;
		2. or if a later time is stated in the notice, at that later time.

## Register of Members

### The secretary, or another person authorised by the Council, is responsible to maintain the Register of members and record in that register any change in the membership of the Church.

### The Register of Members must include each member’s name, and a residential, postal or email address, and the date on which each member becomes a member, and when a member ceases to be a member.

### The Register of Members must be kept at the secretary’s place of residence, or at another place determined by the Council.

### A member who wishes to inspect the Register of Members must contact the secretary to make the necessary arrangements at a time mutually convenient.

### If:

1. a member inspecting the Register of Members wishes to make a copy of, or take an extract from, the Register; or
2. a member makes a written request under section 56(1) of the Act to be provided with a copy of the Register of members,

the Council may require the member to provide a statutory declaration setting out the purpose for which the copy or extract is required and declaring that the purpose is connected with the affairs of the Church.

## Membership Fees

Members are not required to pay any membership fees or subscription to the Church. Members may, according to Biblical principles, tithe and make offerings and gifts to the Church, of which the Treasurer of the Church will keep an audited account of the aggregate amounts collected for the purpose of giving notice to members of the Church budget, and to fulfil taxation requirements, under rule 11.7.

# DISCIPLINARY ACTION AND DISPUTES

## Suspension or removal from membership

### The Council may decide to suspend a member’s membership or remove a member’s membership of the Church if:

1. the member contravenes any of these rules; or
2. the member acts detrimentally to the interests of the Church; or
3. The member fails to attend the regular worship services for a period of 3 months; or
4. The member by his or her conduct or lifestyle fails to reflect values consistent with their profession of faith

### The secretary must give the member written notice of the proposed suspension or removal at least 28 days before the Council meeting at which the proposal is to be considered by the Council.

### The notice given to the member must state —

1. when and where the Council meeting is to be held; and
2. the grounds on which the proposed suspension or removal is based; and
3. that the member is encouraged to attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the Council about the proposed suspension or removal;

### At the Council meeting, the Council must —

1. give the member a reasonable opportunity to make written or oral (or both written and oral) submissions to the Council about the proposed suspension or removal; and
2. give due consideration to any submissions so made; and
3. decide:
	1. whether or not to suspend the member’s membership and, if the decision is to suspend the membership, the period of suspension; or
	2. whether or not to remove the member from the Register of Members of the Church.

### A decision of the Council to suspend the member’s membership or to remove the member from the Register of Members of the Church takes immediate effect.

### The Council must give the member written notice of the Council’s decision, and the reasons for the decision, within 7 days after the Council meeting at which the decision is made.

### A member whose membership is suspended or who is removed from the Church Register of Members may, within 14 days after receiving notice of the Council’s decision under 10.1.6, give written notice to the secretary requesting the matter be referred to the BUWA for re-consideration.

### In any matter being considered under this rule, the privacy of the individual(s), the good name of the Church, and the ministry of the Church, as followers of Jesus Christ, shall be given appropriate consideration.

## Consequences of suspension

During the period a member’s membership is suspended, the member loses any rights (including voting rights) arising as a result of membership.

When a member’s membership is suspended, the secretary must record in the Register of Members:

1. that the member’s membership is suspended; and
2. the date on which the suspension takes effect; and
3. the period of the suspension.

When the period of the suspension ends, the secretary must record in the Register of Members that the member’s membership is no longer suspended.

## Disputes

### Disputes may arise under these rules:

1. between members (or former members); or
2. between one or more members and the Church

The principles of the Lord’s Words, as set out in Matthew 18:15-17 shall be followed.

### The parties to a dispute must meet and discuss the matter in dispute and attempt to resolve the dispute between themselves within 14 days after the dispute has come to the attention of each party.

### If the parties are unable to resolve the dispute any party may take a witness in an attempt to resolve the dispute.

### If the parties are still unable to resolve the dispute between themselves, any party to the dispute may take the matter to the Council (as the representatives of the Church) by giving written notice to the secretary of:

1. the parties to the dispute; and
2. the matters that are the subject of the dispute.

### Within 28 days after the secretary is given the notice, a Council meeting must be convened to consider and determine the dispute.

### The secretary must give each party to the dispute written notice of the Council meeting at which the dispute is to be considered and determined at least 7 days before the meeting is held.

### The notice given to each party to the dispute shall state:

1. when and where the Council meeting is to be held; and
2. that the party is encouraged to attend the meeting and will be given a reasonable opportunity to make written or oral (or both) submissions to the Council about the dispute.

