

NOTICE OF MOTIONS TO BE CONSIDERED AT THE 2023 ANNUAL ASSEMBLY
Updated at 30 March 2023

From Canberra Baptist Church

Motions to change the Constitution

Note from Assembly Council:

An original version of these motions was provided by Canberra Baptist before the required date. Subsequent discussions with the Constitution Sub-Committee of Assembly Council, and the view of internal and external legal advice, has led to alternative wording for them being suggested to Canberra Baptist. This new wording, if passed by Assembly, would have the same substantive effect as the original wording submitted by the church. Canberra Baptist has agreed to the revised wording.

Refer to the Appendix to this document for and explanation from Canberra Baptist regarding these motions.

MOTION 1

That paragraph 17.5 of the Constitution be amended as follows:

17.5 Withdrawal of affiliation

- (a) An Assembly may withdraw the affiliation of a church with the Association ~~by~~if:
 - (i) Assembly Council ~~has passed~~ed a resolution to the effect that it proposes to move at an Assembly a resolution to disqualify the affiliated church from membership of the Association,
 - (ii) prior to the meeting, the Secretary to Assembly Council has given the affiliated church not less than 1 month's notice in writing of the time and place of the Assembly meeting at which it is proposed to move a resolution of withdrawal of affiliation,
 - (iii) at the Assembly meeting, the church is provided with an opportunity to be heard or make written representations at the Assembly when consideration of the motion to disqualify the church from affiliation with the Association is being considered, and
 - (iv) the Assembly, after considering the representations referred to in 17.5(a)(iii) above, passes by a two-thirds majority the motion to disqualify the church from affiliation with the Association.

MOTION 2

That Section 29 of the Constitution be amended as follows:

29. ALTERATIONS TO THIS CONSTITUTION

- 29.1 The ~~Incorporation Act provides for the~~ Association ~~to~~may amend this constitution as follows~~its by laws on the following basis~~:
 - (a) The proposed alteration shall be approved by a two-thirds majority of the votes of the members present at a meeting of the Association convened for the purpose.

- (b) The proposed alteration shall be finally passed by a two-thirds majority of the votes of the members present at another meeting convened for the purpose.
- (c) All alterations shall be registered in the office for the registration of deeds in Sydney.
- (d) The Association may make additional provisions in relation to the procedures to be adopted for any alterations and as a consequence adopts the further provisions in paragraphs 29.2 - 29.4 inclusive.

29.2 Alterations to this constitution may only be made at an Annual Assembly and must be approved in accordance with paragraph 29.1.

Note from Assembly Council:

Assembly Council has had it confirmed by both internal and external legal advice that the above Motion 2 is able to proceed.

THE REMAINDER OF THESE MOTIONS ARE IDENTICAL TO THE ORIGINAL VERSION OF THIS DOCUMENT PUBLISHED ON THE ASSOCIATION WEBSITE ON 3 MARCH

Recission motions relating to the 12 November 2022 Assembly meeting

1. That the following motion, agreed at the 12 November Assembly of the NSW and ACT Baptist Association, be rescinded: That Affiliated Churches, Fellowships, Simple Churches, Newstart Church Plants and Churches Proceeding to Affiliation need to support the Association's Position on Marriage.

2. That the following motion, agreed at the 12 November Assembly of the NSW and ACT Baptist Association, be rescinded: that Accredited and Recognised Ministers need to support the Association's Position on Marriage.

3. That the following motion, agreed at the 12 November Assembly of the NSW and ACT Baptist Association, be rescinded: That the Association establish Association Position Statements, as agreed by Assembly from time to time, which are then included in the Association's Constitution.

4. That the following motion, agreed at the 12 November Assembly of the NSW and ACT Baptist Association, be rescinded: That the Association adopt the following Position Statement concerning Congregational Governance: "Each local Baptist church is made up of all those who by the grace of God through faith in Jesus Christ have been born again and publicly acknowledged their allegiance to Jesus as Lord. Under the Lordship of Jesus Christ, the local church has received Christ's authority to govern its worship, fellowship and service in accordance with scriptural principles, the whole church being finally responsible for its governance. Nevertheless, within each local church Christ has provided servant leaders, gifted through the Holy Spirit to build up the local church to maturity in Christ and engage in the ongoing mission of Christ. The local church identifies and appoints these servant leaders to positions of honour and responsibility, with delegated authority to act for the local church within parameters defined by the congregation."

5. That the following motion, agreed at the 12 November Assembly of the NSW and ACT Baptist Association, be rescinded: That the Association adopt the following Position Statement concerning Local Church Autonomy and Healthy Association: "Each local Baptist church is autonomous and subject to no external authority to determine its doctrine, worship, objects, and values as it has understood the scriptures to determine these matters. Nevertheless, Baptist churches usually choose

to associate together to mutually discern the mind of Christ so that in a partnership of support and care based on shared convictions, objects and values, together we might more effectively engage in mission and represent Christ to the world in which we live and serve.”

6. That the following motion, agreed at the 12 November Assembly of the NSW and ACT Baptist Association, be rescinded: That the following statements be referred to collectively as Association Position Statements: a) Congregational Governance (as per Motion 6) b) Local Church Autonomy and Healthy Association (as per Motion 7) c) Marriage (as per Motion 2).

