



TRANSACTION OF BUSINESS

on the matter of ordination at the in-person sessions of the 20th Convention of General Synod

1. The proposal to be listed first for discussion and decision

The General Church Board (GCB) has resolved to list the St Paul's Box Hill proposal as the first item of business addressing the matter of ordination of women and men at the in-person sessions of the 20th Convention of General Synod.

Reasons

Six proposals relating to the ordination question have been submitted to the 20th Convention of General Synod. Four proposing that the Lutheran Church of Australia accept two different practices of ordination, one proposing that the GCB work through the theological, constitutional and governance requirements in establishing one church with two different practices of ordination, and one proposing to give a peaceful dismissal to those congregations unable to live under the current teaching of a male-only pastorate. These are published in the Book of Reports.

Foreshadowed amendments to the St Paul's Box Hill and LCA Queensland District proposals have been submitted to the General Synod. These amendments are included for delegates as part of the Town Hall online sessions (Refer to documents 'Amended proposal from St Paul's Lutheran Church Box Hill' and 'Amended proposal from the Queensland District'). They will also be published in the addendum to the Book of Reports.

These foreshadowed amendments will be put to the convention in a proposal that they be accepted as the proposals for debate replacing Agenda 2.2.4 and 2.2.7. The GCB is recommending the amendments be approved by the convention in this manner (refer to the document titled 'Agenda 1.2.13 – Amendments to proposals on ordination').

The GCB referred all ordination proposals and the foreshadowed amended proposals to the General Pastors Conference (GPC) for advice and recommendation in accordance with the LCA Constitution and By-laws (refer to the document titled 'Advice from General Pastors Conference 2022').

Advice was sought from the Standing Committee on Constitutions (SCoC) on the procedure in transacting business under the By-laws at Section 7.3. The SCoC advice was supported by independent legal advice.

In accordance with section 7.3.5 of the LCA By-laws, 'all proposals on the Agenda shall be placed before the convention for discussion and decision, unless withdrawn'. This is done by the fact of publishing in the Book of Reports and the addendum to the Book of Reports (currently in preparation for printing).

With six proposals before the General Synod, the ordering of the proposals needs to be established.

The GCB addressed the following issues:

- In accordance with the requirements of the LCA Constitution and as confirmed by advice from SCoC, matters of both conscience and doctrine shall have precedence.

- In line with these requirements, it is clear that the St Paul's Box Hill proposed amended proposal is a matter of both conscience and doctrine and requires a two thirds majority to approve.
- By-law 7.3.28.1 which states that 'matters of conscience and of doctrine shall have precedence' means that a proposal that requires a two-thirds majority vote to be deemed the official position of the church (such as the St Paul's Box Hill proposal) must take precedence over a vote that requires a simple majority (such as the Queensland District proposal).
- By-law 7.3.28.3 requires a two-thirds majority for a resolution on a matter of doctrine to be deemed the official position of the church. Although the Queensland District proposal is a matter of doctrine concerning church organisation and governance, if adopted, would not be deemed "the official position of the Church" as it proposes investigative work to be done.
- In considering the General Pastors Conference advice to General Synod, the General Church Board identified three key matters:
 - the preamble which speaks of division;
 - the support of the advice of the College of Bishops (included at the end of this document); and
 - the final clause regarding TA 1:4.
- The bishops have urged that the agenda of General Synod in 2023 must include proposals on the matter of ordination which do not continue the debate which leaves us divided. The Queensland District proposal could see a long process which continues the debate in the church, which leaves us divided.
- The Box Hill proposal enables the GPC's expectation of applying TA 1:4 to addressing this matter of division.

On this basis and with consideration of advice from the Standing Committee on Constitutions, the GCB has determined that the St Paul's Box Hill proposal will be listed first for discussion and decision.

2. Matters of 'same in substance'

Section 7.3.19 of the LCA By-laws states the following in regard to matters of "same in substance":

7.3.19 No motion may be brought forward which is the same in substance as a matter which has already been resolved by the convention unless a motion calling for a reconsideration of the matter previously decided is moved and seconded by persons who voted with the majority when the matter was originally put. If the motion to reconsider is carried the previous vote is thereby cancelled, and the original motion is again before the convention in the form in which it was put to the vote. A matter may be reconsidered only once at the same convention.

The advice from SCoC in regard to the original and amended forms of the St Paul's and LCA Queensland District proposals is that they are not considered to be same in substance. The SCoC commented that "as objects of comparison they are not the same or substantially the same and they can be distinguished in both their form and their legal effect". This view was supported by independent legal advice.

The St Paul's Box Hill proposal seeks to remove Thesis of Agreement 6.11 and to amend the constitution. The proposal is operative on its terms and has immediate legal consequence insofar as it deals with amendment to documents, including the constitution. As a constitutional matter and matter of doctrine, the proposal requires a two-thirds majority of all delegates registered at the convention to pass.

The Queensland proposal has no immediate legal effect in the nature of the St Paul's Box Hill proposal. If passed, it would operate as a direction to the General Church and the College of Bishops to do further work on the requirements to operate as one church with two different practices of ordination. Therefore, it requires only a simple majority to pass. In that it contemplates legal outcomes ("the fruit of this work"), which may include amendments to the LCA constitution, it does not give effect to any such legal outcomes in the nature of amendments, or otherwise. Any legal outcome arising from the process contemplated by the Queensland proposal would need to be referred to the GPC and then the 2024 Convention of General Synod for decision.

The SCoC also advises that both proposals in their original or amended form, are not inconsistent or mutually exclusive. They are both capable of being put to the convention and voted upon, and in each case being passed or not. In other words, whichever one is considered first by the convention, the resultant decision of the General Synod does not exclude the other from being put to the convention for discussion and vote.

The proposal from the Minyip/Warracknabeal Parish is not the same in substance to the other proposals on the matter of ordination.

Bishops' advice regarding ordination from the joint GCB/CoB meeting May 2022

The bishops lament the ongoing division in our church exhibited by the Synod debates throughout the 21st century, on the question regarding who can be ordained to the office of the public ministry.

As bishops, we are called to oversight in the church. We have prayerfully sought the Lord's guidance and have discerned how we must express our leadership.

We urge that the agenda of Synod 2023 must include proposals on the matter of ordination which do not continue debate which leaves us divided. Rather we need to consider a godly way to collegially participate in the mission God has given us.