### If:

1. the dispute is between one or more members and the Church; and
2. any party to the dispute gives written notice to the secretary stating that the party does not agree to the dispute being determined by the Council;

the Council must not determine the dispute and should refer to the matter to BUWA.

## Determination of dispute by Council

### At the Council meeting at which a dispute is to be considered and determined, the Council must, subject to rule 10.3.7.

1. give each party to the dispute a reasonable opportunity to make written or oral (or both) submissions to the Council about the dispute; and
2. give due consideration to any submissions so made; and
3. determine the dispute.

### The Council must give each party to the dispute written notice of the Council’s determination, and the reasons for the determination, within 7 days after the Council meeting at which the determination is made.

### A party to the dispute may, within 14 days after receiving notice of the Council’s determination under sub rule 10.4.2., give written notice to the secretary requesting the matter be referred to the BUWA for a decision. Such a decision will be binding on the parties to the dispute.

# COUNCIL

## Composition

The Council shall comprise the Senior Pastor plus other members elected by the congregation. The number of members shall be recommended by the Council to the members for approval.

## Responsibilities

### The Council are responsible for the governance and direction of the church seeking to bring into reality the vision and mission of the church. This shall include the preparation of the Annual Ministry Plan and budget for the year and any long term development planning. The Council shall be responsible for developing Boundary Principles, Guiding Principles, Mission Principles and Policies, including the appointment of ministry leaders and support staff, for the church and shall keep the Senior Pastor accountable in fulfilling these as they lead the church.

### Subject to the Act, these rules and any resolution passed at a general meeting, the Council has power to do all things necessary or convenient to be done to ensure the proper management of the affairs of the Church.

### The Council must take all reasonable steps to ensure that the Church complies with the Act, these rules and any governance policies adopted by the Council.

### A member of the Council is not liable in respect of the liabilities of the Church.

### The acts of a Council, or of a Council member, or of persons appointed by the Council, are valid despite any defect that may afterwards be discovered in the election, appointment or qualification of a Council member or person appointed by the Council.

### A Council member is entitled to be paid out of the funds of the Church for any out-of-pocket expenses properly incurred in connection with the Church’s business.

### The Senior Pastor will be entitled to payments as stipulated in the terms of the Church Pastor Agreement entered into on appointment as per rule 12.2. (the Act states that arrangements for payments to council members needs to be in the constitution. The Church Pastor Agreement should include a stipend value linked to the BUWA recommended stipends)

### (For Churches who have additional incorporated ministries.) The Council is also responsible for appointing the governing Councils of the Church’s incorporated ministries and for ensuring alignment of those ministries with the vision and mission of the Church as agreed by the members from time to time.

## Character

Council members shall have exhibited the qualities of an elder as found in 1 Timothy 3:1–7 & Titus 1:5-9.

## Council Members

### The Council shall consist of a minimum number of *five (5)* members, including the Senior Pastor, the office holders and ordinary Council members.

### The maximum number of Council members will be recommended to the Church by the Council. *The Council shall determine the maximum number of the Council.*

### The following are the office holders of the Church:

1. the chairperson (this may be the Senior Pastor)
2. the secretary
3. the treasurer

### A person may be a Council member if the person is:

1. an individual who has reached 18 years of age; and
2. a member of the Church for a minimum of 1 year

### The Council will, at their first meeting following the Annual General Meeting, elect from within their membership the office holders of the Church.

### A member becomes a Council member if the member:

1. Is elected to the Council at a general meeting; or
2. Is appointed to the Council by the Council to fill a casual vacancy under rule 11.11.1.

## Chairperson

### The Chairperson has the powers and duties relating to convening and presiding at Council meetings and presiding at general meetings provided for in these rules.

### It is the duty of the Chairperson to consult with the secretary regarding the business to be conducted at each Council meeting and general meeting.

### In the event of the absence of the Chairperson from a Council meeting or a general meeting, the Council will elect a chair from within the Council.

## Secretary

The secretary is responsible for:

1. ensuring that co-ordination of the Church’s correspondence;
2. consulting with the chairperson regarding the business to be conducted at each Council meeting and general meeting;
3. ensuring that the notices required for meetings and for the business to be conducted at meetings are prepared;
4. unless another member is authorised by the Council to do so, maintaining on behalf of the Church the Register of Members as required under rule 9.5;
5. ensuring the maintenance, on behalf of the Church, of an up-to-date copy of these rules, as required under the Act;
6. unless another member is authorised by the Council to do so, maintaining on behalf of the Church a record of Council members and other persons authorised to act on behalf of the Church, as required under rule 11.15.3;
7. ensuring the safe custody of the books of the Church, other than the financial records of the Church;
8. maintaining full and accurate minutes of Council meetings and general meetings;
9. carrying out any other responsibilities given to the secretary under these rules or by the Council.

