



**LUTHERAN  
CHURCH**  
OF AUSTRALIA

**NSW and ACT DISTRICT**

LUTHERAN CHURCH OF AUSTRALIA

NSW AND ACT DISTRICT

CONSTITUTION AND BY-LAWS

*Walking with the Light*

1 John 1:7



OCTOBER 2022

*where love comes to life*



# CONSTITUTION OF THE LUTHERAN CHURCH OF AUSTRALIA NSW AND ACT DISTRICT

## MARKED AND ANNOTATED

Unless otherwise noted, changes are marked to the model district constitution, assuming that all changes proposed to the current General Synod are accepted.

*The districts of the Lutheran Church of Australia have always had three governing documents: a constitution, and two sets of by-laws. The districts do not have the authority to amend either the constitution or the first set of by-laws ("Part A"). Instead, a district may petition the General Church to make such amendments as a district synod requests. "Part B" of the by-laws can be amended by the district synod in its own right.*

*The District Church Council proposes that the three governing documents be replaced by two: a constitution which can be amended only by the General Church, and by-laws which can be amended by District Synod. The items which were previously in Part A which are truly essential to the District's Lutheran identity have been merged into this Constitution, while the less essential elements of Part A, notably rules for transacting business at District Synod, are relegated to the District By-Laws.*

## ARTICLE 1. NAME AND DEFINITIONS INTERPRETATION

### Article 1

*Agenda item 2.1.3.2 was passed at the October 2021 on-line session of the LCA General Convention of Synod, amending the first article of the model district constitution by adding and amending various definitions. The version here, which also gathers terms defined elsewhere in the District Constitution, marks changes to the model district constitution, as amended.*

- 1.1. The 'District' is an unincorporated association which is denoted in the LCA Constitution as the "NEW SOUTH WALES DISTRICT". The District is registered with the Australian Securities and Investments Commission and the Australian Charities and Not-for-profits Commission as the "LUTHERAN CHURCH OF AUSTRALIA NSW DISTRICT ABN 55 137 191 133". In recognition of the importance of congregations located in the Australian Capital Territory, the District has registered the business name LUTHERAN CHURCH OF AUSTRALIA, NSW AND ACT DISTRICT, and uses this name to denote the public identity of the District.
- 1.2. In this Constitution and the By-Laws made hereunder, unless the context or subject matter otherwise requires:



Former clause 1.2.1 ~~deleted~~

*As the District is not incorporated, the Associations Incorporation Act is not relevant to our constitution.*

- 1.2.1 ~~'Act' means the Associations Incorporation Act, as amended from time to time and includes any replacement of that Act or any provisions substituted for, and all regulations and statutory instruments issued under, that Act;~~
- 1.2.1 'Assistant Bishop' means the pastor elected by Synod to act as the assistant bishop of the District, with the responsibilities set out in clause 8.8;
- 1.2.2 'auditor' means a person having appropriate qualifications to examine and verify financial accounts and records in accordance with legal requirements and the audit policy of the Church;
- 1.2.3 'Bishop' means the pastor elected by Synod to act as the bishop of the District, with the responsibilities set out in clause 8.7;
- 1.2.4 'By-Laws' means any by-laws made by Synod as per clause 12.1;

Clause ~~01.2.5~~ below

*The Church is an incorporated entity when it does business with the secular world. However, a creature of state law is not the same thing as the community of saints set out in Scripture. Hence the revised definition refers to the Church both as an incorporated association under South Australian law, and as the Bride of Christ, as the case may be.*

- 1.2.5 'Church' means the Lutheran Church of Australia as the body of baptised Christians, and the congregations to which they belong, who proclaim the Gospel of Jesus Christ as understood and confessed in the Book of Concord 1580, or the incorporated association named Lutheran Church of Australia Incorporated, as context requires;
- 1.2.6 'District Church Council' means the ~~voting~~ lay members and pastors elected to administer the affairs of the District, with the responsibilities set out in clause 8.2;
- 1.2.7 'church worker' means any person within the District whose name is listed on the Register of Church Workers provided for in the By-Laws of the Church;
- 1.2.8 'Confession' means the confession set out in ARTICLE 2;
- 1.2.9 'congregation' means a group of baptised Christians ~~persons within the assigned area of the District~~ adhering to the Lutheran faith who regularly meet for the administration of the Means of Grace and who have constituted themselves as an organised body by the adoption of a constitution;
- 1.2.10 'District' is defined in clause 1.1;
- 1.2.11 'District Administrator' means the individual with the responsibilities set out in clause 0.
- 1.2.12 'Evangelical Lutheran Church' means ~~a generic reference to the churches throughout the world which proclaim the Gospel of Jesus Christ as understood and confessed in the Book of Concord of 1580;~~
- 1.2.13 'financial year' means the year ending 31 December;



- 1.2.14 '**lay member**' means any member of a congregation of the District or a regular worshipper at a group described in clauses 0 or 4.8, other than a pastor;
- 1.2.15 '**Ministry**' means, collectively, the holders of the office divinely instituted for the public administration of the Means of Grace.
- 1.2.16 '**Objects**' means the objects set out in ARTICLE 3;
- 1.2.17 '**parish**' means a congregation or a group of congregations forming an entity which is served by one or more pastors;
- 1.2.18 '**pastor**' or '**member of the Ministry**' means any person ordained to the Holy Ministry according to the rites and practice of the Evangelical Lutheran Church who has been received into the Ministry of the Church;
- 1.2.19 '**Pastors' Conference**' means the conference of the members of the Ministry as per clause 5.4;

Clause 01.2.20 below

The District uses 'Regions' rather than 'Zones'.

