

Halifax Region United Baptist Association

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May 28, 2009

Region One

Rev. David Dubois, President
Convention of Atlantic Baptist Churches
1655 Manawagonish Road'
Saint. John, NB E2M 3Y2

Dear Rev. Dubois:

**Re: Incorporation of the Convention of Atlantic Baptist Churches (CABC)
Input from Halifax Region United Baptist Association (HRUBA)**

Thank-you for attending and leading the most recent Consultation at Cornwallis Street United Baptist Church on April 28, 2009.

The HRUBA Working Group on CABC Incorporation writes to you and CABC's Incorporation Working Group on behalf of the 30 member churches of our Association. We are proud to be members of Convention and it is our earnest desire that Convention succeeds in supporting the growth of Baptist churches around Atlantic Canada and drawing us together for common work and mission.

It is of note and great import that a drafting of how Atlantic Baptists work in ministry together has not been as thoroughly rewritten for over 100 years. Indeed, this is a large task that must be contemplated carefully and prayerfully by all members in a sincere desire to hold fast to what good works we can do together, and to continue to celebrate our individual freedom of local worship and the discernment of God's Word.

We are a denomination of independent churches who seek to associate with one another locally and regionally for education, advice, counsel, and encouragement in our work of proclaiming God's love by word and deed. Our history of associating in the Maritimes dates to June 1800 when the first Association in the Maritimes was formed in Lower Granville, Nova Scotia for this purpose. Careful to safeguard the autonomy of the local church, the preamble in the constitution and by-laws of 1800 explicitly states:

"that such Association is entirely consistent with the independence and power of particular churches, because it pretends to no other powers than those of an advisory council, utterly disclaiming all superiority, jurisdiction, coercive right, or infallibility". (1)

Bethel
Eastern Passage
First Dartmouth
Foundation
Immanuel
Jeddore
New Beginnings
Regal Road
South End
Stevens Road

Region Two

Bayside
Bedford
Birchy Head
Elmsdale
Faith
Hammonds Plains
Head St. Margaret
Sackville
Sackville Christian Fellowship
Uniacke

Region Three

Bayers Road
Birch Cove
Calvary
First Halifax
Mulgrave Park
New Life
Timberlea
Today's Family Church
West End

The Mission of the Halifax Region United Baptist Association:

Encourage The Churches To Obey The Great Commission, Fulfill The Great Commission, Preserve The Unity Of The Church

This first Association became the model for subsequent Associations and ultimately the formation of the predecessor to CABC, the United Baptist Convention of the Maritime Provinces in 1905-06.

Today we are deeply troubled by the theme and substance of the proposed incorporating By-Law which impinges upon local church autonomy by requiring adherence to policy and doctrine adopted by the Assembly. This is contrary to Baptist polity and history dating to the very origins of our denomination in the Maritimes. Many of our churches will not be able to support the By-Law in its present form or with changes that continue to espouse this theme.

This is a very serious matter to us. Further, we would point out that in the event a By-Law is adopted by the Assembly, the process of incorporation under the *Canada Corporations Act* requires that all members (churches) in Atlantic Canada will have to individually consider their acceptance of the incorporation, vote in each church whether to agree, and advise Convention of the result. Membership is not automatic. We believe that many members will reject acceptance of the current form of the proposed By-Law.

We note for the record that there are significant subject matters contained in the proposed By-law many of which require debate and consensus in their own right. We submit that the place for this debate and consensus is in our churches and Associations. The Consultation process has not achieved this, and even with the best efforts of HRUBA we have not had the opportunity to lead and conclude informed discussion in our own churches. The detail of the proposed document is such that addressing it all at once is unrealistic, and very difficult for the general membership. Although Council has slowed the process to consider the incorporating documents, we can attest to the difficulty of giving informed opinion to you, as requested by you, in this matter in the time allotted.

However, this letter summarizes our views on the subject of incorporation of CABC. We offer herein specific recommendations to accomplish incorporation; an offer to assist in the drafting of a new By-law; and in the alternative, we set out examples of amendments to key areas of the current January 17, 2009 By-law.

Background

We have been actively engaged in discussion and debate among HRUBA members, interested Baptists around Atlantic Canada, and with representatives of Convention Council, and the Council's Incorporation Working Group since publication of the first draft By-law on January 4, 2008. We commend CABC's Incorporation Working Group (IWG) for their particular diligence on behalf of all Atlantic Baptists in this matter.