## Treasurer

The treasurer is responsible for:

1. ensuring that any amounts received by the Church, are deposited promptly, to the credit of the appropriate (bank) account of the Church;
2. ensuring that any payments to be made by the Church that have been authorised by the Council or at a general meeting are made on time;
3. ensuring the safe custody of the Church’s financial records, financial statements or financial reports of the Church;
4. Coordinating the preparation of the Church’s financial statements or financial reports before their submission to the Church’s annual general meeting as required in rule 15.2;
5. providing any assistance required by an auditor or reviewer conducting an audit or review of the Church’s financial statements or financial report under Part 5 of the Act;
6. carrying out any other duty given to the treasurer under these rules or by the Council.

## Nomination of Council members

### At least 21 days before an annual general meeting, the secretary must send a written notice all the members calling for nominations for election to the Council; and stating the date by which nominations must be received by the secretary to comply with rule 11.8.2.

### A member who wishes to be considered for election to the Council at the annual general meeting must nominate for election by sending written notice of the nomination to the secretary at least 14 days before the annual general meeting. The written notice must include a signed statement by another member in support of the nomination.

### The Council shall make necessary enquiries to ensure the suitability of the nominees and make its own decision on whether to endorse a nomination. The Council shall bring a list of the endorsed nominations to the annual general meeting. A majority of not less than 75% of the votes cast by secret ballot is requirement for the appointment of a Council member. Members shall serve for a term of three years and shall be eligible for re-election.

### Normally paid Staff shall not be eligible for nomination as Council members.

### The new members of the Council elected at the annual general meeting take office at the close of the meeting.

## Term of office

### The term of office of a Council member begins when the member:

1. Is elected at an annual general meeting; or
2. Is appointed to fill a causal vacancy under rule 11.11.1.

### Subject to rule 11.10, a Council member elected at an annual general meeting holds office for a three (3) year term with the position becoming vacant at an annual general meeting. A person appointed under 11.11.1 serves until the next annual general meeting.

## Resignation and removal from office

### A Council member may resign from the Council by written notice given to the secretary or, if the resigning member is the secretary, given to the chairperson.

### The resignation takes effect:

1. When the notice is received by the secretary or chairperson; or
2. If a later time is stated in the notice, at the later time.

### A person ceases to be a Council member if the person:

1. Dies or otherwise ceases to be a member; or
2. Resigns from the Council or is removed from office under rule 11.10; or
3. Become ineligible to accept an appointment or act as a Council member under the Act;
4. Becomes permanently unable to act as a Council member because of mental or physical disability; or
5. Fails to attend 3 consecutive Council meetings, of which the person has been given notice, without having notified the Council that the person will be unable to attend.

### At a general meeting, the Church may by resolution remove a Council member from office.

### A Council member who is the subject of a proposed resolution under rule 11.10.4 may make written representations (of a reasonable length) to the secretary or chairperson and may ask that the representations be provided to the members.

### The secretary or chairperson may give a copy of the representation to each member or, if they are not so given, the Council member may require them to be read out at the general meeting at which the resolution is to be considered.

## Vacancies on the Council

### The Council may appoint a member who is eligible under rule 11.4.4 to fill a position on the Council that:

1. Has become vacant under rule 11.10.3
2. Was not filled by election at the most recent annual general meeting; or

### If there are fewer Council members that required for a quorum under rule 11.12.4, the Council may act only for the purpose of:

1. Appointing Council members under this rule; or
2. Convening a general meeting.

## Council Meetings

### The Council shall normally meet at least *six* times each year on the dates, times and places determined by the Council. The date, time and place of the first Council meeting shall be determined by the Council members as soon as practicable after the annual general meeting at which the Council members are elected.

### The Council shall not meet without the Senior Pastor or the Senior Pastor’s consent, except where disciplinary matters concern the Senior Pastor, are to be considered or the Council is undertaking a review of the Senior Pastor.

### Special Council meetings may be convened by the chairperson, the Senior Pastor, or any 2 Council members.

### At a Council meeting, 50% of the Council members will constitute a quorum.

### Subject to 11.11.2, no business is to be conducted at a Council meeting unless a quorum is present.

### Each Council member has a deliberate vote. A question arising at a Council meeting must be decided by a majority of votes.

### Notice of each Council meeting must be given to each Council member at least 48 hours before the time of the meeting. The notice shall advise the date, time, and place of the meeting and shall describe the general nature of the business to be conducted at the meeting.

### Urgent business that has not been described in the notice may be conducted at the meeting if the Council members at the meeting unanimously agree to treat that business as urgent.