- 1.2.20 '**RegionZone**' means a prescribed geographical area or other sector within the District;
- 1.2.21 '**Regional Pastor**' means a pastor appointed as per clause 9.2;
- 1.2.22 '**Roll of Congregations**' means the official list of members of the District maintained as per clause 0.
- 1.2.23 '**Roll of Pastors**' means the official list of pastors of the District maintained as per clause 0.
- 1.2.24 '**Secretary**' means the lay member elected by Synod to act as the secretary of the District, with the responsibilities set out in clause 8.9;
- 1.2.25 '**special resolution**' means a resolution that is passed, after due notice has been given to all voting members and processed in accordance with the requirements of a special resolution, and which has been declared as having been passed as a special resolution;
- 1.2.26 '**surplus assets**' means, in the context of the dissolution amalgamation, or winding up of the District, any assets that remain after paying all debts and other liabilities of the District, including the costs of winding up;
- 1.2.27 '**Synod**' means the highest authority of the District, as per ARTICLE 7;
- 1.2.28 '**teacher**' means any pastor or lay member called or appointed by the District or any of its congregations or schools to serve on the teaching staff of a school or educational institution established and maintained by the District or congregation; and
- 1.2.29 '**Treasurer**' means the lay member elected by Synod to act as the treasurer of the District, with the responsibilities set out in clause 8.10.

1.3. Words importing the singular number shall be deemed to include the plural number.



## ARTICLE 2. CONFSSION

2.1. The District accepts the Confession of the Church, viz:

- 2.1.1 It accepts without reservation the Holy Scriptures of the Old and New Testaments, as a whole and in all their parts, as the divinely inspired, written, and inerrant Word of God, and as the only infallible source and norm for all matters of faith, doctrine and life.
- 2.1.2 It acknowledges and accepts as true expositions of the Word of God and as its own confession all the Symbolical Books of the Evangelical Lutheran Church contained in the Book of Concord of 1580, namely, the three Ecumenical Creeds: the Apostles' Creed, the Nicene Creed, and the Athanasian Creed; the Unaltered Augsburg Confession; the Apology of the Augsburg Confession; the Smalcald Articles; the Small Catechism of Luther; the Large Catechism of Luther; and the Formula of Concord.

## ARTICLE 3. OBJECTS

3.1. The District accepts the Objects of the Church and shall promote them within New South Wales and the Australian Capital Territory~~its assigned area~~. These Objects are to

- 3.1.1 fulfil the mission of the Christian Church in the world by proclaiming the Word of God and administering the Sacraments in accordance with the Confession of the Church ~~laid down set out in the preceding ARTICLE 2~~Article 2;
- 3.1.2 unite in one body Evangelical Lutheran congregations in Australia and New Zealand for the more effective work of the Church;
- 3.1.3 promote and maintain true Christian unity in the bond of peace;
- 3.1.4 ensure that preaching, teaching, and practice in the Church are in conformity with the Confession of the Church;
- 3.1.5 provide pastors and teachers and other church workers for service in the Church and its congregations, and for this purpose to establish and maintain institutions for their training;
- 3.1.6 encourage every congregation to carry out its mission to its local community;
- 3.1.7 establish, develop and support new congregations where it is not possible for individual congregations to do so;
- 3.1.8 support and cooperate with selected churches in other lands as they seek to carry out their mission;
- 3.1.9 dialogue with other Christian church bodies;
- 3.1.10 establish and maintain schools and other institutions and to foster all other means whereby the members of the congregations receive Christian education;
- 3.1.11 cultivate uniformity in worship, ecclesiastical practice and customs in accord with the principles ~~laid down set out in~~ Article X of the Formula of Concord;
- 3.1.12 publish, procure, and distribute literature compatible with the Confession and principles of the Church;
- 3.1.13 minister to human need in the name of Jesus Christ our Lord in the spirit of Christian love and service, and provide institutions and agencies for this purpose; and



*Clause 3.1.14 below has been proposed as agenda item 2.1.6.8 of the General Synod as an addition to the model district constitution. The proposal has been moved to the on-line session scheduled for February 2023. The expectation is that the amendment will pass. The revised clause is included here verbatim.*

- 3.1.14 maintain and promote a culture of care in all areas of the Church and its activities, so that all people, especially the vulnerable such as children and the aged, are protected against any form of spiritual, emotional, physical and sexual abuse by ensuring that
- 3.1.14.1 appropriate governance and leadership structures are in place;
  - 3.1.14.2 policies and procedures are appropriately prescribed;
  - 3.1.14.3 a culture of safety and care for children and all people is actively encouraged and practiced; and
  - 3.1.14.4 the well-being of congregations, pastors, teachers, and other church workers in the performance of their duties and the maintenance of their rights is supported and promoted.