We have found the subject of legal incorporation, and the subject of a new By-law, are two issues, both requiring a great deal of study and deliberation. In fact, Dr. Margaret Munro, now past President of CABC introduced the first consultations noting that two matters were being entertained for debate and resolution:

'On the proposed incorporation of the Convention, President Margaret Munro commented, "For some time Council has been concerned that the Convention is not incorporated as a body. The lack of incorporated status leaves our volunteer leaders, our staff, and our churches and people open to serious financial risks from lawsuits. Incorporation does not change who we are or how we operate but does allow us to offer the protection to our leaders and member churches that we believe is essential and consistent with good organizational accountability. This document has also allowed us to spell out clearly how this ministry organization functions and to put into writing much of our practice that has been carried on based on tradition or habit."' (2)

It is our experience in this debate that the issue drawing our particular attention is the latter one; that is, "spelling out clearly how this ministry organization functions and to put into writing much of our practice that has been carried on based on tradition or habit."

It is our sincere desire to offer informed comment as both citizens entitled to the legal rights of all Canadians, and as Atlantic Baptists. It is not our view that these two perspectives are in conflict, or that one must be compromised to satisfy the other as we seek the full protection afforded to us under the law. These matters are critically important to us as Canadians and as Baptists and we have therefore independently researched these matters legally and historically. We have met in small and large groups, reported to our Association, consulted experts, and we have participated at the formal consultations hosted by CABC.

On the question of incorporation: We fully support the first goal of incorporation of CABC for the full legal protection that Canadian law may provide to Convention and to member churches.

On the question of the By-law: As you know, we and others vigorously opposed many aspects of the first draft By-law. The January 17, 2009 draft By-law is improved from the January 4, 2008 version. However, it remains critically flawed in our view in many areas. Please see Amendments section below.

Recommendations

We make the following recommendations to Council and the IWG:

1. *Proceed with Simple Incorporation*

Incorporation does not require a comprehensive By-law which spells out every aspect of an organization's life and function. Further, a By-law does not have to be a "corporate" document per se. That is, it does not have to be written primarily in business language and constructed as a business document. We suggest that the General Operating By-law should be written from a theological perspective and in particular, a Baptist perspective. The technical legal requirements for a General Operating By-law to accompany incorporation are actually minimal. Other matters can be contained in other By-laws considered at future dates.

We suggest that we move expeditiously toward incorporation using a simple mode which reflects our distinctively Baptist heritage. This could be accomplished, for example, by adopting our existing Constitution, with the addition of a few items required by the *Canada Corporations Act*. The primary goal of legal protection of CABC and its member churches may be achieved by 2010. The more contentious issues raised in the two circulated drafts of the General Operating By-law can be addressed separately.

To assist in moving toward incorporation, the HRUBA Incorporation Working Group is prepared to assist CABC's IWG in the writing of a simple new alternative draft General Operating By-law for the consideration of all Atlantic Baptists.

2. *Launch a Renewal of Atlantic Baptists in the 21st Century*

The proposed By-law has ignited a debate among Atlantic Baptists. As Atlantic Baptists we are all members of "grass roots" organizations, from our local church to our Associations, and to Convention. Those who have become engaged in this debate are meeting and discussing who we are, what we believe, and how we work together. We are learning our own history. We are understanding what many know instinctively, and what has drawn many Baptists to the denomination. Freedom. Autonomy. The Voluntary Principle. The Lordship of Christ.

In a grass roots organization, it is incumbent upon leadership to be satisfied the vast majority has been engaged in this discussion. Are we ready for the question?

Herein lies a great opportunity for growth and renewal of our Atlantic Baptist Churches. Over time, with the leadership of experts, discuss all Baptist principles with the constituency, building knowledge and consensus around how we work together. As a result, and as necessary to write down, these principles can be incorporated more thoroughly in amendments to the *General Operating By-law* or in a new By-law.

This recommendation will require a new timetable and a new agenda for discussion including separate participatory processes to determine our Detailed Objects and our Core Values.

Suggested Examples of Amendments to January 17, 2009 Draft

At the last Consultation on April 28, 2009 at Cornwallis United Baptist Church, Halifax, we were invited again to make suggestions for improvements to the current January 17, 2009 draft By-law. Our preferred course of action is contained in the recommendations above. In the event Council determines to proceed with changes to the current draft By-law, we offer these examples of amendments and comments for consideration. These are key areas of concern to us. These example amendments are not however, inclusive of all drafting issues contained in the draft By-law, and it will be necessary for CABC's Incorporation Working Group to review the entire January 17, 2009 document to ensure consistency with the principles of Local Church Autonomy, Voluntary Association and the Role of Associations, and with the restated Preamble and Core Values.

Our examples of specific amendments are contained in the attached Appendix. Please note that accepting these amendments will require consequential amendments to other sections of the By-law so that the By-law is internally consistent with the principles that undergird each amendment.