### If the chairperson is absent, or unwilling to act as chairperson of a meeting, the Council members at the meeting shall choose one of their number to act as chairperson of the meeting.

### The procedure to be followed at a Council meeting shall be determined from time to time by the Council.

### The order of business at a Council meeting may be determined by the Council members at the meeting.

### A member of other person who is not a Council member may attend a Council meeting if invited to do so by the Council. A person invited:

1. has no right to any agenda, minutes or other document circulated at the meeting;
2. shall not comment about any matter discussed at the meeting unless invited by the Council to do so; and
3. cannot vote on any matter that is be decided at the meeting.

### The presence of a Council member at a Council meeting need not be in attendance in person but may be by that Council member and each other Council member at the meeting being simultaneously in contact by telephone or other means of instantaneous communication. A member who participates in a Council meeting by such communication is taken to be present at the meeting and, if the member votes at the meeting, the member is taken to have voted in person.

### The Council shall ensure that minutes are taken and kept of each Council meeting including the following:

1. The names of the Council members present at the meeting;
2. The name of any person attending the meeting under rule 11.12.12;
3. The business considered at the meeting;
4. Any motion on which a vote is taken at the meeting and the result of the vote;
5. Any disclosure of a member’s material personal interest.

The minutes shall be entered into the minute book and distributed to Council members within 30 days after the meeting is held.

### The chairperson shall ensure that the minutes of a Council meeting are reviewed and signed as correct by the chairperson of the meeting; or the chairperson of the next Council meeting.

### When the minutes of a Council meeting have been signed as correct they are, until the contrary is proved, evidence that:

1. The meeting to which the minutes relate was duly convened and held; and
2. The matters recorded as having taken place at the meeting took place as recorded; and
3. Any appointment purportedly made at the meeting was validly made.

## Material Personal Interest

### Any member of the Council who has a material personal interest in a matter being considered at a Council meeting must, as soon as he or she becomes aware of that interest, disclose the nature and extent of his or her interest to the Council; and disclose the nature and extent of the interest at the next general meeting of the Church. This rule does not apply in respect of a material personal interest:

1. that exists only because the member is an employee of the Church; or
2. that the member has in common with all, or a substantial proportion of, the members of the Church.

### A member of the Council who has a material personal interest in a matter being considered at a meeting of the Council shall not be present while the matter is being considered at the meeting or vote on the matter.

### Every disclosure made by a Council member of a material personal interest must be recorded in the minutes of the Council meeting at which the disclosure was made.

## Subcommittees

### To help the Council in the conduct of the Church’s business, the Council may establish, in writing, one or more subcommittees. A subcommittee may consist of the number of people, whether or not members, that the Council considers appropriate.

### Subject to any directions given by the Council, a subcommittee may meet and conduct business as it considers appropriate.

### The Council may, in writing, delegate to a subcommittee the exercise of any power or the performance of any duty of the Council other than:

1. The power to delegate; and
2. A non-delegable duty.

### The delegation may be made subject to any conditions, limitations, or exceptions that the Council specifies in the document by which the delegation is made. However this does not prevent the Council from exercising or performing the power or duty delegated.

### Any act or thing done by the subcommittee under the delegation has the same force and effect as if it had been done by the Council.

### The Council may, in writing, amend or revoke wholly or in part any delegation.

## Register of Office Bearers

### The secretary, or another person authorised by the Council, is responsible to maintain the register of office bearers and record in that register any change in the office bearers of the Church.

### The register of office bearers must include each office bearer’s name, residential, postal or email address, and the date on which the office bearer was appointed. When an office bearer ceases to be an office bearer, this date must also be recorded.

### The record of Council members *and seal holders* of the Church that is required to be maintained under the Act must be kept in the secretary’s custody or under the secretary’s control.

# SENIOR *(LEAD)* PASTOR

## Pastoral Responsibility

The Senior Pastor shall be accountable to the Council and entrusted with the oversight of the church, including staff and ministry leaders. The Senior Pastor shall ensure an Annual Ministry Plan is produced for the church. This plan shall require the approval of the Council and members. The Senior Pastor shall be accountable to the Council for the agreed outcomes in the plan.

## Pastoral Vacancy

When a vacancy occurs in the senior pastorate, the church, on the recommendation of the Council, may appoint an interim pastor who shall temporarily undertake this function. A Pastor Search Team (PST) shall be appointed. The PST shall be guided by the BUWA guidelines for calling a pastor. The PST shall bring a recommendation to the Council, who shall bring one nomination to a special general meeting called for that purpose. Two weeks’ notice shall be given of the meeting. The invitation to a Senior Pastor will be by a Special Resolution requiring at least 75% of the members present and voting by secret ballot in favour of doing so.