### 3.2. Not-for-profit

*Clause ~~3.2.2~~ is an addition to the model district constitution passed as agenda item 2.1.3.2 at the October 2021 General Synod. According to the Convention Book of Reports, the purpose is to conform district constitutions to the requirements of the Australian Charities and Not-for-profits Commission. The version offered below is marked to the ACNC template.*

*See also clause ~~011.6~~, prohibiting, upon the winding up of the District, the distribution of surplus assets to any person not itself a registered charity.*

- 3.2.1 The District shall not distribute any income or assets directly or indirectly to lay members or pastors, except as provided in clauses ~~3.2.2~~ and ~~0~~.
- 3.2.2 Clause ~~3.2.13.2.1~~ does not stop the District from doing the following things, provided they are done in good faith:
- 3.2.2.1 paying a lay member or pastor for goods or services they have provided or expenses they have properly incurred at fair and reasonable rates (or rates more favourable to the District); or
  - 3.2.2.2 making a payment to a lay member or pastor in carrying out the District's charitable purposes.

## ARTICLE 4. MEMBERSHIP

- 4.1. The membership of the District shall include congregations within New South Wales and the Australian Capital Territory ~~its assigned area~~ which
- 4.1.1 accept and hold the Confession of the Church;
  - 4.1.2 accept the Constitution and By-Laws of the Church and the District;
  - 4.1.3 submit a constitution acceptable to the Church and the District; and



4.1.4 undertake to participate in the work of the Church and the District and to promote their Objects.

~~Such member congregations shall be recorded in the official Roll of Congregations of the District and shall exercise their membership rights in accordance with the representation requirements outlined in the following Article VII.2.(a).~~

*Clause ~~04.2~~ below*

*Over 5,000 Aboriginal and Torres Strait Islander persons worship regularly as Lutherans in groups which are not formally organised as 'congregations'. In an effort to give these fellow Lutherans a voice in the General Synod, the LCA allows groups to be admitted to the Roll of Congregations upon meeting certain conditions set out in article 4.2 of the LCA Constitution.*

*At present, there does not seem to be any of these groups worshipping in New South Wales or the ACT. However, if this were to change, this proposal would allow our District to welcome them into the fellowship of Synod, by allowing any such groups to petition the Bishop for membership in the District.*

*The wording is different from the model, as the version here describes these groups, rather than requiring the reader to refer to the LCA Constitution for context.*

- 4.2. ~~The membership of the District also may include groups of baptised Christians adhering to the Lutheran faith who gather together as a body that is not formally constituted as a congregation, but which are acknowledged by the General Church Board as members of the Church as per Article 4.2 of the Constitution of the Church.~~ The District shall consist of the congregations which are members of the Church in the area of the District. ~~other bodies in the area of the District which are accepted as members of the Church pursuant to Article 4.2 of the Constitution of the Church.~~
- 4.3. Membership in the Church may be terminated by action of the congregation or by action of the Church, as prescribed by the By-Laws of the Church.
- 4.4. A congregation which terminates its membership, or whose membership is terminated by action of the Church, shall have no claim upon the Church or District or the property or funds of the Church and of the District; but nothing herein contained prevents the Church from giving effect to any decision, award or recommendation made by the Church Council or any Church tribunal in accordance with the By-Laws in consequence of any such termination of membership.

*Clauses 4.5, 4.6, and 4.8 below were formerly in the By-Laws Part A, and are marked to the LCA model by-laws.*

- 4.5. A congregation seeking membership in the Church and District shall make application to the Bishop ~~of the District in which it will hold such membership.~~ Its application shall be accompanied by a duly attested copy of its a constitution in which it meets the requirements of clause 4.1.
- 4.5.1 ~~accepts and holds the Confession of the Church;~~
- 4.5.2 ~~accepts the Constitution and By-laws of the Church and of the District;~~



~~4.5.3 undertakes to participate in the program and work of the Church and of the District;~~

~~4.5.4 agrees that where it cannot reach an amicable settlement on question of ownership or control of any of its property, it shall in keeping with 1 Corinthians 6 make every effort to avoid action in the civil courts by first seriously seeking to settle any differences through the mediation and adjudication of the judicial system of the Church;~~

~~4.5.5 agrees to submit to the Bishop of the District any amendments, alterations, additions, and repeals which it may make from time to time to its constitution, for determination by the Church Council of the District that the amended constitution remains in conformity with Article 4.1 of the Constitution of the Church.~~

A group described in clause 0 seeking membership in the District may make application to the Bishop, accompanied by a duly attested copy of the acknowledgement by the General Church Board.

~~Upon receipt of an acceptable application for membership, the Bishop of the District with the approval of the Church Council shall admit the congregation or group into membership, in the Church subject to ratification by the Synod. The Bishop shall notify the Secretary of the Church, whereupon the congregation shall be added to the official Roll of Congregations.~~

4.6. A congregation may withdraw from membership in the Church by adopting the following procedure:

~~4.6.1 The resolution of a congregation indicating the desire to withdraw must be adopted at a legally constituted meeting of the congregation by a majority of two-thirds [2/3] of all the voting members of the congregation, and shall be submitted to the Bishop of the District within fourteen [14] days of adoption.~~

~~4.6.2 The Bishop of the District or the Bishop's appointed representative shall negotiate with the congregation for at least ninety [90] days after receipt of the resolution.~~

~~4.6.3 After such negotiation the formal and final vote shall be taken at a legally constituted meeting of the congregation, the purpose of which has been published and at which the Bishop of the District or the Bishop's representative shall be present.~~

~~4.6.4 The final motion to withdraw shall require a majority of two-thirds [2/3] of all the voting members of the congregation. If it is resolved in the affirmative, a copy of the resolution shall be forwarded to the Bishop of the District, and upon its receipt the membership of the congregation in the Church shall terminate. The Bishop shall forward notice of withdrawal to the Secretary of the Church, who shall publish it in the official publication of the Church.~~

~~4.6.5 In the event of a group of members of the congregation resolving to remain in membership with the Church, the question of any equitable distribution of property rights shall be referred to the Church Council or the judicial system of the Church.~~

4.7. A group described in clause 0 electing to withdraw from the District shall convey its desire to do so in a manner satisfactory to the Bishop.