We appreciate this opportunity to offer further input to CABC's Incorporation Working Group and to Council. We stand ready to discuss our views and contributions as this important work continues, and we invite you to address our submissions with us directly at any time.

In Christ's service,
We remain yours truly,
HRUBA Working Group on CABC Incorporation



Sandra Irving
Association Moderator

- (1) From "*Baptists of the Maritime Provinces*"; Appendix A; by George E. Levy(1946 Barnes-Hopkins)
- (2) From the CABC website: "*Series of Consultations Planned*"; by Dr. Margaret Munro, Convention President

APPENDIX: Suggested Examples of Amendments to the January 17, 2009 Draft General Operating By-law

1. Preamble

Although we recognize the value of the present Preamble, and support the decision to move it into the body of the General Operating By-law, we suggest that with further reflection it is possible to develop a Preamble which is even more distinctively Baptist and reflects our unique heritage. As an example, we suggest the following:

Baptists are God's free people. Having received salvation and reconciliation to God through our Lord Jesus Christ, we are called to love one another and unite joyfully in Christ's Church. This happens in independent local congregations and in the broader Church Universal. Our union is entirely voluntary, without coercion by the state or any ecclesiastical body. We come together as equals under the Lordship of Jesus Christ.

Baptists believe that the Lord Jesus intends our primary spiritual home to be local congregations of believers, gathered by the Holy Spirit. Since their founding four centuries ago, Baptists have united in congregations for worship, study of the Scriptures, prayer, fellowship, and service. In the congregations, believers express mutuality, caring, trust, commitment, and faithfulness.

Throughout Baptist history, given great diversity and freedom to dissent, Baptists have achieved a larger sense of cooperation, identity, and solidarity through commonly held Baptist principles and practices. Among these are: the Lordship of Jesus Christ; the authority of the Scriptures; voluntary, gathered believer's churches; the importance of Christian experience; believer's baptism primarily by immersion; celebration of the Lord's Supper; the urgency of mission and evangelism; religious liberty; and the separation of church and state.

Baptists recognize further that for the joy of extended fellowship and the greater effectiveness of mission and outreach, it has pleased the Lord to guide Baptists along an associational principle that involves both congregations and individuals in associations, conventions, unions, alliances, conferences, and federations. These associative bodies are extensions of local congregations who retain their autonomy and independence. Such cooperative bodies are local, regional, national, and international in scope.

As a result, the Convention of Atlantic Baptist Churches has chosen, we believe by Divine direction, to conduct its business democratically and transparently as a good witness to the Lord Jesus, using the best laws and standards of our country to facilitate our work. As we pursue God's overarching call to live consistently as citizens of the Kingdom of God and as people of the Holy Scriptures, we also freely and sincerely embrace our rights and duties as citizens of Canada.

2. Core Values

We note that there is no legal requirement to state the Convention's Core Values in the Letters Patent or the General Operating By-law.

The Core Values of any organization are the starting point for discussion and consensus-building among members before a broader definition of how the organization functions can be documented. It would not be unusual to engage in Consultations on this subject alone! To our knowledge, there has been no general discussion and adoption of CABC's proposed Core Values, and we believe this should happen to identify the values which are uniquely ours. For example, we suggest the following Core Values might better represent our Baptist beliefs. If they are to be included at the present time, we suggest they be in Section 1, not in an Appendix.

Lordship of Jesus Christ

-Jesus Christ, Saviour and Lord, demands our ultimate allegiance

Holy Scriptures

-The sole rule of our faith and practice

Worship

-Acknowledgement of God as Sovereign of heaven and earth

Equality of All Persons before God

-Created in God's image, male and female

Primacy of Local Congregations

-Local congregations of believers, gathered by God's Spirit

Ministry of the Whole People of God

-General and ordained, all believers in joyful service

Democratic Decision-making and Transparency

-Respecting the views of others, with leaders fully accountable

An Associational Principle

-Working together in associations, conventions, and alliances: the fullness of Christ's Body

A Missionary Impulse

-Passion for sharing the good news: the "Whole Gospel for the Whole World"

The Voluntary Principle and Religious Liberty

-God's free people, enjoying liberty of conscience in all spiritual matters

3. Mission, Objects and Objectives

We note that there is no legal necessity to include detailed Objects in the incorporating documents of the Convention. In fact such inclusion may be limiting to the Convention in that when detailed Objects are stated the organization is limited to working within that framework. By stating the Objects more generally, the organization is not limited in its areas of potential activity. We recommend including only three Objects at this time, as taken from the "Objectives" in the current Constitution. If consideration is given to including more detailed Objects in the future, we suggest that they should be the subject of extensive consultation and consensus seeking first.