The Senior Pastor must be baptised by full immersion.

The terms of the call shall be included in the invitation and form the Church-Pastor Agreement.

## Termination of the Pastorate

### Any resolution to terminate the pastoral appointment shall require a simple majority of votes cast by secret ballot at a Special General Meeting called for that purpose. The church membership shall ensure that the pastor is treated with fairness and dignity and upon the conclusion of their pastoral appointment, the Church-Pastor Agreement shall be honoured.

### The term of service between Church and Pastor may be terminated by three months’ notice on either side, unless mutually agreed upon.

### The Senior Pastor may be removed or suspended from office or face disciplinary action in the event of misconduct. If the Council receives a complaint alleging serious misconduct against the Senior Pastor, it shall be referred to BUWA for investigation and appropriate action.

## Dispute

Any dispute or difference arising out of the conclusion of the pastorate must be referred to an independent party for resolution by way of mediation or such alternative dispute resolution process that is agreed as being appropriate. In the event it is not possible to reach agreement as to the identity of the independent party, a Senior Staff member of the BUWA shall appoint such an independent person.

## Nature of the Relationship

All Staff will be treated with respect in accordance with the relevant Acts of Federal and State Parliament. The relationship with the church is one of employment in Christian Service and biblical relationship principles should be followed. The Pastor and Church shall abide by the Pastor – Church Agreement conditions.

# MINISTRY LEADERS

## Ministry Areas

The Senior Pastor and Council shall determine the ministry areas of the church.

The Senior Pastor in consultation with the Council may appoint Ministry Leaders to ministry areas. (Appointments shall require the approval of the Council.)

## Ministry Leaders

The Council shall set policies as to the appointment of ministry leaders and support staff. All staff appointments must be reflected in the budget.

*(the following was in the previous BUWA Model. We do recommend a change to the above, as if you did adopt the below, any changes would require a change to the constitution, and therefore a cost. A policy can be changed and is more flexible).*

*Each Ministry Leader will develop an annual plan for the ministry they lead, including goals expected outcomes and the resources required. This plan requires the agreement of the Senior Pastor and will be incorporated in the Church Annual Ministry Plan agreed to by the Council (see clause 7.1.1).*

*The Ministry Leader will be required to work according to the constitution, values, policies and principles of the church and within the parameters of the budget allocated to that ministry. They will be given the authority to develop their ministry and will be accountable to the Senior Pastor for achieving the agreed outcomes.*

*A Ministry Leader may appoint other church members to form a team to assist them in their ministry in consultation with the Senior Pastor.*

## *Other Pastoral Staff*

*Where a ministry area cannot be achieved by a volunteer but requires the appointment of a full or part time worker, that person shall be appointed by the Members on the recommendation of the Senior Pastor and Council. Clear terms of the call shall accompany the appointment of that person together with the arrangements for the termination of the call.*

## *Support Staff*

*Where the Council determines a need to appoint support staff they shall reflect this in the budget. The Senior Pastor shall be responsible for the appointment and accountability of such staff.*

# CHURCH GOVERNANCE

The purpose of any members’ general meeting shall be to seek to discover and confirm the mind of God on matters affecting the life and work of the church and its mission.

There shall be at least *two* Church General Meetings each year: the Annual General Meeting, and a Members’ General Meeting. Special General Meetings may be called from time to time.

## Annual General Meeting

### There shall be an annual general meeting (AGM) of members held within six months of the end of the Church’s Financial Year. The Council shall determine the date, time and place of the Annual General Meeting.

### The ordinary business of the AGM shall:

1. Confirm the minutes of the previous AGM and of any special general meeting held since then if the minutes of that meeting have not yet been confirmed;
2. Receive and consider the annual report;
3. Receive and consider the financial statements or the financial report of the Church for the preceding financial year;
4. Receive a copy of the report of the review or auditor’s report on the financial statements or financial report;
5. To elect Council Members of the Church;
6. If applicable, to appoint or remove a reviewer or auditor of the Church;
7. Any other business of which notice has been given in accordance with these rules.

### The election of the Council shall normally take place at the AGM but maybe be at any special general meeting.

## Members’ General Meeting

### There shall be a members’ general meeting held at least 1 month prior to the end of the Church’s Financial Year. The Council shall determine the date, time and place of the members’ general meeting.

### The ordinary business of the members’ general meeting shall include:

1. Approval of the church Annual Ministry Plan and Budget;
2. Approval of non-budgeted expenditure, outside the agreed parameters that have been delegated to leadership by the members;
3. Any other business of which notice has been given in accordance with these rules.