4.8. The District recognises the existence of groups of persons baptised Christians adhering to the Lutheran faith who regularly meet for the administration of the Means of Grace but ~~who have not constituted themselves as an organised body by the adoption of a constitution which is neither a congregation nor a group described in clause 0.~~ Such a group of persons has the



~~status of being may apply to the Bishop to be recognised as a preaching centre. The District recognises that a preaching centre has with the same spiritual privileges and responsibilities as a congregation, but which and those who belong to a preaching centre are regarded as persons belonging to the District. However, a preaching centre does not hold membership in the District as defined in Article 4.1 of the Constitution.~~

*Clause ~~04.9~~ below*

*This section was formerly part of clause 4.1, but has been set up as a separate clause to include clause ~~04.2~~ groups, and to address any congregations or groups withdrawing under clauses 4.6 and 4.7.*

- 4.9. The Secretary shall maintain, or cause to be maintained, the Roll of Congregations, listing all current member congregations and groups. Current members of the District shall exercise their membership rights as set out in ARTICLE 7.

## ARTICLE 5. THE MINISTRY

- 5.1. ~~The District recognises and upholds the Office of the Ministry as the office divinely instituted for the public administration of the Means of Grace. The members of the Ministry are the pastors of the Church, including the pastors emeriti, resident within the District, whose names are recorded on the Roll of Pastors.~~

*Clauses 5.2 and 5.4 below were formerly in the By-Laws Part A.*

- 5.2. The By-Laws of the Church regarding the Ministry shall be applicable within the District.
- 5.3. A conference of the members of the Ministry, called the Pastors' Conference, shall be held in conjunction with the regular convention of ~~the Synod of the District~~ and at such other times as may be determined by ~~the Synod~~ or the Church Council.
- 5.4. The duties of the Pastors' Conference shall be to
- 5.4.1 give guidance in matters of doctrine and confession;
  - 5.4.2 foster theological studies by all members of the Ministry;
  - 5.4.3 stimulate and give guidance to the members of the Ministry in the work of their calling;
  - 5.4.4 foster fellowship between the members of the Ministry;
  - 5.4.5 consider matters relating to the well-being of the Church and of the District in particular; and
  - 5.4.6 make nominations for the position of Bishop and Assistant Bishop~~(s)~~.

*Clause ~~5.405.5~~ below*

*The Roll of Pastors is given its own clause, to maintain parallel treatment with the Roll of Congregations.*

- 5.5. The Secretary shall maintain, or cause to be maintained, the Roll of Pastors, listing all current members of the Ministry, including the pastors emeriti, resident within the District.



## ARTICLE 6. AUTHORITY AND POWERS

- 6.1. The District consists of congregations voluntarily joined together to establish a wider fellowship in the Faith and to promote and do work which congregations could not undertake and do effectively alone and therefore has ~~power and the~~ authority to carry out ~~its the~~ Objects as set forth in this Constitution, and to perform such other acts as may be incidental thereto.
- 6.2. The District, in accordance with the provisions of the Constitution and By-Laws of the Church and this Constitution, shall have the authority ~~and power~~ to make rules and regulations for the administration of its affairs.
- 6.3. The District shall have power to delegate the exercise of its authority to such persons and in such manner as it may deem advisable.
- 6.4. The District shall have power to acquire, accept, hold, dispose of, lease, let, mortgage or otherwise deal with real and personal property and any estate or interest in real and personal property and to give guarantees as it may deem necessary for the effective promotion of any or all its activities.
- 6.5. The District shall have power to do all such things as the District may think necessary, sufficient, incidental, or conducive to effecting this Constitution and the By-Laws or to the attainment of the ~~Objects of the District or any of them~~.
- 6.6. The jurisdiction of the District over the congregation shall, subject to this Constitution and the By-Laws, include the following rights:
  - 6.6.1 to ensure faithful adherence to the Confession of the Church;
  - 6.6.2 to apply discipline when departure from the doctrine of the Church is evident;
  - 6.6.3 to enlist wholehearted cooperation in the program approved by the Church or the District in the fulfilment of ~~its the~~ Objects; and
  - 6.6.4 to take action when persistent disregard of the resolutions of the Church or the District is evident;

but it shall not include power over the purely internal administration of a congregation, or power over the property of a congregation, except to the extent that the District has granted or lent money to such congregation or otherwise holds any interest in the property of such congregation.

