

AGENDA 2.4.13

Constitutional changes: Determinations of majority

(See also Agenda 2.3.9)

PROPOSED MOTION

BE IT RESOLVED that **Article 13 Alterations to Constitution** of the Constitution of the Church be amended as follows (words to be deleted – ~~striketrough~~; words to be added – **bold**):

ARTICLE 13. ALTERATIONS TO CONSTITUTION

- 13.1 The Church at a convention of the General Synod may amend, alter, add to or repeal any of the rules, except Article 2. and Article 13.1, which shall be considered fundamental and unalterable in their intent and meaning.
- 13.2 Notice of any such motion to amend, alter, add to or repeal any of the rules shall be given on the agenda of the convention, and any motion to amend, alter, add or repeal shall require a two-thirds majority of ~~all~~ the delegates ~~registered~~**voting** at the convention.
- 13.3 In the case of Australian Lutheran College, special permission is granted to the General Church Council to amend, alter, add to or repeal any of the rules of the College where Government legislation and/or requirements demand an urgent response. Such changes shall be submitted to the next convention of the General Synod for ratification.

BE IT FURTHER RESOLVED that **Section 7.3 Procedure in Transacting Business** of the By-laws of the Church be amended as follows (words to be omitted – ~~strike-through~~; words to be added – **bold**):

- 7.3.28 7.3.28.1 Matters of conscience and of doctrine shall have precedence over other matters and any rules relating to time limits and number of times a person may speak may be suspended by the ruling of the Chairperson or by a majority of those delegates voting.
- 7.3.28.2 A matter deemed to be of a theological and confessional nature which has been referred to the General Pastors Conference for consideration shall be considered by the convention only after a recommendation has been received from the General Pastors Conference.
- 7.3.28.3 For a resolution on a matter of doctrine to be deemed to be the official position of the Church it shall require a two-thirds majority of ~~all~~ the ~~registered~~ delegates **voting** at the convention.
- 7.3.29 Any of the By-laws in Section 7.3 may, if the need arises, be suspended in respect to any business of the convention, by a two-thirds majority of those delegates ~~present~~**voting**.
- 7.4.2 The method of electing the Bishop and thereafter the Assistant Bishop of the Church shall be as follows:
 - 7.4.2.1 The names of the nominees chosen in accordance with the preceding Section 7.4.1 shall be submitted in the manner laid down in the following Section 7.4.4 to the convention of the General Synod at which such elections are to take place, and shall stand as the list of nominees unless the convention determines by resolution after the reading of the relevant nominations that additional nomination or nominations may be made. For inclusion on the list each proposed additional nomination shall separately require a majority of those delegates ~~present~~**voting**, the vote being taken y show of hands.

BE IT FURTHER RESOLVED that **Article 13 Alterations to the Constitution** of the Constitution of the Districts be amended as follows (words to be omitted – ~~strike-through~~; words to be added – **bold**):

Article 13. ALTERATIONS TO THE CONSTITUTION

- 13.1 The District, through its Synod, in accordance with the procedure laid down in the By-laws of the Church may petition the Church or its General Church Council, to amend, alter, add to or repeal any of the rules, except Article 2. and 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, and any such motion shall require a two-thirds majority of ~~all the registered delegates~~ **voting** at the convention, unless the motion relates to an amendment, alteration, addition or repeal already approved or recommended by General Synod or General Church Council of the Church, in which case the motion shall require a majority of those voting.

BE IT FURTHER RESOLVED that **Section 7 Procedure in Transacting Business** of the By-laws of the Constitution of the Districts be amended as follows (words to be omitted – ~~strike-through~~; words to be added – **bold**):

- 7.3.29 Any of the By-laws in Section 7.3 may, if the need arises, be suspended in respect to any business of the convention by a two-thirds majority of those delegates ~~present~~**voting**.

Elections

- 7.5 The method of electing the Bishop and thereafter in their order the Assistant Bishops of the District shall be as follows:
- 7.5.1 The names of the nominees of the Pastors' Conference shall be submitted to the convention of the Synod at which such elections are to take place, and shall stand as the list of nominees unless the convention determines by resolution after the reading of the relevant nominations that additional nomination or nominations may be made. For inclusion on the list each proposed additional nomination shall separately require a majority of those delegates ~~present~~**voting**, the vote being taken by show of hands.

REASONS FOR THE MOTION

It has been identified that there are anomalies and/or inconsistencies in the Constitution methodology for determining the outcome of a vote. The Constitution and/or By-Laws currently include the following provisions:

1. shall require a majority of three-quarters of all the **registered delegates of the General Synod** (LCA Constitution Article 11.1.3 - Dissolution).
2. shall require a two-thirds majority of all delegates registered at the Convention (LCA Constitution Article 13.2 - Alterations to Constitution).
3. Unless otherwise stipulated a majority of those delegates voting shall decide the motion (LCA By-Laws Article 7.3.26.2 – Procedure in Transacting Business)
4. Rules relating to time limits and speakers may be suspended....by a majority of those delegates voting (LCA By-Laws Article 7.3.28.1 – Procedure in Transacting Business)
5. ...of a theological and confessional nature...two thirds majority of all the registered delegates at the convention (LCA By-Laws Article 7.3.28.3 – Procedure in Transacting Business)
6. two-thirds majority of those delegates present (LCA By-Laws Article 7.3.29 – Procedure in Transacting Business)

This proposed motion will introduce a consistent approach to the voting process. It is also consistent with the method of voting in the general community.