## Special General Meetings

### The Council may convene a special general meeting.

### The Council must convene a special general meeting when members need to consider:

1. Calling of a Senior Pastor; or
2. Appointment of Council; or
3. Purchase or development of land and property; or
4. Dissolution of the church; or
5. Alteration to this constitution (can also be considered at an AGM).

### The Council, on receipt of a written request stating the business to be considered at the meeting and signed by at least 15% of members, whichever is larger, shall call a special meeting within 28 days of the request being received.

### If the Council does not convene a special general meeting within that 28 day period, the members making the requirement, or any of them, may convene the special general meeting. Such a meeting:

1. Must be held within 3 months after the date the original requirements was made; and
2. May only consider the business stated in the notice by which the requirements was made.

## Notice of Meetings

### The Council or, in the case of a special general meeting convened under rule 14.3.4, the members convening the meeting, shall give each member at least 10 days’ notice of a general meeting. The notice shall:

1. Specify the date, time and place of the meeting; and
2. Indicate the general nature of each item to be considered at the meeting; and
3. If the meeting is the Annual General Meeting, include the names of the members who have nominated for election to the Council under rule 11.8.2.
4. If a special resolution is proposed:
	1. Set out the wording of the proposed resolution; and
	2. State that the resolution is intended to be proposed as a special resolution.

### The Council will give such a notice by:

1. serving it on a member personally by announcing at services on the Sunday at least 10 days prior to the meeting and by sending the member an email at least 10 days prior to the meeting if the member has given an email address to the Church; or
2. sending it by post to a member at the address of the member appearing in the Register of Members kept and maintained under rule 9.5.

### All notices of and other communications relating to any general meetings of the Church that a member is entitle to receive must be given to the reviewer or auditor (where appointed).

## Quorum

At least 33% of the resident members, shall be the quorum for any church members’ meeting where binding decisions are to be made.

## Procedure at Meetings

### The chairperson shall preside as chairperson of each general meeting.

### If the chairperson is absent or is unwilling to act as chairperson of a general meeting, the members at the meeting shall appoint a chairperson of the meeting.

### No business is to be conducted at a general meeting unless a quorum is present.

### At least 33% percent of members personally present will constitute a quorum.

*(It is recommended that Churches with less than 50 members make their Quorum 50%).*

### If a quorum is not present within 30 minutes after the notified commencement time of a general meeting:

1. In the case of a special general meeting, the meeting lapses; or
2. In the case of the annual general meeting the meeting is adjourned to:
	1. The same time and day the following week; and
	2. The same place, unless the chairperson specifies another place at the time of the adjournment or written notice of another place is given to the members before the day to which the meeting was adjourned.

### If a quorum is not present within 30 minutes after the commencement time of an annual general meeting held under rule 14.6.5 and at least 2 members are present at the meeting, those members present are taken to constitute a quorum.

### The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of the members present at the meeting, adjourn the meeting to another time at the same place or at another place.

### No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.

### Notice of the adjournment of a meeting under this rule is not required unless the meeting is adjourned for 14 days or more, in which case notice of the meeting must be given in accordance with rule 14.4.1.

## Attendance and voting

### Both church members and others of the congregation are able to attend general meetings, but only members may vote.

### A secret ballot shall be held if requested by not less than 10% of the members present at the meeting or if requested by the chairperson.

### On any question arising at a general meeting:

1. Subject to rule 14.7.5, each member has one vote; and
2. Members shall vote in person

### Except in the case of a special resolution, a motion is carried if a majority of the members present and voting at a general meeting vote in favour of the motion.

### If votes are divided equally on a question, the chairperson of the meeting has a second or casting vote.

### Subject to rule 14.7.7, the chairperson of a general meeting may, by a show of hands, declare that a resolution has been carried; or lost. If the resolution is a special resolution, the declaration must identify the resolution as a special resolution.

### If a poll is demanded on any question by the chairperson of the meeting or by at least 3 other members present in person:

1. The poll must be taken at the meeting in the manner determined by the chairperson; and
2. The chairperson must declare the determination of the resolution on the basis of the poll.

### If a poll is demanded on the election of the chairperson or on a question of an adjournment, the poll must be taken immediately.

### A declaration under 14.7.6 or 14.7.7 must be recorded in the minutes of the meeting as evidence of how the resolution was determined.

## Minutes of General Meetings

### The secretary, or a person authorised by the Council from time to time, must take and keep minutes of each general meeting.