## ARTICLE 7. ~~THE~~ SYNOD

- 7.1. The power of the District shall be exercised through ~~the~~ Synod, ~~which shall be the highest constitutional authority of the District~~, with power to direct and control those to whom it has entrusted tasks or has delegated authority.
- 7.2. ~~The~~ Synod shall consist of
  - 7.2.1 lay delegates of the congregations who are elected by their respective congregations according to the representation prescribed by the By-laws ~~Part B~~;
  - 7.2.2 members of the Ministry of the District;
  - 7.2.3 members of the Church Council;
  - 7.2.4 the chairman and principals of secondary schools in the District ~~St Paul's College~~;



7.2.5 the chairmen of Lutheran Aged Care Albury and Warrambui Retreat and Conference Centre ~~chairpersons of Standing Committees of the District;~~ and

7.2.6 the ~~Treasurer/District Administrator/Executive Secretary;~~

who shall comprise the voting members, known as 'delegates'.

### 7.3. Term of service

7.3.1 All lay delegates shall serve from the commencement of the regular convention of ~~the~~ Synod to the commencement of the regular convention of the next Synod, and shall be eligible for re-election or re-appointment.

7.3.2 The members of the Ministry shall serve for such time as their names are recorded on the Roll of Pastors.

7.3.3 The members of the Church Council shall serve from the conclusion of the regular convention of the Synod at which they were elected to the conclusion of the regular convention of the Synod at which their prescribed term of office expires, and shall be eligible for re-election or re-appointment, subject to any limitations hereinafter contained.

7.4. Casual vacancies may be filled by the body having the right of election or appointment to the position in respect of which the vacancy arises. The person elected or appointed to fill a vacancy shall hold office for the balance of the term of the member whose place needs to be filled.

7.5. Such other persons as may be prescribed by the By-Laws ~~Part B~~ shall be entitled to attend meetings of ~~the~~ Synod as consultants without any right to vote.

7.6. In the absence of a delegate at a convention of ~~the~~ Synod, the right to vote may be accorded to an alternate appointed in a manner ~~laid down~~ set out in the By-Laws to exercise that right.

*Clause ~~07.7~~ below*

*This has been amended to coincide with our current synodical cycle.*

7.7. The length of the synodical term shall be ~~one-two~~ [2] years or such other period as may from time to time be prescribed by the By-Laws ~~Part B~~.

7.8. ~~The~~ Synod shall convene and be constituted at the beginning of the synodical term in a regular convention at a time and place determined by the Church Council. Notice of such regular convention shall be given to the members of the District by the Secretary as ~~laid down~~ set out in the By-Laws ~~Part B~~.

7.9. A special convention of ~~the~~ Synod

7.9.1 may be convened by the Bishop with the consent of the Church Council;

7.9.2 shall be convened by the Bishop at the request of the Church Council.

7.10. Notice of a special convention stating its purpose shall be given to the members of ~~the~~ Synod by the Secretary as ~~laid down~~ set out in the By-Laws ~~Part B~~.

7.11. When ~~the~~ Synod is not in session, matters of urgency may be referred by the Church Council to the voting members of ~~the~~ Synod for determination in the manner prescribed by the By-Laws ~~Part B~~.



- 7.12. Subject to this Constitution and the By-Laws, ~~the~~ Synod may determine its own procedure.
- 7.13. ~~The~~ Synod may delegate all or any of its powers, authorities and duties to such persons or bodies and in such manner as it may see fit.

*The model district constitution sets out the procedure in transacting business at Synod in the By-Laws Part A. Our current constitution sets out the vast majority of the procedure in Part B. Clause 7.12 of the constitution allows Synod to determine its own procedure, embedding the procedure in a document that can only be changed with the approval of the GCB is an anomaly. Thus the By-Laws Part A in the model relating to transacting Synod business have been moved to the By-Laws (formerly Part B) of this proposed constitution.*

## ARTICLE 8. OFFICERS AND ADMINISTRATION

- 8.1. The officials of the District shall be a Bishop, ~~one~~ [1] ~~or more~~ an Assistant Bishops, a Secretary, and a Treasurer. They shall be elected for a term of office determined by the District. The Bishop and Assistant Bishops shall be pastors of the Church ~~in the District~~.
- 8.2. The District shall have a Church Council, which shall consist of the Bishop, Assistant Bishop ~~or Assistant Bishops~~, Secretary, Treasurer, and as many other members as it may determine pursuant to the in-By-Laws Part B. The Church Council shall have authority between the Synods to make decisions within the limits prescribed in the By-Laws.
- ~~8.3. The District shall have a Finance Council, which shall consist of the Treasurer, and as many other members, including at least one pastor, as the District may determine in its By-Laws Part B.~~
- ~~8.4. The District shall appoint as many Standing Committees as it may deem necessary for the carrying out of its Objects. The rights and duties of such Standing Committee shall be as defined in the By-Laws.~~
- 8.3. The District Church Council shall appoint the District Administrator and establish as many other full- or part-time executive offices for committees of the District as it may deem necessary. The manner of their establishment and of appointment of personnel to such offices and the duties of such personnel shall be as prescribed by the By-Laws.
- 8.4. The District Church Council shall appoint such commissions, tribunals and other bodies and officers as it may deem necessary and shall prescribe their duties.
- 8.5. All officials, boards, ~~standing committees~~ and appointees of the District shall have such rights only as have been expressly conferred upon them by the District Church Council, or by this Constitution or the By-Laws ~~and~~. In everything pertaining to their rights and the performance of their duties, they are responsible to ~~the~~ Synod and between conventions of ~~the~~ Synod to the Church Council.
- 8.6. Auxiliaries approved by the Church may establish a branch in the District. Any constitution of a district auxiliary and any amendments thereto shall be subject to the approval of ~~the~~ Synod or the Church Council ~~of the District~~.

