

# Churches of Christ in Victoria and Tasmania

## Memorandum Of Understanding

### Scope

This MOU forms a joint agreement between the Churches of Christ in Tasmania and the Churches of Christ in Victoria and Tasmania including the Partner Departments Mission and Ministry and the Properties Corporation of the Churches of Christ.

This MOU outlines the transition of governance and administration matters from the Council of Churches of Christ in Tasmania to the Conference of the Churches of Christ in Victoria and Tasmania and its Partner Departments Mission and Ministry and the Properties Corporation of the Churches of Christ.

### Definitions

#### Ministry Contribution

The Churches of Christ in Victoria and Tasmania Ministry Contributions (formerly Affiliation Fees) due from affiliated churches per annum are based on a set fee per capita until 31 December 2011. From 1 January 2012 each church's Ministry Contribution is based on 2.5% of a churches General Offering income.

#### Churches of Christ, Tasmania

The Association known as Churches of Christ, Tasmania incorporated under the Tasmanian Act.

#### Conference

Conference of Churches of Christ in Victoria and Tasmania Inc, Association Number A0050677F..

#### Mission and Ministry (M and M)

The Conference Partner Department, Mission and Ministry.

#### MOU

This document, which may be amended from time to time by agreement between the parties in writing.

#### Properties Corporation (Prop Corp)

The Conference Partner Department, The Properties Corporation of the Churches of Christ.

#### Task Group

The Tasmanian Task Group to be formed under this MOU.

#### Tasmanian Act

Churches of Christ Tasmania Act 1978 incorporating the association, Churches of Christ, Tasmania.

## Tasmanian Constitution

The Constitution of Churches of Christ Tasmania under the Tasmanian Act.

## Tasmanian Council

A body of the Churches of Christ, Tasmania, meeting annually and at other times if necessary, established and appointed in accordance with the Tasmanian Constitution prior to this MOU.

## Tasmanian Executive

The executive body of the Churches of Christ, Tasmania established and appointed in accordance with the Tasmanian Act and the Tasmanian Constitution.

## Victorian Act

The Churches of Christ in Victoria Property Act 1941 Act No. 4818/1941 constituting the Properties Corporation.

## 1. Churches of Christ, Tasmania

Churches of Christ, Tasmania is to remain in existence for the purpose of preserving trusteeship of Tasmanian Churches of Christ properties and other assets as required.

The Tasmanian Constitution and composition of the Tasmanian Executive are to be reformulated as outlined under heading **6. Trusteeship** below in this MOU.

All governance, management and administration matters at the state level pertaining to churches in Tasmania affiliated with Conference is to be transferred to Conference and its respective Partner Departments.

Mission and Ministry will include a member of a Tasmanian church on its Board.

Conference will consider suitable Tasmanian members for all other Conference board and committee positions as they become available.

## 2. Annual Tasmanian Gatherings

These “Dreaming Day” type gatherings (open to all church members, and planned by M and M) will be held at least once each year to consider the current and future shapes of mission and ministry in Tasmania.

These would provide opportunity for churches not included on the Task Group to have input and nominate persons to the Task Group. (See point 3 below.)

## 3. Task Group

- a. That M and M appoint a Tasmania Task Group (Task Group) of 4 to 6 persons on recommendation of the Tasmanian churches.

Persons appointed will represent all of the Tasmanian churches rather than any individual church. Conference will provide a “job description” of the type of person required and their responsibilities and this will be provided to churches before Annual Gatherings.

- b. The Task Group will work with M and M to develop the mission and ministry of Churches of Christ in Tasmania. The resources of M and M would be utilised for events such as gatherings (including ministers), youth, training and leadership.
- c. M and M may nominate a person to the Task Group.
- d. A member of the Task Group will be appointed by M and M, on recommendation of the Tasmanian churches, to coordinate its activities.
- e. The Task Group may appoint persons to assist with administrative tasks of the Task Group.
- f. Persons may be employed by Conference to develop the mission and ministry of Tasmanian churches. Funding from the Seaview Fund (point 5(e) below) may be used for this purpose.
- g. The Task Group may appoint persons to represent the churches in Tasmania, in consultation with the Conference Executive Officer. (Eg. To make representation to Governments, write Christmas/Easter messages for media etc)
- h. The Task Group will be reviewed by M and M in consultation with Tasmanian churches every three years.
- i. The Task Group may be wound up on agreement of the Task Group and M and M in consultation with the Tasmanian churches.