### The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.

### In addition, the minutes of each annual general meeting must record:

1. the names of the members attending the meeting; and
2. the financial statements or financial report presented at the meeting; and
3. any report of the review or auditor’s report on the financial statements or financial report presented at the meeting.

### The minutes of a general meeting must be entered in the Church’s minute book within 30 days after the meeting is held.

### The chairperson shall ensure that the minutes of a general meeting are reviewed and signed as correct by:

1. the chairperson of the meeting; or
2. the chairperson of the next general meeting: or
3. authority is given to the Council to review and approve.

### When the minutes of a general meeting have been signed as correct they are, in the absence of evidence to the contrary, taken to be proof that:

1. the meeting to which the minutes relate was duly convened and held; and
2. the matters recorded as having taken place at the meeting took place as recorded; and
3. any election or appointment purportedly made at the meeting was validly made

# FINANCIAL MATTERS

## Control of funds

### The Church must open an account in the name of the Church with a financial institution from which all expenditure of the Church is made and into which all funds received by the Church are deposited.

### Subject to any restrictions imposed at a general meeting, the Council may approve expenditure on behalf of the Church.

### The Council may authorise the treasurer to expend funds on behalf of the Church up to a specified limit without requiring approval from the Council for each item on which the funds are expended.

### All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments of the Church must be signed by two persons, where practicable at least one of them being a Council member

### All funds of the Church must be deposited into the Church’s account promptly after their receipt.

### The Church must keep financial records that;

1. correctly record and explain its transactions and financial position and performance; and
2. enable true and fair financial statements to be prepared in accordance with Part 5 of the Act.

### The Church must retain its financial records for at least 7 years after the transactions covered by the records are completed.

## Financial statements and financial reports

### For each financial year, the Council must ensure that the requirements imposed on the Church under Part 5 of the Act relating to the financial reporting of the Church are met.

### Those requirements include —

1. if the Church is a tier 1 association, the preparation of the financial statements;
2. if the Church is a tier 2 or tier 3 associations, the preparation of the financial report.
3. the presentation to the annual general meeting of the financial statements or financial report, as applicable

### Where the Association is a tier 2 or tier 3 association, or where the Members of the Church request it, an audit or review (as appropriate) of the financial report is required for presentation to the Members Meeting.

## NOT FOR PROFIT

### The property and income of the Church must be applied solely towards the promotion of the objects or purposes of the Church and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to any member, except in good faith in the promotion of those objects or purposes.

### A payment may be made to a member out of the funds of the Church only if:

1. The payment in good faith to the member as reasonable remuneration for any services provided to the Church, or for goods supplied to the Church, in the ordinary course of business; or
2. The payment of interest, on money borrowed by the Church from the member, at a rate not greater than the secured lending rate of the financial institution with which the Church conducts its financial affairs.
3. The payment of reasonable rent to the member for premises leased by the member to the Church; or
4. The reimbursement of reasonable expenses properly incurred by the member on behalf of the Church.

# EXECUTING DOCUMENTS AND COMMON SEAL

##### The Church has no common seal.

##### The Church may execute a document without using a common seal if the document is signed by:

1. 2 Council members; or
2. one Council member and a person authorised by the Council.

##### If the Church has a common seal:

1. the name of the Church must appear in legible characters on the common seal; and
2. a document may only be sealed with the common seal by the authority of the Council and in the presence of:
	1. 2 Council members; or
	2. one Council member and a person authorised by the Council,

and each of them is to sign the document to attest that the document was sealed in their presence.

##### The secretary must make a written record of each use of the common seal.

##### The common seal must be kept in the custody of the secretary or another Council member authorised by the Council.

# CUSTODY OF BOOKS AND SECURITIES

##### Subject to sub rule 17.2, the books and any securities of the Church shall be kept in the secretary’s custody or under the secretary’s control.

##### The financial records and, as applicable, the financial statements or financial reports of the Church must be kept in the treasurer’s custody or under the treasurer’s control.

##### Rules 17.1 and 17.2 have effect except as otherwise decided by the Council.

##### The books of the Church other than the Minute Book must be retained for at least 7 years. The Minute Books should as far as is possible, be retained as a permanent record.

# INSPECTION OF RECORDS

##### A member may, at any reasonable time, inspect without charge the Rules, minutes of any general meeting, the register of members, the register of office holders and any reports presented at any general meeting.

##### The member must contact the secretary to make the necessary arrangements for the inspection at a mutually convenient time.

##### The member may make a copy of or take an extract from a record or document referred to in 18.1 but does not have a right to remove the record or document for that purpose.

##### The member must not use or disclose information in a record or document referred to in rule 18.1 except for a purpose:

1. that is directly connected with the affairs of the Church; or
2. that is related to complying with a requirement of the Act.