*Clauses 8.7–8.12 below were formerly in the By-Laws Part A. Changes are marked to the model district by-laws.*



## 8.7. The Bishop

### 8.7.1 The Bishop shall

- 8.7.1.1 serve as the spiritual leader of the District and shall strive to preserve peace and order;
- 8.7.1.2 have the general oversight of all congregations, pastors and lay workers in the District, and in fulfilment thereof shall make or arrange for official visits to congregations and parishes;
- 8.7.1.3 have the general oversight of all elected or appointed church bodies or auxiliaries of the District and shall have official right to attend the meetings of any committee or auxiliary of the District or of its executive;
- 8.7.1.4 promote the general well-being of the Church in the District;
- 8.7.1.5 receive, as the chief administrative officer of the District, direction, guidance and counsel from the Church Council; and
- 8.7.1.6 perform such other duties as are prescribed in the By-laws ~~Part B~~.

### ~~8.7.2 Election of the Bishop~~

~~8.7.2.1~~ 8.7.2 The Bishop-elect shall normally assume office three [3] months after being elected,;

~~8.7.2.2~~ 8.7.3 Before a Bishop-elect assumes office, the outgoing Bishop shall

~~8.7.2.3~~ 8.7.3.1 continue as Bishop;

~~8.7.2.3.1~~ 8.7.3.1.1 use ~~using~~ the intervening period to settle the affairs of the administration; and

~~8.7.2.3.2~~ 8.7.3.1.2 assisting the Bishop-elect to become acquainted with the duties and responsibilities of the office.

## 8.8. The Assistant Bishop

- 8.8.1 shall, in the event of the death or resignation of the Bishop, automatically assume the office of Bishop until the next Synod, but shall not terminate parish or other duties unless elected by ~~the~~ Synod;
- 8.8.2 shall, by direction of the Church Council, assume office as Acting Bishop during the Bishop's sickness, absence or inability to carry out the duties of the Bishop; and
- 8.8.3 may be requested by the Bishop to act as the Bishop's deputy whenever and wherever deemed necessary.

## 8.9. The Secretary shall

- 8.9.1 perform those duties generally incumbent upon such an office, and as prescribed in the By-Laws ~~Part B~~; and
- 8.9.2 inform, or cause to be informed, the Secretary of the Church of any changes in or additions to the Roll of Congregations and the Roll of Pastors.

## 8.10. The Treasurer shall

- 8.10.1 perform those duties generally incumbent upon such an office, and as prescribed in the By-laws ~~Part B~~;



~~8.10.2 remit, or cause to be remitted, all District contributions to the Church forward to the Secretary of the Church at such times as shall be determined by the General Church Board, all moneys for the Treasury of the Church; -and~~

~~8.10.3 arrange for the auditing of the financial records of the District; and~~

~~8.10.38, 10.4 forward, or cause to be forwarded, annually to the Secretary of the Church a the annual financial statements of all receipts and expenditure of the District;~~

8.11. The Church Council shall

8.11.1 ensure that the program and policies of the Church are carried out in the District;

8.11.2 require annual reports to be submitted to it by all district entities, Standing committees, commissions and other appointed bodies, and shall make a careful study of these reports with a view to making recommendations for action by ~~the Synod~~;

8.11.3 refrain from interfering with the administration of any particular ~~Standing committee~~ as long as the respective committee is functioning within established policy;

8.11.4 initiate research into any sphere of activity in the District with a view to achieving greater efficiency in the promotion of the ~~Objects of the District~~;

8.11.5 ~~recommend~~ formulate and present to the Synod the budget of the District for the current year, including recommended action on the budget of the committees of the District submitted to it through the Finance Council;

8.11.6 ~~submit to the Synod a proposed budget for the following synodical period;~~

8.11.7 recommend to ~~the Synod~~ projects involving provision for major capital expenditure ~~on the basis of the recommendations made to it by the Finance Council;~~

8.11.8 ~~recommend to the Synod a proposed program of projects involving major capital expenditure for the following synodical period or periods;~~

8.11.9 take action in matters involving expenditure not covered by the budget or provided for by ~~the Synod~~;

~~8.11.98, 11.10~~ appoint an auditor of the financial records of the District; and

~~8.11.108, 11.11~~ have power between conventions of ~~the Synod~~ to deal with matters of urgency submitted to it by any of the persons or parties entitled to submit proposals to ~~the Synod~~, reporting on its actions to the next convention, or to submit any proposal to the voting members of ~~the Synod~~.