#### **4. Affiliation Fees**

Tasmanian churches affiliated with Conference will cease paying Affiliation Fees to Churches of Christ Tasmania and will commence paying a Ministry Contribution directly to Conference.

Tasmanian churches will meet fee parity with Victorian churches when Affiliation Fees are replaced by the proposed Ministry Contribution.

Conference will include the affiliation fee for Tasmania in its payment to the Council of Churches in Australia.

#### **5. Finance**

- (a) The Tasmanian General Fund may be used for
  - (i) Task Group administration expenses
  - (ii) Subsidisation of Tasmanian state or regional events
  - (iii) Conference Council and Partner Departments travel and accommodation expenses to Tasmania
  - (iv) Tasmanian members on Conference Council and Partner Department Boards travel and accommodation expenses to Victoria
  - (v) Expenses previously covered by the Christian Fellowship Fund.
- (b) The Church Building Fund is to be transferred to the General Fund.
- (c) The Highcroft Fund is to be held in trust by the Properties Corporation for the Highcroft Church.



(d) The Tasmanian church balances from the proceeds of the Seaview Holiday Park continue to be used as determined by the Council meeting of 15 August 2009.<sup>1</sup>

(e) The Seaview Fund is to be used for mission and ministry of the Tasmanian churches as determined by the Task Group.

(f) All funds from Tasmania are to be transferred to Conference to be held on trust and administered by the Properties Corporation and disbursements to be budgeted and approved by the Conference Finance Committee, subject to parts (a) to (e) of this clause.

## 6. Trusteeship

### (a) Churches of Christ Tasmania Act 1978

The Trustees of the Properties Corporation of the Churches of Christ are to be appointed as members of the Tasmanian Executive for the purposes of the Churches of Christ Tasmania Act 1978.

Provision is to be made for up to two Tasmanian members on the Tasmanian Executive to the extent that suitable candidates are available.

Members of the Tasmanian Executive made up of the Trustees of the Properties Corporation are to be appointed to the Tasmanian Executive in the same manner as Trustees under the Victorian Act.

Members of a Church of Christ in Tasmania are to be appointed to the Tasmanian Executive by recommendation of Conference and ratified at the Conference AGM following the Tasmanian Executive approval.

The Tasmanian Executive is empowered to operate without Tasmanian representation in the eventuality that no Tasmanian candidates are available or approved.

The Tasmanian Constitution of the Churches of Christ, Tasmania is to be amended to the Tasmanian Constitution shown in the appendix of this MOU.

### Dissolution clauses

The parties to this MOU will embark on a joint program requesting each Tasmanian Church of Christ are to update its dissolution clause in the church constitution with the following clause:

*Following a decision to dissolve the church, all assets, after satisfaction of all debts, will be transferred to the Churches of Christ, Tasmania to be held on trust for the Conference of the Churches of Christ in Victoria and Tasmania for use in Tasmania.*

### Tasmanian representative

A Tasmanian representative is to be appointed to facilitate the administration and communication of trustee matters between Tasmania and Victoria. The representative may be a Tasmanian member of the Tasmanian Executive.

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<sup>1</sup> For details of the Use of Seaview Money, please see Appendix x

Tasmanian representatives are to facilitate collection of Tasmanian titles to enable custody of titles by the Properties Corporation on behalf of the Tasmanian Executive.

### **The Properties Corporation**

Tasmanian trusteeship under the Tasmanian Act is to be managed by the Properties Corporation under the direction of the Tasmanian Executive. The Properties Corporation will be effectively engaged by the Tasmanian Executive to perform trusteeship requirements under the Tasmanian Act and issue Tasmanian Executive directives.

Communication and management of trusteeship matters with Tasmanian churches will be through the Prop Corp branding representing the Properties Corporation acting on behalf of the Tasmanian Executive.

The Properties Corporation will report direct to the Tasmanian Executive on Tasmanian trusteeship matters.

### **The Tasmanian Executive**

The Tasmanian Executive will govern and administrate trusteeship under the Tasmanian Act and exercise its powers through instructing the Properties Corporation to act on its behalf.

The Tasmanian Executive will report as required directly to the Conference Council and the Conference AGM.

