

## MANDATE TO GOVERN

Over the past decade we have seen the number of Churches throughout Australia and New Zealand rapidly multiply. While some have developed into fully functioning healthy Churches, others have yet to fulfil the potential they contain. In more recent times we have seen the "merging" or taking over of some of these struggling Churches by stronger ones. The danger is if the mandate to govern is not clear or clearly understood by the Church leaderships and congregation the outcome can often be very messy.

In today's litigation and legal environment an emerging trend shows disenfranchised Church members are less likely to vote with their feet and more likely to consider using the legal process and the Courts to resolve Church issues.

*"Church serve injunction against its leaders to stop property sale"*, sounds ridiculous? Unfortunately not - it has occurred in recent times within Australia.

This article seeks to highlight the importance of ensuring that the legal and spiritual mandates to merge or take over are in place, to avoid a pathway of discontent and legal process.

## LEGAL MANDATE

- **CONSTITUTIONAL**. A local Church constitution is the document that sets the parameters and empowers the Leadership to govern. It is essential that the constitution of both Churches be checked carefully for clauses for acquisition, closure or dissolution, and the distribution of surplus assets as well as the process necessary for major decisions.
- **GOVERNMENTAL**. Each Church is unique in how it is governed and there are three main categories of governance - centrally governed, congregational and Eldership/Pastor led. The procedure for a Church being taken must be strictly adhered to or the decision to merge can be deemed invalid, especially where it requires a central or regional approval or congregational voting.
- **LEGISLATIVE**. All community organisations have some form of legislation that covers their activities. For example Associations Incorporation Act, Corporation Act or in New Zealand the soon to be finalised Charities Bill. The Acts of Parliament usually provide some measure of recourse or legal process for members who believe that the decision is not correct. Ensure compliance to and Acts that are relevant
- **COMMERCIAL**. Merging or taking over another Church is no different than taking over any other form of business. A financial appraisal must be undertaken to identify the levels and currency of debt and other areas including possible insurance exposure or risk.

## SPIRITUAL MANDATE

- **GODLY COMMISSION**. While this seems the obvious, there are times where the attraction of building "Gods work" is mistaken for "building a work for God". Scripture tells us ".unless the Lord builds the house, those that labour, labour in vain." King David's desire was to build the temple but from Gods eternal viewpoint the opportunity was given to Solomon.
- **LEADERSHIP AUTHORITY**. Leaders are empowered by God and released by the Boards and congregations to build the Church. Major decisions to merge or take over another Church need to have the clear confirmation from the Word, the wisdom of the governing Board, and the movement's leadership.

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Graeme R Kirkwood (Associate Chartered Accountant)

**Mailing Address:** PO Box 7409 Baulkham Hills Mail Centre NSW 2153 Australia

**Mobile:** 0412 476 016 **Phone / Fax 61** (02) 96341255 **e-mail:** [graeme@globalchurchsolutions.com](mailto:graeme@globalchurchsolutions.com)

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**A.C.N.** 096 897 522 - **A.B.N.** 48 096 897 522

- **MINISTRY ETHOS.** Within each Church is a nucleus or soul which establishes the ministry ethos of a local Church. Congregations attracted and built around this ministry ethos. The mandate to govern must also have acceptance by the congregation and have permission to influence the soul of the Church

Scriptures mandate of "let all things be done in decency and in order" not only applies to the way we operate our services but also the way we manage the governance of the Church. It is to be an expression of God's heart where the local Church is passionate *and* planned, supple *and* strong, encompassing *and* empowered.



Graeme Kirkwood  
Founder  
Global Church Solutions

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