*Former clause 8.12 ~~deleted~~*

*With the Finance Council having been downgraded to a committee, its responsibilities now are set out in the By-Laws.*

~~8.12. The Finance Council shall~~

~~8.12.1 review the general financial policy, study the relation of the budget and proposals for projects involving the provision of major amounts of capital to the estimated financial resources of the District, study the ratio of borrowed and gift money as used by the District, and make recommendations accordingly to the Church Council;~~



- ~~8.12.2 examine the financial position of the District during the year and make any necessary recommendations to the Church Council;~~
- ~~8.12.3 receive from the Standing Committees their proposed current budget and proposed budget for the following synodical period, have authority to negotiate with any committee if necessary and make recommendations regarding their adoption to the Church Council;~~
- ~~8.12.4 review proposals of committees for projects involving major capital expenditure and make recommendations to the Church Council regarding their financial feasibility and viability, their priority of importance and the amount of capital to be granted;~~
- ~~8.12.5 receive financial statements from any committees which administer moneys allotted to them by the District;~~
- ~~8.12.6 ensure that effective accounting procedures are used in the finances of the District, and shall arrange for the auditing of the financial records of the District and for this purpose submit nominations to the Church Council for the position of Auditor of the District;~~
- ~~8.12.7 prescribe the accounting procedures to be followed by any committee which keeps its own books of account, and appoint an auditor of such books upon the nomination of the committee;~~
- ~~8.12.8 manage such funds as are assigned to it and exercise general oversight over other funds and finances of the District;~~
- ~~8.12.9 with the approval of the Church Council and in consultation with the committee responsible for the promotion of congregational life, arrange for visits to congregations for the purpose of sharing and imparting information on the finances of the Church and the promotion of mission projects and Christian stewardship.~~

*Clause 8.12 below*

*Part A of the model district constitution allows for multiple executive offices. This simplified clause, where we have only a single executive office, is intended to parallel the clauses for Secretary and Treasurer.*

~~8.13.8.12. The District Administrator shall perform those duties generally incumbent upon such an office, and as prescribed in the By-Laws.~~

## ARTICLE 9. REGIONS~~ZONES~~

- 9.1. The District may be divided into ~~Zones~~Regions whose territorial boundaries shall be fixed by the District and may be altered by it.
- 9.2. For each ~~Zone~~Region which may be established, the Church Council-Synod shall appoint ~~elect~~ a pastor as the ~~Zone Counsellor~~Regional Pastor from nominations made by the pastors of the respective ~~Zone~~Region.
- 9.3. A meeting of the congregations and the pastors in each ~~Zone~~Region, called the `Zone ~~Regional~~ Conference', shall ~~may~~ be held as determined from time to time by the District or the ~~Zone~~Region. ~~Zone~~Regional Conferences shall be chaired by the ~~Zone Counsellor~~Regional Pastor or the ~~Zone Counsellor~~Regional Pastor's representative.



## ARTICLE 10. DISCIPLINE, ADJUDICATION, AND APPEALS

### 10.1. Ecclesiastical discipline shall be exercised in the District

- 10.1.1 by a congregation against any one of its lay members who evidently departs from the Confession ~~of the Church~~, or who manifestly leads an ungodly life;
- 10.1.2 by those to whom such authority is given in the By-Laws of the Church against a pastor, teacher, or other church worker if the said pastor, teacher, or church worker
  - 10.1.2.1 departs from the Confession ~~of the Church~~; or
  - 10.1.2.2 is manifestly guilty of ungodly actions or life; or
  - 10.1.2.3 persistently disregards the Constitution, rules and resolutions of the Church;
- 10.1.3 by those to whom such authority is given by the Church against a congregation
  - 10.1.3.1 if it departs from the Confession ~~of the Church~~; or
  - 10.1.3.2 if it refuses to exercise discipline against its members, or pastor, or teacher, or other church worker; or
  - 10.1.3.3 if it persistently disregards the Constitution, rules and resolutions of the Church or of the District.

The manner in which such ecclesiastical discipline shall be instituted, the action to be taken and the rights of appeal, shall be governed by ~~the~~ Scriptural principles and shall be as ~~laid down~~ set out in the By-Laws of the Church and the District, as applicable.

### 10.1.4 The District shall have the authority within its area to adjudicate upon matters

- 10.1.4.1 which pertain to the interpretation of ~~its~~ this Constitution, the By-Laws, and rules or regulations of the District;
- 10.1.4.2 which are in dispute between congregations of the Church and the Districts or the Church, or between congregations, or between pastors, or between pastors and congregations, or between pastors, teachers or other church workers and standing committees; and
- 10.1.4.3 which are submitted to the District and accepted by it for adjudication.

### 10.2. The Church and the District together shall establish a judicial system to deal with discipline and adjudication. The rules governing such judicial system shall be ~~laid down~~ set out in the By-Laws of the Church.

*Clause ~~010.3~~ below was formerly in the By-Laws Part A, and is copied here verbatim.*

### 10.3. The By-Laws of the Church regarding discipline, adjudication and appeals shall be applicable within the District.

## ARTICLE 11. DISSOLUTION

- 11.1. Changes to the prescribed geographical area of the District, dissolution of the District, or an amalgamation of the District with one or more other Districts or with the Church or changes to the legislative or governance structure of the Church affecting the District shall be determined according to the procedure set out in this article.