The Tasmanian Executive will generally communicate to churches and departments through its manager, the Properties Corporation of the Churches of Christ.

## **7. Statement of Procedure**

The Statement of Procedure for Cooperation Between Churches of Christ Tasmania is to be rescinded and replaced by the new constitution attached to this MOU.

## **8. Timeline**

Each party will work towards the following timeline and take appropriate steps to ensure that the timeline is kept as closely as possible so as to ensure the matters in this MOU are executed.

The Tasmanian Council will notify Prop Corp of the details and custody of all existing property titles and hold a special meeting to ratify the MOU and new Constitution prior to 31 March 2012 in preparation for the Conference 2012 AGM.

At the 2012 AGM, Conference will report and ratify this MOU and the new Constitution and move for the nomination of the individuals currently elected as Prop Corp Trustees and two Tasmanian representatives to the newly constituted Tasmania Executive.

The newly constituted Tasmanian Executive will meet on the same date as the first Trustees meeting to be held after the May 2012 Conference AGM.

Prop Corp will facilitate the interim and transitional trusteeship arrangements in conjunction with the Tasmanian Executive up until the Conference 2012 AGM and thereafter act as the

operative agent for and on behalf of the Tasmanian Executive for matters relating to the Tasmania Act and Tasmanian Constitution.

M and M will initiate the Task Group within 6 month of the Conference 2012 AGM.

## Appendices

### Appendix 1 - Details of Tasmanian Trust Funds

#### The Highcroft Fund

The Highcroft Church has not been affiliated with the Churches of Christ, Tasmania nor the Churches of Christ in Victoria and Tasmania for many years. The Executive is trustee for the property and the one remaining church family remains very reluctant to dispose of it. A deposit with Properties Corporation was brought to account in the finances of Churches of Christ, Tasmania in 2008

#### Christian Fellowship Associations

Christian Fellowship Associations were started around Australia during the time of the Great Depression. Funds were contributed by churches and members then and since to assist its members in necessitous situations. In recent decades there have only been a few requests for small loans and grants. The balance of the Fund, \$7,264, was transferred to the General Fund in February 2008 with the understanding that any further needs could be met from that Fund.

#### Seaview Holiday Park Funds

*The Tasmanian Council meeting in August 2009 minutes detailing the continued use of the Tasmanian church balances in the Seaview Fund*

The use of the Seaview money included an allocation of \$80,000 to each church to be used for mission and/or ministry.

- i. Churches may submit requests for their allocated funds to the Mission and Ministry at any time until 30 June 2019.
- ii. Mission and Ministry will review and discuss the future use of any unspent funds with appropriate churches.
- iii. Unspent funds accrue interest at the same rate earned by Church Deposits at Call with Properties Corporation.
- iv. Should a church be no longer affiliated with Churches of Christ in Victoria and Tasmania then any remaining funds to its credit will be added to those retained in the Seaview Fund.

### Appendix 2 - Register of Tasmanian Property Titles

Register of property titles to be transferred to the custody of the Properties Corporation acting as agent for the Tasmanian Executive.

### Appendix 3 - Constitution of the Churches of Christ, Tasmania

To be attached.

## Appendix 4 - Churches of Christ Tasmania Act 1978 (No. 40 of 1978)

To be attached.



## Signing

This MOU is not intended to be a binding contract between the parties. It forms a joint Statement of Agreement between the parties in relation to their intentions to transition governance and administration of the Churches of Christ Tasmania. By signing this MOU, the parties commit to taking all steps reasonably necessary to achieve the stated outcomes. However, each party acknowledges that there are a number of formal steps to be satisfied, the achievement of which may be subject to vote or the exercise of discretion by others outside the control of the party.

Signed on behalf of the Churches of Christ in Tasmania

Signature(s)



Name(s)

Geoff Morfaw

Position(s)

President

Date

2/9/14

Signed on behalf of the Conference of Churches of Christ in Victoria and Tasmania Inc,  
Association Number A0050677F

Signature(s)



ISAAC CAMERON

Name(s)

EXECUTIVE OFFICER

Position(s)

01/07/15

Date

Signed on behalf of the Properties Corporation of the Churches of Christ



Signature(s)

JOEL PROTWIK

Name(s)

CEO

Position(s)

2/9/14

Date