# PUBLICATION BY COUNCIL MEMBERS PROHIBITED

A Council member must not publish, or cause to be published, any statement about the business conducted by the Church at a general meeting or Council meeting unless:

1. the Council member has been authorised to do so at a Council meeting; and
2. the authority given to the Council member has been recorded in the minutes of the Council meeting at which it was given.

# ORDINANCES

##### The Ordinance of Baptism shall be administered by the Church through the Pastor or in the event of no Pastor, the Council.

##### The Ordinance of the Lord's Supper shall be open to all true believers in the Lord Jesus Christ, and shall usually be observed on at least one Sunday in each calendar month.

# PROPERTY

##### Church buildings and property shall not be occupied or used by persons or organisations for any purpose except where prior consent has been obtained from the Church Council.

##### No land or building shall be bought, sold, disposed of or mortgaged in any way, without a 75% vote of members present and eligibleto vote ata Special general meeting.

##### The proceeds derived from the sale, lease, mortgage, or pledge or other encumbrance shall be applied and devoted in such manner as the Members’ general meetingmay deem best fitted to secure the furtherance of the objects of the Church and the propagation of its principles.

# DISSOLUTION OF THE CHURCH

##### The Church may be dissolved by a special resolution approved by at least a 75% vote of the members present and eligible to vote at a Special general meeting called for the purpose, provided at least 28 days’ notice of the proposal has been given.

##### In the event of such a resolution being passed, or the cancellation of the incorporation, the Council shall continue in office and take all the necessary steps to wind up the affairs of the Church in accordance with the provisions of the Act.

##### After payment of all debts and liabilities any surplus assets (not including the books relating to the management of the Church) are to be distributed in accordance with a decision of a Special general meeting to The Baptist Union of Western Australia Incorporated or another Incorporated Association having objects wholly or substantially similar to the Church and which has been endorsed by the ACNC as a charity. In the event of no decision being made by the Church then the whole of the surplus assets are to pass to the Baptist Union of Western Australia Incorporated who may apply the proceeds in such manner as they see fit.

*Note this clause has now received two queries from the Dept… BUWA can’t make a decision on an Incorporated Bodies behalf; and the ACNC is not listed in the Act…*

# AMENDMENT OT THIS CONSTITUTION

##### If the Church wants to alter or rescind any of these rules, or to make additional rules, the Church may do so only by special resolution approved at a special general meeting of which 28 days written notice has been given.

##### The Church must lodge with the Commissioner, within one month, the notice of the special resolution setting out the particulars of the alteration together with a certificate given by a member of the Council certifying that the resolution was duly passed as a special resolution and that the rules so altered conform to the requirements of the Act.

##### The Alteration to the rules of the Church do not take effect until the approval of the Commissioner is given.

SAMPLE OF STYLES – THIS SHOULD BE REMOVED FROM THE DOCUMENT BEFORE PUBLICATION, AND THE TABLE OF CONTENTS UPDATED.

# Heading 1

Hdg1Para continues here and follows Heading 1 text. This should be fully aligned and when it continues around – wrap nicely.

It also provides an automatic space between paragraphs.

1. Hdg1abc is included to allow for an a b c list – it will probably try to continue allocating a letter based on previous paragraphs. Simply right mouse click on the first letter in the list, and select ‘Restart at a’.

## Heading 2 indents and is intended for a heading

Hdge2Para continues here… it also provides an automatic space between paragraphs and should wrap around nicely.

But…. Not every heading 2 numbering is a heading – sometimes it’s just a numbered paragraph. And that’s where Lst2 comes in…

1. Hdg2abc is included to allow for an a b c list – it will probably try to continue allocating a letter based on previous paragraphs. Simply right mouse click on the first letter in the list, and select ‘Restart at a’.

### Heading 3 indents, applies a number – but as you can see, it isn’t really intended to be a heading, but a numbered paragraph. For this reason, Heading 3 is not included in the Table of Contents.

Hdg3Para does the same as other styles – in that it provides an appropriately indented paragraph.

1. Hdg3abc is included to allow for an a b c list – it will probably try to continue allocating a letter based on previous paragraphs. Simply right mouse click on the first letter in the list, and select ‘Restart at a’.

##### So the only thing left now is Lst2 – as you can see, it follows the numbering of Heading 1 – so is intended for use as per the next paragraphs…. Not for use under a Heading 2 list.

# Add a Heading 1

It will give you a Hdg1Para

##### Then you can add a Lst2 style that will continue the numbering….

Use the Hdg2Para to follow it –

### And if you need a heading 3 you can continue on.