## 11.2. Action initiated by the Church

- 11.2.1 For any action referred to in ~~the preceding~~ clause 11.1 initiated by the Church, the General Church Board, in consultation with the ~~District Church Council and its Synod~~, shall outline the reasons, purposes and procedure for such a proposal and make a recommendation to the ~~District Synod~~. Upon an ~~in-~~in-principle agreement, the matter shall proceed to a General Synod for approval.
- 11.2.2 Any decision for any action referred to in ~~the preceding~~ clause 11.1 shall be made by the Church according to the following procedure:
- 11.2.2.1 ~~Notice of a motion specifying such action shall be given to the delegates of the General Synod.~~
- 11.2.2.2 At least thirty [30] days' written notice of a General Synod, specifying such action as moving a special motion/resolution, shall be given to the delegates of the General Synod.
- 11.2.2.3 The motion must be presented at a duly constituted General Synod, and shall require a majority of three-quarters [3/4] of ~~all the registered delegates at the General Synod~~, tabulated as per the rules of the General Synod.
- 11.2.3 Once a decision has been determined by the Church according to ~~the preceding~~ sub-clause 11.2.2, it shall be communicated to the District which shall then take the following action:
- 11.2.3.1 ~~Notice of a motion specifying the action shall be given to the delegates of the District Synod.~~
- 11.2.3.2 At least thirty [30] days' written notice of a ~~District Synod~~, specifying the such action to be taken as moving a special motion/resolution, shall be given to the delegates of the ~~District Synod~~.
- 11.2.3.3 The motion must be presented at a duly constituted ~~District Synod~~ and shall require a majority of three-quarters [3/4] of ~~all the registered delegates present and voting at the District Synod~~.
- 11.2.3.4 The Secretary shall submit the special resolution shall be submitted to the General Church Board.

## 11.3. Action initiated by the District

- 11.3.1 For any action referred to in ~~the preceding~~ clause 11.1 initiated by the District, the District shall outline the reasons, purposes, and procedure for such a proposal to the General Church Board for consultation prior to presentation to the ~~District Synod~~.
- 11.3.2 Following such consultation ~~as described in the preceding clause 11.3.1~~, any outline of the reasons and purposes for dissolution shall be made by the District according to the following procedure:
- 11.3.2.1 ~~Notice of a motion specifying the action shall be given to the delegates of the District Synod.~~
- 11.3.2.2 At least thirty [30] days' written notice of a ~~District Synod~~, specifying such action as moving a special motion/resolution, shall be given to the delegates of the ~~District Synod~~.



- 11.3.2.3 The motion must be presented at a duly constituted District Synod and shall require a majority of three-quarters [3/4] of all ~~the registered delegates present and voting at the District Synod.~~
- 11.3.2.4 The Secretary shall submit the special resolution ~~shall be submitted to the General Church Board.~~
- 11.3.3 Upon agreement, the General Church Board, subject to the provisions of Article 9 of in the Constitution of the Church, Article 9.2, shall submit the proposal to a General Synod for approval according to the procedure in ~~the preceding~~ clause 11.2.2.
- 11.4. Any recommendation or motion for dissolution of the District must address the transferring of the surplus assets of the District to either the Church or another district of the Church, subject to the prohibitions set out in clause 11.6.1.
- 11.5. The District Synod shall take all steps required to implement the special resolution for action under this ~~clause~~article, including ~~the making of changes required in respect of incorporation under the Act and/or other relevant legislation.~~

*Clause ~~0~~11.6 below*

*Under ACNC requirements, registered charity status requires our constitution to prohibit the transfer of surplus assets except to another registered charity that also limits distributions upon winding up. The clause largely tracks the ACNC template, but has not been marked to the template.*

#### 11.6. Surplus assets

- 11.6.1 If the District is dissolved, amalgamated, or otherwise wound up, any surplus assets shall not be distributed to any lay member or pastor, but shall be distributed to one or more charities:
- 11.6.1.1 with charitable purposes similar to, or inclusive of, the District's charitable purposes; and
- 11.6.1.2 which also prohibit the distribution of any surplus assets to at least the same extent as the District.
- 11.6.2 The decision as to the charity or charities to be given the surplus assets must be made by a special resolution at or before the time of winding up. If Synod does not make this decision, the Church Council may apply to the Supreme Court to make this decision.

## ARTICLE 12. BY-LAWS

*Former clause 12.1 ~~deleted~~*

*Under the current scheme, district constitutions and by-laws part A cannot be changed except with the approval of the GCB. If part A is so important that it requires GCB approval, there is no reason not to include those provisions directly in the constitution, as is done here. The former part B is now referred to as 'By-Laws'.*

- ~~12.1 The District through its Synod may petition the Church or its General Church Board to amend, alter, add to or repeal any of the By-laws of the District Part A.~~



12.1. The District shall have the power at a convention of ~~the Synod~~ to make By-Laws ~~Part B~~ not inconsistent with this Constitution or the Constitution and By-Laws of the Church, ~~and not inconsistent with these or any amended rules for the regulation of its proceedings and the management of its business and affairs, and for giving effect to the rules,~~ and it may amend, alter, add to or repeal such By-Laws from time to time.

### ARTICLE 13. ALTERATIONS TO THE CONSTITUTION

13.1. The District, through its Synod, in accordance with the procedure ~~laid down~~set out in the By-Laws of the Church, may petition the Church or its General Church Board, to amend, alter, add to or repeal any of the rules, except ARTICLE 2~~Article 2~~ and this clause~~Article 13.1~~ of the ~~Constitution~~, which shall be considered fundamental and unalterable in their intent and meaning.

13.2. Notice of any motion to amend, alter, add to or repeal any of the rules shall be given on the agenda of the convention of Synod, and any such motion shall require a majority of two-thirds [2/3] of ~~all the registered delegates at the convention~~present and voting, unless the motion relates to an amendment, alteration, addition or repeal already approved or recommended by General Synod or General Church Board of the Church, in which case the motion shall require a majority of those present and voting.