Explanation from Canberra Baptist regarding these motions can be found at Appendix 1 to this document.

From Newtown Baptist Church and Chatswood Baptist Church

That Assembly thank the AC for bringing to the November 2022 Assembly a clear path forward for implementing the decisions of the February 2021 Assembly, and ask that they bring to a vote of assembly, no later than the 2024 annual assembly:

- a) Constitutional amendments to incorporate into the constitution the three Association Position Statements adopted at the November 2022 Assembly.
 - b) Any constitutional amendments, amendments to the Affirmation of Ministry Guidelines and any other policies required to put into effect the expectations and processes laid out in motions 10-22, which were unable to be voted on in the November 2022 Assembly.
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NOTE FROM ASSEMBLY COUNCIL:

As mentioned in the Notice of Assembly sent to churches on 3 March, Assembly Council will be formulating recommendations regarding the way forward in the current discussions around Affiliation, Baptist Values and Marriage, including in respect of a number of the matters raised in the above notices of motion. These recommendations will be informed by the Envoy discussions which are occurring throughout February and March. Assembly Council will make these recommendations available prior to the Assembly.

Appendix – Explanations from Canberra Baptist Church as to its Notice of Motions

Motion 1 Background

Disaffiliating a church is a serious matter with potentially significant consequences for the Association and the disaffiliated church. It should therefore only proceed with a high degree of consensus that there are adequate reasons for disaffiliating the church and that all relevant factors have been considered and carefully weighed. As the constitution is currently drafted, a church could be disaffiliated on the vote of fifty percent of delegates plus one. This falls far short of a high degree of consensus and such a consequential decision made on such a slender majority would be contentious and divisive.

The constitution requires a two thirds majority to appoint a Director of Ministries or the Principal of Morling College, to change the guidelines for Assembly meetings, to change the guidelines for Council meetings, and (in some circumstances) to elect members of Assembly Council and Morling College Council. A two-thirds majority might therefore be taken as an adequate consensus.

Motion 2 Background

The effect of this motion, if carried, would be to require a two-thirds majority to change the Association's constitution.

A written constitution safeguards an organisation's governing principles. It should ensure that any changes have been fully considered and debated and enjoy a strong consensus. One way this is achieved is to require a high bar for changes to the constitution. Many constitutions have such a provision. For example: corporations (including incorporated charities) can only change their constitutions by a special resolution, which requires a three-quarters majority; changes to the Australian Constitution require a 'double majority' of a majority of voters in a majority of states and a majority of voters overall.

By contrast, the Association's constitution can be changed relatively easily, requiring only a simple majority vote. Changing this to a two-thirds majority would provide a greater impetus for deep reflection and consensus building. We propose a two-thirds majority because that is already required for some decisions (see below).

The constitution requires a two thirds majority to appoint a Director of Ministries or the Principal of Morling College, to change the guidelines for Assembly meetings, to change the guidelines for Council meetings, and (in some circumstances) to elect members of Assembly Council and Morling College Council. It is anomalous that these decisions require a two-thirds majority but changes to the constitution can be made by a simple majority. We do not argue that a two-thirds majority is inappropriate in these cases. However, some of these decisions are less consequential than changing the constitution. Why should a two-thirds majority be required to change procedures at an Assembly meeting when the constitution can be changed by a simple majority?

We also note the requirement for some decisions to require a two-thirds majority could be circumvented by a simple majority voting to remove it from the constitution. Requiring a two-thirds majority to amend the constitution would remove this loophole.

Rescission Motions - Background

These motions provide the Assembly with an opportunity to rescind motions passed by the 12 November 2022 Special Assembly that have the effect of requiring churches and ministers to affirm a particular view of marriage as a condition for remaining affiliated (in the case of churches) or accredited (in the case of ministers).

On 12 November 2022, Assembly Council recommended that the motions we are seeking to rescind should require a two thirds majority to succeed. Support for that recommendation fell just short of the two-thirds majority required for a change in meeting procedures. The remaining motions therefore only required a simple majority to succeed.

The Assembly Council recommendation was wise. There was no consensus on the proposals to require churches and ministers to hold to a particular view on marriage; each of the motions we recommend be rescinded was opposed by around forty percent of voting delegates. Similar divisions, with an almost identical proportion of dissenting votes, were evident at the February 2021 special Assembly that first considered this matter. Proceeding with these proposals would cause significant harm to the Baptist movement, our mission, individual churches, and people in our churches. Developments since 12 November 2022 have made it clear that this is the case. An increasing number of churches are concerned about their place in the Association, church plants have left the Association, and there is widespread dismay about the conflict and how it has been managed. We believe that the best course for our Association is to step back from these decisions and reconsider how to deal with same sex marriage, which is a difficult issue for many Baptists.

The 12 November 2022 Special Assembly adopted a view of marriage as: "Marriage is a covenant relationship ordained by God as a lifelong faithful union of one man and one woman. Sexual intimacy outside such a marriage relationship is incompatible with God's intention for us as his people." This motion was supported by around seventy percent of delegates and therefore we have not moved to rescind it.