The present CABG Constitution has a Mission statement and three Objectives, which we suggest could meaningfully be included in Section I of the new General Operating By-law:

"(1) The **Mission** of The Convention is to bring glory to God by making disciples of Jesus Christ (Matthew 28:18-20) and by demonstrating His love to a hurting world (Matthew 22:37-40) in the power of the Holy Spirit (Acts 1:8).

(2) The **Objectives** of The Convention are to: Evangelize; Teach; and Serve.

(3) The Convention will express its ongoing vision by providing the organizational framework, participatory processes, programs and personnel required to fulfil these objectives, while honouring the autonomy of the local church."

4. Fundamental Terms and Interpretations

We suggest replacing the present sub-section 1.03 (a) Objects and Core Values with the following, noting that if our recommendation not to include Core Values at this time is accepted, this suggested wording would need to be modified accordingly:

(a) Preamble, Mission and Objectives and Core Values

This General Operating By-law and any other By-laws of the Convention shall be strictly interpreted in accordance with the: Preamble, Mission, Objectives and Core Values found in this General Operating By-law and subject to the Preamble, Mission, Objectives and Core Values. If any of the provisions of this General Operating By-law or any other By-law of the Convention are inconsistent with those contained in the Preamble, Mission, Objectives and Core Values, the provisions contained in the Preamble, Mission, Objectives and Core Values shall prevail.

5. Membership

Although this section has been significantly improved from the 2008 Draft, we suggest that Sub-Section 2.02 still does not meet the test of supporting the principles of Local Church Autonomy and Voluntary Association, nor does it represent the present gate-keeping role of the Associations with respect to membership. We suggest replacing this sub-section with the following:

2.02 Local Churches

All Local Churches recorded as Members of Local Associations of the Convention as of the date of passing this General Operating By-law are set out in Appendix "C" to this General Operating By-law. Any Local Church listed in Appendix "C" shall be admitted as a Member of the incorporated Convention upon provision a copy, certified by the clerk of the prospective Local Church, of an official motion passed at a duly called congregational meeting directing the church leadership to apply for Membership in the incorporated Convention. *(Note: We question whether Appendix "A" is really necessary, and suggest its deletion. Appendices "B" and "C" would then be renumbered.)*

(a) Qualification Requirements for Prospective Local Churches

A prospective Local Church will qualify as a Local Church and as a result therefore as a Member of the Convention if the said prospective Local Church has been granted membership in an Association and that prospective Local Church makes application for membership to the Convention. The application for membership shall include the following documentation:

- (i) a letter from the Association in which the prospective Local Church is situated, unless the church is a member of an Association which is not defined geographically, indicating that the prospective Local Church has been granted membership in that Association;
- (ii) a copy, certified by the clerk of the prospective Local Church, of an official motion passed at a duly called congregational meeting directing the church leadership to apply for Membership in the Convention;
- (iii) a copy of a letter from "Canada Revenue Agency" approving charitable status; and
- (iv) a list of the current officers of the prospective Local Church.

(b) Admission to Membership - Local Church

An application for Membership shall be signed and submitted to the Council of the Convention. Upon receipt of an application for Membership, including the documentation noted above, the Council of the Convention shall admit the Local Church to Membership and the Local Church shall be informed by the Executive Minister of the Convention of their admission into Membership. Their membership shall be reported to the next Convention Assembly.

6. Rights, Responsibilities and Expectations of Members

Although this section has been significantly improved from the 2008 Draft, we suggest that Sub-Section 2.04 still does not meet the test of supporting the principles of Local Church Autonomy and Voluntary Association, nor does it represent the present gate-keeping role of the Associations with respect to membership. We suggest replacing this sub-section with the following:

- (a) In faithfulness to God and in obedience to his Word, under the Lordship of Jesus Christ, and led by the Holy Spirit, Local Churches are free to define their own affirmations of faith and covenant, enjoy the freedom of doctrinal statements, organize and govern their church life under autonomous constitutions and by-laws, develop their ministries, mission and service; call or dismiss their own pastors and other staff, choose their own officers, and, own, control, and dispose of their property without the permission or approval of the Convention or an Association.
- (b) Members of the Convention shall have the following Rights:
 - (i) the Right to receive Notice of, attend, speak and participate at all Meetings of Members through its Delegates entitled to vote;
 - (ii) the Right to vote at all Meetings of Members through Delegates appointed in accordance with the General Operating By-law; and
 - (iii) the Right to use the name, Licensed Marks, copyrighted materials and other intellectual property of the Convention to further the Mission, Objectives and Core Values of the Convention.
- (c) Members of the Convention shall have the following Responsibilities:
 - (i) To respect and uphold the Constitution of the Convention, and
 - (ii) If a Local Church, to maintain their membership in an Association
- (d) The Convention will have the following Expectations of its Members:
 - (i) The Expectation to further the Mission and Objectives of the Convention.
 - (ii) The Expectation to respect and uphold the Core Values of the Convention.
 - (iii) The Expectation to encourage their Pastoral Leaders to seek accreditation or recognition with the Convention.
 - (iv) The Expectation to enrol Eligible Employees in the group benefit and pension plans provided through the Convention;
 - (v) The Expectation to voluntarily contribute their time, abilities and financial resources to the ministry of the Convention, to the best of their ability; and
 - (vi) The Expectation to provide an annual report to the Convention.

7. Resignation and Termination of Membership

Although Sub-Section 2.09 has been significantly improved from the 2008 Draft, we suggest that it still does not meet the test of supporting the principles of Local Church Autonomy and Voluntary Association, nor does it represent the present gate-keeping role of the Associations with respect to membership. We suggest replacing this sub-section with the following:

(a) The Voluntary Association Principle

The voluntary principle underlies the whole church polity of the New Testament. Each church is independent, but the churches are interdependent. All the power the Convention has over the Associations and the Local Churches is to advise and to enforce advice with the strongest moral motives. In case the Local Church or the churches composing an Association no longer approve of the belief and practice of the Convention, they have the Right to resign their Membership. Likewise, in case a Local Church or the Local Churches composing an Association depart from the belief and practice of the Convention, it shall be the right of the Convention to remove them from Membership.

(b) Resignation of Membership

An Association or a Local Church may resign at any time from Membership in the Convention for any reason, provided that such Member has delivered, at least 90 days in advance of the effective date, written notification to the Executive Minister of the Convention of their intention to resign. The resignation of a Member shall be deemed to have been accepted as of the effective date stated in the resignation or 90 days after the date of receipt of the resignation by the Executive Minister, whichever is later. Receipt of such resignation will be acknowledged to the Member and in the next minutes of the Council and reported at the next Assembly of Members.

(c) Termination of Membership of Local Church

Local Church Membership in the Convention shall terminate upon notice from the Association of which the Local Church is a member, advising the Executive Minister of the Convention of the Resignation of the Local Church from the Association; the dissolution, winding up or loss of visibility of the Local Church; or the passage of a motion by the Association Membership according to their Constitution to Disassociate themselves from the Local Church.

(d) Disassociation of Member

If at a Meeting of Members of the Convention, upon recommendation by the Council of Convention which documents receipt of a complaint from an Association regarding an Association or a Local Church stating that the Association or Local Church has departed markedly from the belief and practice of the Convention and requesting Disassociation of that Association or Local Church, and that the complaint has been duly investigated by the Council including consultation with the Association or with the Local Church and the Association to which the local church belongs, as the case may be, and following 180 days Notice, the Members, through Delegates, determine by a two-third (2/3rds) Resolution that the Membership of an Association or a Local Church is to be terminated, provided that such Association or Local Church is first offered an opportunity to voluntarily resign their membership or to be heard by the Meeting of Members.

8. Definitions

We note that if the above examples of amendments are accepted, a number of definitions will need to be revised. To support the principles of Local Church Autonomy, Voluntary Association and the membership gate-keeping role of Associations, further changes to definitions are also suggested:

"Constitution" means the Letters Patent and this General Operating By-law

"Core Values" means the core values set out in Section 1 of this General Operating By-law

"Letters Patent" means the Letters Patent under the *Act* as amended or supplemented from time to time by Supplementary Letters Patent

"Objects" *(delete)*

"Objectives" for the purposes of the Act, means the charitable Objects of the Convention as set out in the Letters Patent

"Policy Statement" means a policy statement adopted pursuant to this General Operating By-law

"Regulations Concerning the Ministry" *(delete: The Regulations Concerning the Ministry will define the rules, policies and principles necessary for its implementation to provide the necessary educational and professional standards for Pastoral Leaders of the Convention and does not need the General Operating By-law to broaden the meaning beyond that regulation.)*

"Standards" *(delete) The principles of Local Church Autonomy and Voluntary Association preclude the imposition of any tests of faith, creed, doctrinal statement or other standard on Local Churches beyond the two described in the revised section 2.04 (c) as noted above. Use of "standards" relating to the Regulations Respecting Ministry can be included in that regulation. Other uses of standard(s) in the General Operating By-law follow common usage of the word and do not require a definition.*